



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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**ORIGINATING SECTION:** OFFICE OF THE GENERAL MANAGER  
**CONTACT:** VALERIE PRYOR

**AGENDA DATE:** April 17, 2019

**ITEM NO.** 26b

**SUBJECT:** Legislative Update

**SUMMARY:**

- Zone 7 staff, with the support of Agency consultants, monitors legislation that is being considered in Sacramento, as well as other political and regulatory activities of interest.
- SB 669 (Caballero), Senate Committee on Environmental Quality. This bill would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the state board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests, transfers by the Legislature from the General Fund and the Greenhouse Gas Reduction Fund, funding from authorized general obligation bond acts, and net revenue from the Safe Drinking Water Trust that this bill would create. The bill would require the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants. The bill by July 1, 2021, and by July 1 of each year thereafter, would require the state board to adopt, working with a multi-stakeholder advisory group, after a public workshop and a public hearing, an annual fund implementation plan. The bill would require the state board annually to prepare and make publicly available a report of expenditures of the fund and to adopt annually, after a public hearing, an annual update to a specified needs analysis. By creating a new continuously appropriated fund, this bill would make an appropriation.

**RECOMMENDED ACTION:**

Information only.

**ATTACHMENTS:**

Legislative Executive Summary for March 2019  
Zone 7 Monthly Water Report – The Gualco Group, Inc.



**EXECUTIVE SUMMARY**  
**State Legislation**



**Prepared for the Zone 7 Water Agency  
by The Gualco Group, Inc.**

<b>Bill</b>	<b>Topic</b>	<b>Synopsis</b>	<b>Staff Recommendation</b>	<b>Status of the Bill/Comments as of 04/02/2019</b>
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**Delta**

[AB 1653 \(Frazier\)](#)

**Sacramento-San Joaquin Delta.**

Existing law makes legislative findings and declarations relating to the Sacramento-San Joaquin Delta and its invaluable and unique resources of major statewide significance. This bill would make nonsubstantive changes to those findings and declarations.

Watch

Assembly Committee on Public Safety

**Drinking Water**

[AB 134 \(Bloom\)](#)

**Safe, clean, affordable, and accessible drinking water.**

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would state findings and declarations relating to the intent of the Legislature to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water.

Watch

Assembly Committee on Appropriations

[AB 217](#)  
[\(Garcia, E.\)](#)

**Safe Drinking Water for All Act.**

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.

Watch

Assembly  
Committee on  
Appropriations

[AB 223](#)  
[\(Stone\)](#)

**California Safe Drinking Water Act: microplastics.**

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.

Watch

Hearing Canceled  
at Request of  
Author - Assembly  
Committee on  
Environmental  
Safety and Toxic  
Materials

[AB 1381](#)  
[\(Salas\)](#)

**Safe Drinking Water Plan.**

Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Existing law, known as the California Safe Drinking Water Act, requires the State Water Resources Control Board to maintain a drinking water program and carry out various duties, responsibilities, and functions relating to drinking water, including submission to the Legislature, every 5 years, of a comprehensive Safe Drinking Water Plan for California. This bill would make nonsubstantive changes to the provision requiring submission of a Safe Drinking Water Plan.

Watch

Assembly  
Committee on  
Environmental  
Safety and Toxic  
Materials

**SB 200**  
**(Monning)**

**Safe and Affordable**  
**Drinking Water Fund.**

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.

Watch

Senate Committee  
on Environmental  
Quality and Natural  
Resources & Water

**SB 669**  
**(Caballero)**

**Water quality: Safe**  
**Drinking Water Fund.**

This bill would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the state board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests, transfers by the Legislature from the General Fund and the Greenhouse Gas Reduction Fund, funding from authorized general obligation bond acts, and net revenue from the Safe Drinking Water Trust that this bill would create. The bill would require the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants. The bill by July 1, 2021, and by July 1 of each year thereafter, would require the state board to adopt, working with a multistakeholder advisory group, after a public workshop and a public hearing, an annual fund implementation plan. The bill would require the state board annually to prepare and make publicly available a report of expenditures of the fund and to adopt annually, after a public hearing, an annual update to a specified needs analysis. By creating a new continuously appropriated fund, this bill would make an appropriation.

Watch

Senate Committee  
on Environmental  
Quality

## Employment

### [AB 9 \(Reyes\)](#)

#### **Employment discrimination: limitation of actions.**

Existing law, the California Fair Employment and Housing Act, makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified. The bill would make conforming changes in provisions that grant a person allegedly aggrieved by an unlawful practice who first obtains knowledge of the facts of the alleged unlawful practice after the expiration of the limitations period, as specified. This bill contains other related provisions.

Watch

Assembly  
Committee on  
Appropriations

### [AB 64 \(Fong\)](#)

#### **State project audits.**

Existing law authorizes state projects and provides that those projects will be funded in whole or in part by the State Project Infrastructure Fund. Existing law requires the State Public Works Board to establish the scope, cost, and delivery method of each state project. This bill would express the intent of the Legislature to include provisions within this bill that would require an independent audit of all state projects whose estimated cost exceeds a given threshold.

Watch

Introduced

### [AB 289 \(Fong\)](#)

#### **Public records appeals: ombudsman.**

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. This bill would declare the intent of the Legislature to enact legislation that would establish an ombudsman within the California State Auditor's Office who would serve as the appeals body for all requests related to the California Public Records Act. This bill contains other existing laws.

Watch

Assembly  
Committee on  
Accountability &  
Administrative  
Review

<a href="#"><u>AB 418</u></a> <a href="#"><u>(Kalra)</u></a>	<b>Evidentiary privileges: union agent-represented worker privilege.</b>	This bill would establish a privilege between a union agent, as defined, and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified. The bill would permit a represented employee or represented former employee to prevent another person from disclosing a privileged communication, except as specified. The bill would further provide that this privilege may be waived in accordance with existing law and does not apply in criminal proceedings.	Watch	Assembly Floor
<a href="#"><u>AB 440</u></a> <a href="#"><u>(Fong)</u></a>	<b>The Labor Code Private Attorneys General Act of 2004.</b>	Existing law, the Labor Code Private Attorneys General Act of 2004, permits an aggrieved employee, on behalf of themselves and other current or former employees, to bring a civil action pursuant to specified procedures for a violation of a provision of the Labor Code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency. This bill would make nonsubstantive changes to these provisions.	Watch	Introduced
<a href="#"><u>AB 510</u></a> <a href="#"><u>(Cooley)</u></a>	<b>Local government records: destruction of records.</b>	This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.	Watch	Assembly Committee on Local Government
<a href="#"><u>AB 654</u></a> <a href="#"><u>(Rubio)</u></a>	<b>Public records: utility customers: disclosure of personal information.</b>	This bill would additionally authorize a local agency to disclose the name, utility usage data, and home address of utility customers to an officer or employee of another governmental agency when the disclosure is not necessary for the performance of the other governmental agency's official duties but is to be used for scientific, educational, or research purposes, and the requesting agency receiving the disclosed material agrees to maintain it as confidential in accordance with specified criteria. To the extent this bill would create new duties for local government agencies with respect to the treatment of confidential material received pursuant to the bill's provisions, it would impose a state-mandated local program.	Watch	Assembly Committee on Judiciary

<a href="#"><u>AB 707</u></a> <a href="#"><u>(Kalra)</u></a>	<b>Santa Clara Valley Water District: contracts.</b>	Existing law prescribes competitive bidding procedures for any improvement or unit of work not performed by the personnel of the Santa Clara Valley Water District if the district estimates the work to cost over \$25,000. This bill would raise that competitive bidding threshold to work estimated to cost over \$50,000 and would authorize the district board of directors to further raise the threshold amount, as prescribed. The bill would define terms for purposes of existing law.	Watch	Assembly Committee on Local Government
<a href="#"><u>AB 749</u></a> <a href="#"><u>(Stone)</u></a>	<b>Settlement agreements: restraints in trade.</b>	This bill would prohibit an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. The bill would provide that a provision in an agreement entered into on or after January 1, 2020, that violates this prohibition is void as a matter of law and against public policy.	Watch	Assembly Committee on Judiciary
<b>Fire</b>				
<a href="#"><u>AB 868</u></a> <a href="#"><u>(Bigelow)</u></a>	<b>Electrical corporations, electrical cooperatives, local publicly owned electric utilities: wildfire mitigation plans.</b>	Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. Existing law provides that electrical cooperatives are subject to the regulatory authority of the commission pursuant to the Public Utilities Act, except as specified. This bill would provide that the consideration of public safety impacts of the protocols for disabling reclosers and deenergizing portions of the electrical distribution system also include impacts on water and waste water. This bill contains other related provisions and other existing laws.	Watch	Assembly Committee on Utilities and Energy
<a href="#"><u>AB 1375</u></a> <a href="#"><u>(Bigelow)</u></a>	<b>Disaster relief: dead and dying tree removal: allocation to local agencies.</b>	The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share for the removal of dead and dying trees in connection with the Governor's Proclamation of a State of Emergency issued on October 30, 2015, is no more than 90% of total state eligible costs.	Watch	Assembly Committee on Governmental Organization

<a href="#"><u>SB 45 (Allen)</u></a>	<b>Wildfire, Drought, and Flood Protection Bond Act of 2020.</b>	This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources. This bill contains other related provisions.	Watch	Senate Committee on Environmental Quality
<a href="#"><u>SB 209 (Dodd)</u></a>	<b>Wildfire: California Wildfire Warning Center: weather monitoring.</b>	This bill would establish in the state government the California Wildfire Warning Center (center). The center would be comprised of representatives from the Public Utilities Commission, the Office of Emergency Services, and the Department of Forestry and Fire Protection, as provided. The center would have various responsibilities relating to fire-threat weather conditions, including overseeing the development and deployment of a statewide network of automated weather and environmental stations designed to observe mesoscale meteorological phenomena that contribute to increased wildfire risk, including a statewide fire weather forecasting, monitoring, and threat assessment system. This bill contains other related provisions and other existing laws.	Watch	Senate Committee on Governmental Organization and Energy, Utilities, & Communication
<b>General</b>				
<a href="#"><u>AB 275 (Ramos)</u></a>	<b>Native American cultural preservation.</b>	Existing law establishes the Native American Heritage Commission and vests the commission with specified powers and duties. This bill would state the intent of the Legislature to implement updated policies on Native American cultural preservation.	Watch	Assembly Arts, Entertainment, Sports, Tourism, and Internet Media
<a href="#"><u>AB 312 (Cooley)</u></a>	<b>State government: administrative regulations: review.</b>	Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations. This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.	Watch	Assembly Committee on Appropriations

[AB 1184](#)  
[\(Gloria\)](#)

**Public records: writing transmitted by electronic mail: retention.**

The California Public Records Act requires a public agency, defined to mean any state or local agency, to make public records available for inspection, subject to certain exceptions. Existing law specifies that public records include any writing containing information relating to the conduct of the public's business, including writing transmitted by electronic mail. The act requires any agency that has any information that constitutes a public record not exempt from disclosure, to make that public record available in accordance with certain provisions and authorizes every agency to adopt regulations stating the procedures to be followed when making its records available, if the regulations are consistent with those provisions. Existing law authorizes cities, counties, and special districts to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the city, county, or special district, as specified. This bill would, notwithstanding any law, require public agencies to retain and preserve energy writing transmitted by electronic mail for a period of at least 2 years. This bill contains other existing laws.

Watch

Assembly Judiciary Committee

[AB 1347](#)  
[\(Boerner\)](#)

**Electricity: renewable energy and zero-carbon resources: state and local government buildings.**

Existing law establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. This bill would establish the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to state and local government buildings by December 31, 2030, and to all California end-use customers by December 31, 2045.

Watch

Hearing Canceled at Request of Author - Assembly Committee on Utilities & Energy

[AB 1389](#)  
[\(Eggman\)](#)

**Special districts: change of organization: mitigation of revenue loss.**

This bill would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service. The bill would specify that any payment by the special district to an affected local agency in satisfaction of the proposal would not be considered the payment of a tax from which the special district would be exempt, as provided.

Watch

Assembly Committee on Local Government

<a href="#"><u>AB 1612 (Quirk)</u></a>	<b>Wildlife resources: state policy.</b>	Existing law declares it to be the policy of the state to encourage the preservation, conservation, and maintenance of wildlife resources under the jurisdiction and influence of the state and specifies that the policy includes certain objectives. This bill would make a nonsubstantive change to this provision.	Watch	Assembly Committee on Water, Parks, & Wildlife
<a href="#"><u>SB 1 (Atkins)</u></a>	<b>California Environmental, Public Health, and Workers Defense Act of 2019.</b>	(1)The federal Clean Air Act regulates the discharge of air pollutants into the atmosphere. The federal Clean Water Act regulates the discharge of pollutants into water. The federal Safe Drinking Water Act establishes drinking water standards for drinking water systems. The federal Endangered Species Act of 1973 generally prohibits activities affecting threatened and endangered species listed pursuant to that act unless authorized by a permit from the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate. This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Watch	Senate Committee on Natural Resources & Water
<a href="#"><u>SB 62 (Dodd)</u></a>	<b>Endangered species: accidental take associated with routine and ongoing agricultural activities: state safe harbor agreements.</b>	This bill would make this exception permanent. The bill would also require a person, when an accidental take is known to occur under these provisions, to report the take to the department within 10 days. By creating a new reporting requirement, the violation of which would be a crime, the bill would impose a state-mandated local program. This bill contains other existing laws.	Watch	Senate Committee on Appropriations
<a href="#"><u>SB 128 (Beall)</u></a>	<b>Enhanced infrastructure financing districts: bonds: issuance.</b>	This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters. The bill would require the resolution to issue bonds to contain specified information related to the issuance of the bonds. The bill would also make conforming changes.	Watch	Assembly Rules Committee

<a href="#"><u>SB 204</u></a> <a href="#"><u>(Dodd)</u></a>	<b>State Water Project: contracts.</b>	The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and at least 60 days before final approval of such an amendment, to submit to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature certain information regarding the terms and conditions of a proposed amendment of a long-term water supply contract and to submit a copy of the long-term contract as it is proposed to be amended. The bill would prohibit the department from finally approving a long-term water supply contract for 90 days after the first hearing by the Legislature to review the proposed amendment, as specified. This bill contains other related provisions and other existing laws.	Watch	Senate Committee on Appropriations
<a href="#"><u>SB 290</u></a> <a href="#"><u>(Dodd)</u></a>	<b>Natural disasters: insurance and related alternative risk-transfer products.</b>	This bill, upon appropriation by the Legislature, would authorize the Governor to purchase insurance, reinsurance, insurance linked securities, or other related alternative risk-transfer products for the State of California to help mitigate against costs incurred by the state in response to a natural disaster, including, but not limited to, an earthquake, wildfire, or flood. The bill would require the Office of Emergency Services, or another agency designated by the Governor, to work with the Treasurer and the Insurance Commissioner to determine the appropriate product to be purchased by the state pursuant to these provisions.	Watch	Senate Committee on Appropriations
<a href="#"><u>SB 547</u></a> <a href="#"><u>(Borgeaos)</u></a>	<b>California Water Commission: members.</b>	Existing law establishes the California Water Commission, consisting of 9 members who are appointed to 4-year terms by the Governor, in the Department of Water Resources. Existing law requires 7 of the members to be selected on the basis of their general educational and business qualifications and their knowledge of, interest in, and experience with problems relating to water. This bill would make nonsubstantive changes in these provisions.	Watch	Senate Rules Committee
<a href="#"><u>SB 566</u></a> <a href="#"><u>(Borgeaos)</u></a>	<b>Fish and Game Commission.</b>	The California Constitution establishes the 5-member Fish and Game Commission, with members appointed by the Governor and approved by the Senate. Existing statutory law states the intent of the Legislature to encourage the Governor and the Senate Committee on Rules to consider certain minimum qualifications in selecting, appointing, and confirming commissioners to serve on the commission. This bill would make a nonsubstantive change to this provision.	Watch	Senate Rules Committee

<a href="#"><u>SB 615</u></a> <a href="#"><u>(Hueso)</u></a>	<b>Public records: disclosure.</b>	This bill would require a person to meet and confer in good faith with the agency in an attempt to informally resolve each issue before instituting any proceeding for injunctive or declarative relief or writ of mandate. The bill would require the person or their attorney to file a declaration stating that this has occurred at the time that proceedings are instituted. Because the declaration would be made under penalty of perjury, the bill would expand the definition of a crime and impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Watch	Senate Judiciary Committee
<a href="#"><u>SB 632</u></a> <a href="#"><u>(Galqiani)</u></a>	<b>California Environmental Quality Act: exemption: Vegetation Treatment Program.</b>	This bill would, until a specified date, exempt from CEQA any activity or approval necessary for, or incidental to, actions that are consistent with the draft Program Environmental Impact Report for the Vegetation Treatment Program issued by the State Board of Forestry and Fire Protection in November of 2017. This bill contains other related provisions and other existing laws.	Watch	Senate Committee on Environmental Quality
<a href="#"><u>SB 693</u></a> <a href="#"><u>(Borgeas)</u></a>	<b>State Water Resources Control Board: Administrative Hearings Office.</b>	Existing law prescribes procedures for hearings presided over by the office, including the adoption of a final order by the office for certain matters imposing administrative civil liability, and the preparation of a proposed order to be submitted for final review by the board for all other matters presided over by the office. This bill would make nonsubstantive changes in these provisions.	Watch	Senate Rules Committee
<a href="#"><u>SB 699</u></a> <a href="#"><u>(Hill)</u></a>	<b>Director of Water Resources.</b>	Existing law requires the director to organize the department as necessary and authorizes the director to create divisions, subdivisions, and branch offices, as prescribed. This bill would make nonsubstantive changes relating to the powers of the director.	Watch	Senate Rules Committee
<a href="#"><u>SB 749</u></a> <a href="#"><u>(Durazo)</u></a>	<b>California Public Records Act.</b>	The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. This bill would declare the intent of the Legislature to enact legislation relating to the California Public Records Act.	Watch	Senate Rules Committee

[SB 769](#)  
[\(Moorlach\)](#)

**Public employees’  
retirement.**

The Public Employees’ Retirement Law (PERL) establishes the Public Employees’ Retirement System (PERS), which provides pension and other benefits to its members. Under PERL, membership in PERS is compulsory for specified public employees. Existing law provides that those compulsory membership provisions do not apply to certain persons who are expressly excluded from PERS. This bill would make a nonsubstantive change to that provision.

Watch

Senate Rules  
Committee

## Governance

[AB 213](#)  
[\(Reyes\)](#)

**Local government  
finance: property tax  
revenue allocations:  
vehicle license fee  
adjustments.**

This bill, for the 2019–20 fiscal year, would instead require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17. This bill, for the 2020–21 fiscal year, and for each fiscal year thereafter, would require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year and the product of the amount as so described and the percentage change from the prior fiscal year in gross taxable assessed valuation within the jurisdiction of the entity. This bill contains other related provisions and other existing laws.

Watch

Assembly  
Committee on  
Local  
Government

[AB 600 \(Chu\)](#)

**Local government:  
organization:  
disadvantaged  
unincorporated  
communities.**

The bill would require the accessibility plan to, among other things, identify the city, county, or special district best positioned to provide adequate water or wastewater services to the affected territory and an identification of actions by the commission that are necessary to enable the city, county, or special district to provide those services. The bill would require the accessibility plan to include an analysis of costs and benefits of improved water or wastewater services for residents in each affected territory, and would prohibit the costs and fees for services extended to those territories through implementation of the accessibility plan from exceeding the costs and fees charged to existing water and wastewater system customers, as specified. The bill would require a city or county to, on or before January 1, 2021, submit a map of the county that identifies disadvantaged unincorporated communities that lack safe drinking water or adequate wastewater, along with the adopted accessibility plan, to the Office of Planning and Research, the State Water Resources Control Board, and any relevant regional quality control board, as specified. This bill contains other related provisions and other existing laws.

Watch

Assembly  
Committee on  
Local  
Government

[AB 1437  
\(Chen\)](#)

**Community  
redevelopment:  
paramedic tax funds.**

The Community Redevelopment Law authorized the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies as of February 1, 2012, and provides for the designation of successor agencies to, among other things, wind down the affairs of the dissolved redevelopment agencies and make payments due for enforceable obligations. This bill would state the intent of the Legislature to enact legislation that would revert tax revenues collected to fund paramedics that are currently being used for redevelopment.

Watch

Assembly  
Committee on  
Housing &  
Community  
Development

[AB 1486](#)  
[\(Ting\)](#)

**Local agencies: surplus land.**

This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land. The bill would revise the definition of "surplus land" to mean land owned by any local agency that is not necessary for the agency's governmental operations, except property being held by the agency expressly for the purpose of exchange for another property necessary for its governmental operations and would provide that land is presumed to be surplus land when a local agency initiates an action to dispose of it. This bill contains other related provisions and other existing laws.

Watch

Assembly  
Committee on  
Local  
Government

[AB 1499](#)  
[\(Flora\)](#)

**Legislative bodies.**

Existing law authorizes a legislative body of a city or a county to enact any ordinance that adopts by reference any statute or any published compilation of rules, regulations, or standards adopted by the federal government, the state, or by any agency of either the state or federal government. Existing law further authorizes the legislative body to amend, adopt, or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances. Existing law prohibits a legislative body of a city or a county from adopting penalty clauses by reference and requires legislative bodies to set forth in full and publish those clauses in the adopting ordinance prior to enacting them. This bill would make nonsubstantive changes to these provisions.

Watch

Assembly  
Committee on  
Governmental  
Organization

[AB 1582](#)  
[\(Diep\)](#)

**Joint powers authorities.**

Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. This bill would make nonsubstantive changes to this provision.

Watch

Introduced

<a href="#"><u>AB 1640</u></a> <a href="#"><u>(Boerner)</u></a>	<b>Local government finance: budget reserves.</b>	This bill would require a local government by September 1, 2020, and annually thereafter, to submit a written report to the State Controller's office on how it plans to spend any of its budget reserves, as defined, on specified priorities over a 5-year fiscal period, including, among others, mental and behavioral health services and affordable housing. The bill would provide this reporting requirement only applies to a local government if the local government's budget reserve in the immediately preceding fiscal year was in excess of 30 percent of the total expenditures of the local government in that fiscal year. By placing new reporting requirements on local governments, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Watch	Assembly Committee on Local Government
<a href="#"><u>AB 1666</u></a> <a href="#"><u>(Reyes)</u></a>	<b>Political Reform Act: conflicts of interest.</b>	The Political Reform Act of 1974 prohibits a public official at any level of state or local government from making, participating in making, or in any way attempting to use the official's position to influence a governmental decision in which the official has a financial interest. Existing law specifies conditions under which a public official has a financial interest in a governmental decision. This bill would make a technical, nonsubstantive change to that provision.	Watch	Assembly Committee on Elections and Redistricting
<a href="#"><u>AB 1704</u></a> <a href="#"><u>(Mullin)</u></a>	<b>Elections: all-mailed ballot elections.</b>	Existing law authorizes counties, on or after specified dates, to conduct any election as an all-mailed ballot election under certain conditions. This bill would make technical, nonsubstantive changes to these provisions.	Watch	Introduced
<a href="#"><u>AB 1730</u></a> <a href="#"><u>(Gonzalez)</u></a>	<b>Public entity liability.</b>	Existing law provides that, absent specified circumstances, a public entity is not liable for an act or omission, including intentional torts, of an elected official employed by, or otherwise representing the entity, except those acts or omissions that are directly related to the elected official's performance of official duties. This bill would make nonsubstantive changes to this provision.	Watch	Assembly Committee on Housing & Community Development
<a href="#"><u>AB 1784</u></a> <a href="#"><u>(Santiago)</u></a>	<b>Recall election.</b>	Existing law provides procedures for the recall of elected officers. This bill would make technical, nonsubstantive changes to these provisions.	Watch	Assembly Committee on Elections and Redistricting

<a href="#"><u>SB 727</u></a> <a href="#"><u>(Stern)</u></a>	<b>Elections: voter registration.</b>	Existing law authorizes a person who is at least 16 years of age and otherwise meets all voter eligibility requirements to preregister to vote by submitting an affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age. This bill would lower the minimum age for voter preregistration to 15 1/2 years of age. The bill also would make conforming changes to existing law. This bill contains other related provisions and other existing laws.	Watch	Senate Committee on Elections & Constitutional Amendments
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## Water Management

<a href="#"><u>AB 382</u></a> <a href="#"><u>(Mathis)</u></a>	<b>Integrated regional water management plans: grant funding: upper watershed health.</b>	This bill would require the department to include in any criteria used to select a project or program for grant funding authorized on or after January 1, 2020 a criterion that provides a preference for a regional water management group undertaking a project improving upper watershed health upstream and outside of the defined geographical area covered by the group's plan. The bill, if consistent with a general obligation bond act providing grant funding authorized on or after January 1, 2020, would require a group to contribute a lower amount of matching funds as a local cost share for a project that improves upper watershed health upstream and outside of the defined geographical area covered by the group's plan.	Watch	Assembly Appropriations
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<a href="#"><u>AB 405</u></a> <a href="#"><u>(Rubio)</u></a>	<b>Sales and use taxes: exemption: water treatment.</b>	This bill would exempt from that tax the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, chemicals used to treat water, recycled water, or wastewater regardless of whether those chemicals or other agents become a component part thereof and regardless of whether the treatment takes place before or after the delivery to consumers. This bill contains other related provisions and other existing laws.	Watch	Assembly Committee on Revenue and Taxation
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<a href="#"><u>AB 441</u></a> <a href="#"><u>(Eggman)</u></a>	<b>Water: underground storage.</b>	Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would revise the above declaration to additionally provide that certain uses of stored water while underground constitute beneficial use. The bill would provide that the forfeiture periods of a water right do not apply to water being beneficially used, as provided, or being held in storage for later beneficial use.	Watch	Assembly Committee on Appropriations
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<a href="#"><u>AB 487</u></a> <a href="#"><u>(Gallagher)</u></a>	<b>Department of Water Resources: dams and reservoirs: notice.</b>	Existing law prohibits commencing construction of any new dam or reservoir or the enlargement of any dam or reservoir until the owner has applied for and obtained written approval of plans and specifications from the department. Existing law, if an application is approved, requires notice to be given to the department at least 10 days before construction is to be commenced. This bill would instead require notice to be given to the department at least one month before construction is to be commenced.	Watch	Assembly Committee on Water, Parks, & Wildlife
<a href="#"><u>AB 557</u></a> <a href="#"><u>(Wood)</u></a>	<b>Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.</b>	Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would appropriate \$9,250,000 from the General Fund to the department in the 2019–20 fiscal year to operate the program.	Watch	Assembly Committee on Appropriations
<a href="#"><u>AB 638</u></a> <a href="#"><u>(Gray)</u></a>	<b>Department of Water Resources: water storage capacity.</b>	Existing law requires the Department of Water Resources to gather and correlate information and data pertinent to an annual forecast of seasonal water crop, as specified. Existing law also requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan. This bill would require the department, on or before January 1, 2021, with updates every 2 years thereafter, to identify the statewide water storage capacity, the adverse impacts to the capacity from the effects of climate change, and the mitigation strategies for anticipated adverse impacts. The bill would require the department to publish this information on the department’s publicly available internet website and to provide a copy of the impacts and mitigation strategies to the appropriate policy committees of the Legislature.	Watch	Assembly Committee on Appropriations
<a href="#"><u>AB 722</u></a> <a href="#"><u>(Bigelow)</u></a>	<b>Integrated regional water management plans.</b>	Existing law, the Integrated Regional Water Management Planning Act, finds and declares the intent of the Legislature to encourage local agencies to work cooperatively to manage their available local and imported water supplies to improve the quality, quantity, and reliability of those supplies. This bill would make a nonsubstantive change in these findings and declarations.	Watch	Assembly Committee on Water, Parks, & Wildlife

[AB 1415](#)  
[\(Friedman\)](#)

**Department of Water Resources: reporting requirements: civil penalties.**

This bill would require the department to impose a civil penalty on any person or entity who fails to file with the department a specified report or plan by the deadline required for that particular report or plan, as provided. The bill would authorize the department to reduce or waive the civil penalty under certain circumstances. The bill would require the department, not later than February 1, 2021, and not later than February 1 each year thereafter, to prepare and submit a report to the Speaker of the Assembly and the President pro Tempore of the Senate listing each person or entity that, during the preceding calendar year, failed to timely file a report or plan subject to the civil penalties imposed by this bill. This bill contains other related provisions and other existing laws.

Watch

Assembly  
Committee on  
Water, Parks, &  
Wildlife

[SB 19 \(Dodd\)](#)

**Water resources: stream gages.**

This bill would require the Department of Water Resources and the board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified. The bill would require the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. The bill would require the Department of Water Resources and the board to give priority in the plan to placing or modernizing and reactivating stream gages where lack of data contributes to conflicts in water management or where water can be more effectively managed for multiple benefits and to consider specified criteria in developing the plan.

Watch

Senate  
Committee on  
Appropriations

[SB 226](#)  
[\(Nielsen\)](#)

**Watershed restoration: grant program.**

This bill would require the agency to develop and implement a watershed restoration grant program, as provided, for purposes of awarding grants to private property land owners to assist them with watershed restoration on watersheds that have been affected by wildfire, as specified. The bill would require the agency to provide technical resources to the private property land owners seeking assistance with watershed restoration, as provided. The bill would make related legislative findings and declarations.

Watch

Senate  
Committee on  
Natural  
Resources and  
Water

<a href="#"><u>SB 659</u></a> <a href="#"><u>(Borgeas)</u></a>	<b>Local agency design-build projects.</b>	Existing law states that the Legislature finds and declares that the design-build method of project delivery, using a best value procurement methodology, has been authorized for various agencies that have reported benefits from those projects, including reduced project costs, expedited project completion, and design features that are not achievable through the traditional design-bid-build method. This bill would make a nonsubstantive change to that finding and declaration of the Legislature.	Watch	Senate Rules Committee
<a href="#"><u>SB 690</u></a> <a href="#"><u>(Hueso)</u></a>	<b>California regional water quality control boards: membership: disqualifying financial interest.</b>	Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. Existing law requires regional boards to consist of 7 members appointed by the Governor and prohibits a member of a regional board from participating in specified board actions in which the member has a disqualifying financial interest within the meaning of the Political Reform Act of 1974. This bill would make a nonsubstantive change within these provisions.	Watch	Senate Rules Committee
<a href="#"><u>SB 762</u></a> <a href="#"><u>(Jones)</u></a>	<b>Groundwater storage: beneficial use.</b>	Existing law specifies that the storing of water underground, including the diversion of streams and the flowing of water on lands necessary to the accomplishment of that storage, constitutes a beneficial use of water if the water so stored is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would make a nonsubstantive change in those provisions.	Watch	Senate Rules Committee

## Water Recycling

<a href="#"><u>AB 231</u></a> <a href="#"><u>(Mathis)</u></a>	<b>California Environmental Quality Act: exemption: recycled water.</b>	This bill would exempt from CEQA a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems. This bill contains other related provisions and other existing laws.	Watch	Assembly Committee on Natural Resources
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<a href="#"><u>AB 292</u></a> <a href="#"><u>(Quirk)</u></a>	<b>Recycled water: raw water and groundwater augmentation.</b>	This bill would eliminate the definition of "direct potable reuse" and instead would substitute the term "groundwater augmentation" for "indirect potable reuse for groundwater recharge" in these definitions. The bill would revise the definition of "treated drinking water augmentation." The bill would require, on or before December 31, 2023, the state board to adopt uniform water recycling criteria for raw water augmentation. The bill would make conforming changes in other areas relating to potable reuse.	Watch	Assembly Committee on Water, Parks, & Wildlife
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## Water Rights

<a href="#"><u>AB 448</u></a> <a href="#"><u>(Garcia)</u></a>	<b>Water rights: stockponds.</b>	The Water Rights Permitting Reform Act of 1988 authorizes any person to obtain a right to appropriate water for a small domestic, small irrigation, or livestock stockpond use upon registering the use with the State Water Resources Control Board, as prescribed, payment of a registration fee, and application of the water to reasonable and beneficial use with due diligence. This bill would provide that the owner of a stockpond built prior to January 1, 2019, that does not have a capacity greater than 10 acre-feet has a valid water right for the principal purpose of watering livestock if that person files a claim for a water right with the board accompanied by a fee not later than December 31, 2021. This bill contains other related provisions and other existing laws.	Watch	Assembly Committee on Appropriations
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## Water Supply

<a href="#"><u>AB 1304</u></a> <a href="#"><u>(Waldron)</u></a>	<b>Water supply contract: Native American tribes.</b>	Existing law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, that supplies potable water to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands.	Watch	Assembly Committee on Local Governance
<a href="#"><u>AB 1439</u></a> <a href="#"><u>(Melendez)</u></a>	<b>State policy for water quality control.</b>	Under existing law, the Porter-Cologne Water Quality Control Act, the state policy for water quality control is required to consist of water quality principles and guidelines for long-range resource planning, water quality objectives, and other principles and guidelines deemed essential by the State Water Resources Control Board for water quality control. This bill would make nonsubstantive changes to that provision.	Watch	Introduced
<a href="#"><u>AB 1694</u></a> <a href="#"><u>(O'Donnell)</u></a>	<b>Water supply improvements.</b>	Under existing law, various state and local agencies engage in water resource planning. This bill would state the intent of the Legislature to enact legislation relating to water supply improvements.	Watch	Assembly Committee on Natural Resources

[ACA 3](#)  
[\(Mathis\)](#)

**Water: minimum funding guarantee.**

This measure would additionally require, commencing with the 2021–22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department, and water quality projects administered by the state board, as provided. This bill contains other existing laws.

Watch

Assembly  
Committee on  
Water, Parks, &  
Wildlife

[SB 414](#)  
[\(Caballero\)](#)

**Small System Water Authority Act of 2019.**

This bill would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified. The bill would require an entity with an accepted plan to provide quarterly reports to the state board on progress towards a permanent remedy for violations of drinking water standards and would require the state board to annually hold a public hearing to consider whether the progress is satisfactory. The bill would require the state board, if it rejects the plan and after a certain period to allow for a petition for reconsideration, to cause the formation of an authority by the applicable local agency formation commission to serve the customers of the public water system that submitted the plan the state board rejects, if certain findings are made by the state board. If the state board is unable to make those findings, the bill would require the state board to remedy the failure to meet the applicable drinking water standards, as specified. This bill contains other related provisions and other existing laws.

Watch

Senate Committee  
on Environmental  
Quality

<a href="#"><u>SB 474</u></a> <a href="#"><u>(Stern)</u></a>	<b>Department of Water Resources: appropriations of water.</b>	Under existing law, the Department of Water Resources is required to make and file with the State Water Resources Control Board applications for the appropriation of any water that, in the department’s judgment, is or may be required in the development and completion of all or part of a general or coordinated plan for the development, utilization, or conservation of the water resources of the state. Existing law gives those applications priority, as of the date of filing the application, over any subsequent application and exempts certain water rights diligence provisions from generally applying to the applications. This bill would eliminate the exemption from the application of the diligence provisions as of January 1, 2021.	Watch	Senate Committee on Natural Resources & Water
<b>Water Use</b>				
<a href="#"><u>AB 1432</u></a> <a href="#"><u>(Dahle)</u></a>	<b>Urban water use objectives: indoor residential water use.</b>	Existing law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use, beginning January 1, 2025, establishes the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. This bill would make a nonsubstantive change to those provisions.	Watch	Assembly Committee on Water, Parks, & Wildlife
<a href="#"><u>SB 134</u></a> <a href="#"><u>(Hertzberg)</u></a>	<b>Water conservation: water loss performance standards: enforcement.</b>	This bill would prohibit the board from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective. This bill contains other existing laws.	Watch	Senate Committee on Natural Resources & Water



## **Monthly Water Report - March**

**TO: Zone 7 Water Agency**

**FROM: The Gualco Group, Inc.**

**DATE: April 4, 2019**

### **Flurry of Legislative Introductions**

#### Clean and Accessible Drinking Water

As we reported last month, the issue of how to finance a priority left over from the last Session and underscored in both the governor's State of the State address and his January budget proposal, is once again before the Legislature. [SB 200](#) (Monning, D-Carmel) unlike how his bills on the subject changed to mirror what is in the governor's budget trailer bill (i.e., retail water tax, agricultural fees, and a safe harbor from nitrate enforcement orders from the water boards) this measure at this point only proposes to establish the drinking water fund. The measure received unanimous support in its initial hearing before the Senate Committee on Environmental Quality on March 20. It will be heard in the Senate Committee on Natural Resources and Wildlife on April 23.

At the same time, several Assembly bills have been heard and are moving. [AB 217](#) (E. Garcia, D-Coachella) represents a mix of proposals. First, the bill contains the suggestion put forth by the Association of California Water Agencies ("ACWA") and the California Municipal Utilities Association ("CMUA") to establish a Trust the interest proceeds from which would provide the funding for the operation and maintenance of poorly financed and operating water systems. The bill calls for \$200M to be deposited into the Trust for each of the next five years. Second, the agricultural fees proposed last year and contained in the governor's trailer bill of this year are included but without the enforcement safe harbor contemplated in that document. Third, an amendment proposed in the analysis prepared for the hearing on the bill before the Assembly Committee on Environmental Safety and Toxic Materials ("ESTM") last of week of a fee of \$.50 per retail connection has been added to the measure. The latter provision continues to attract opposition as I voiced at the same hearing along with ACWA and a number of cities and special districts as an unnecessary and inequitable tax on all Californians when sufficient State General Fund revenue exists to address the problem which all parties agrees exists. The other point that I raised at the hearing is the need to pin an accurate number on the extent of the funding shortfall. The range currently being discussed is at \$40M on the low end to \$140M on the upper end, the latter amount includes capital costs which can otherwise be funded by existing voter-approved bonds.

The State Water Resources Control Board ("SWRCB") has been tasked with coming up with an accurate assessment the results of which will not be known until 2020 so the question can

certainly be raised about the timing of a funding scheme. However, the Legislature looks poised to settle the issue this year. At this juncture, the Senate is looking at non-tax revenues as the preferred course of action. More details on the Senate approach will be forthcoming once the two houses and the administration engage in serious budget talks after the May Revision to the budget is issued early next month. As mentioned last month, discussion of additional fees and taxes is something that many in the Legislature would prefer to avoid.

Other bills that are relevant to the Clean and Safe Drinking Water debate include Salinas Senate Democrat Anna Caballero's [SB 669](#) to establish the drinking water Trust described above. Santa Monica Assembly Democrat Richard Bloom's [AB 134](#) to require the SWRCB to report on the expenditure of moneys from any fund created. Mr. Bloom's bill passed the ESTM Committee unanimously. Sen. Caballero's measure will be heard next week in the Senate Environmental Quality Committee.

A new entrant on the scene is [AB 600](#) by Assembly N Kansen Chu (D-San Jose) which would require, on or before January 1, 2021, each city, county, and qualified special district, as defined, to submit to the relevant local agency formation commission an accessibility plan to secure safe drinking water, wastewater services, stormwater protection, and structural fire protection in unincorporated islands, fringes, or legacy communities identified in the updated land use element described above. The bill would require the accessibility plan to, among other things, identify the city, county, or special district best positioned to provide adequate water or wastewater services to the affected territory and an identification of actions by the commission that are necessary to enable the city, county, or special district to provide those services. The bill would require the accessibility plan to include an analysis of costs and benefits of improved water or wastewater services for residents in each affected territory, and would prohibit the costs and fees for services extended to those territories through implementation of the accessibility plan from exceeding the costs and fees charged to existing water and wastewater system customers, as specified. The bill would require a city or county to, on or before January 1, 2021, submit a map of the county that identifies disadvantaged unincorporated communities that lack safe drinking water or adequate wastewater, along with the adopted accessibility plan, to the Office of Planning and Research, the State Water Resources Control Board, and any relevant regional quality control board, as specified. The bill would require the commission to, within two years of the approval of an accessibility plan, hold a noticed public hearing and review the status of every disadvantaged unincorporated community that is subject to the accessibility plan.

Proposition 218 implications are clearly an issue here. The bill has not yet been set for a hearing. The measure is clearly worthy of close scrutiny and active engagement.

A newly amended bill by Assembly Member Rudy Salas (D-Bakersfield) [AB 1381](#), would require the SWRCB, in its Safe Drinking Water Plan, to identify public water systems that consistently fail to deliver water that meets all applicable standards under the California Safe Drinking



Water Act, specify areas in which persons have limited access to, or ability to pay for, safe and affordable drinking water, and strategies to address the changing needs of current and future populations. The bill would also require the plan to include a publicly accessible map that identifies areas that consistently lack, or are at risk of losing, access to safe and affordable drinking water. The bill is currently pending before the Assembly Environmental Safety and Toxic Materials Committee.

Another bill by Senator Caballero is the reintroduction of last year's measure vetoed by Governor Brown which would have established a mechanism by which poorly performing public water systems could be combined with stable, well-run water entities. The bill, [SB 414](#), was heard by the Senate Committee on Governance and Finance last week and passed without dissent. The measure is sponsored by CMUA and Eastern Municipal Water District and passed its Senate Environmental Quality Committee test with some dissent voiced by the environmental justice community about the bill's cumbersome nature.

### **Other Key Bills**

The issue of whether beneficial use designation should be granted to the underground storage of water is being carried this year by Assembly Member Susan Eggman (D-Stockton) as [AB 441](#). A similar measure was carried last Session by Assembly Member Joaquin Arambula (D-Fresno). AB 441 was heard in the Assembly Water, Parks & Wildlife Committee on March 26, 2019 and passed on a party-line vote. Also heard was [AB 658](#), a bill introduced by Dr. Arambula but now being authored by the Assembly water committee chairman, Eduardo Garcia. His measure plows the same ground but does so in a way that the various water rights stakeholders find to be generally acceptable thanks to multiple years of discussions among the water rights lawyers representing senior and junior water rights holders. His measure passed with unanimous support of his committee last week.

Another measure with implications for water rights holders is a measure by the new chairman of the Senate Committee on Natural Resources and Water, Henry Stern, that proposes to eliminate the due diligence exemption for State water rights filings. One source has indicated that the bill was birthed in the fertile mind of one of the SWRCB senior attorneys. As of this writing the author is the sponsor of the measure. This bill is likely to break down along senior/junior water rights lines; however, committee staff has already convened one session among the various parties with a commitment to not advance the bill beyond Senate passage (should that occur) if a consensus is not reached. [SB 474](#) will be heard on April 9 in Sen. Stern's Natural Resources and Water Committee.

[SB 45](#) (Allen, D-Santa Monica) proposes a \$4.3B General Obligation bond to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water



quality, protect rivers, lakes and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources. The measure is moving along with an understanding that it will be parked in the Senate Appropriations Committee while the leadership and the governor sort which, if any of the pending bond and spending proposals, will receive approval to advance.

[SB 134](#) by Senate Majority Leader Robert Hertzberg (D-Van Nuys) would prohibit the SWRCB from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective. The bill will be heard on April 9 in the committee he chaired last year, Natural Resources and Water.

[SB 646](#) (Morrell, R-Rancho Cucamonga) requires a local agency formation commission to authorize a city or district to extend service outside of its jurisdictional boundary, but within its sphere of influence, if no city or district or privately-owned public utility provides that service. The bill further prohibits a city or district providing the service from denying the extension of utility service to property owner located within the extended service area based upon a property owners' election not to participate in any annexation proceeding. No hearing date has yet been set.

Senator Melissa Hurtado is carrying a measure to provide \$400M in State General Fund revenues to address subsidence along the Friant Kern Canal. The measure will face its initial committee test on April 9 in the Senate water committee. Senate President pro Tempore Toni Atkins has assigned her senior environmental and energy advisor to assist the freshman senator with the bill. The amount proposed in [SB 559](#) is identical to what was included in Proposition 3 on last year's November ballot. As you recall, the bond measure failed by a narrow margin.

For further information on these and other bills please do not hesitate to contact us. And if you are interested in a complete listing of all pending bills please reach out to Tomas Garza at [tomas\\_garza@gualcogroup.com](mailto:tomas_garza@gualcogroup.com)

### **Regulatory Trickle-Downs**

In response to the new governor's support for safe drinking water and in response to several bills from the Legislature, the State Water Resources Control Board, Central Valley Water Board ("CVWB") and Dept. of Water Resources ("DWR") began adjusting water quality programs to work with disadvantaged communities and to administer anticipated funding.

The SWRCB staff is developing standards for recycled drinking water and for groundwater recharge. Staff and stakeholders are attempting to collaborate on amendments updating the wetlands-associated WDR terms for projects and permits impacting Waters of the State.



Workshops began to gather input on an enforcement policy for draft review “later this year,” according to staff.

DWR is focused on rolling out the Sustainable Groundwater Management Act (“SGMA”) throughout 2019 and is seeking 9 additional positions in 2019-20 for the SGMA team to deal with 45 Groundwater Sustainability Plans by 2023. There are 267 Groundwater Sustainability Agencies, and multiple agencies are combining into a single plan. Final plan total is not yet known.

Meanwhile, DWR Director Karla Nemeth and Dept of Fish & Wildlife Director Chuck Bonham continue to work below radar on the river flow settlements. “Water defines California,” Bonham said to an Assembly budget subcommittee, “with hundreds of agencies involved in delicate decisions.”

The settlements for flow and habitat are ongoing and will be presented to the SWRCB as “a collective effort” from Redding to Fresno. Feather, Yuba, American and Sacramento rivers, in addition to the San Joaquin River and tributaries, are included, Bonham said.

A work in progress, explained Nemeth, who estimated a return engagement with the SWRCB “at the end of this year” including a CEQA document and governance structure, including State agencies, water districts, environmentalists and water users. There will be an annual planning process, she said.

Approved flows and projects will be in the agreements to take to the SWRCB, she said, including salmon and smelt recovery. “We will be relying on the stakeholders and a transparent process,” she said.

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Four of Gov. Newsom’s natural resources executives this week provided insights on the future of water rights, groundwater recharge, water supply and the Sustainable Groundwater Management Act (SGMA) roll-out.

In other significant regulatory actions, the State Water Resources Control Board (SWRCB) Tuesday unanimously adopted the revised policy for wetlands and Waters of the State (WOTS), as anticipated. And the Dept. of Water Resources (DWR) hosted a progress-so-far session for Groundwater Sustainability Agencies (GSA).

Details:



## **Key Newsom Officials Address Changes for Water Rights, Recharge, Irrigation Districts and SGMA**

Four senior administration executives this week offered insights on the future of water rights, groundwater recharge, SGMA and water supply.

On water rights and recharge, Erik Ekdahl, SWRCB Water Rights deputy director, said during the Board meeting he expects to issue guidance making groundwater recharge a beneficial use later this month.

Karen Ross, California Dept. of Food & Ag secretary, said recharge is “a water right opportunity.” This is essential, she said, “because even iron-clad surface water rights are eroding” because of droughts. Her remarks came during a Public Policy Institute of California (PPIC) seminar on water and the future of the San Joaquin Valley.

On irrigation districts as the historic SGMA rolls out at the GSA local level, Ross added, “We have to be intellectually honest and ask: Are all irrigation districts still necessary?” The districts must be large enough to be viable, she said, and working sustainably for drinking water and habitat.

SGMA, she said, “should make counties nervous” in the likely impacts reducing property taxes, due to “inevitable” ag land fallowing and for the land use changes that will be necessary.

CalEPA Secretary Jared Blumenfeld and Natural Resources Secretary Wade Crowfoot, in an unusual joint appearance, told the state Board of Food & Agriculture that SGMA implementation will attempt to accommodate the multiple water users.

The secretaries stayed on a very general level in their remarks.

Though directed at ag – the major water user – the remarks were applicable to water users generally. “Some big issues on the horizon – really thinking about farmland as the answer to climate change,” Blumenfeld said. “We face daunting challenges.” Recycling waste water for ag uses is a major goal, he said, like Israel.

Crowfoot praised farmers for “stepping up for clean drinking water,” referring to support for a water bill surcharge and ag fees. Blumenfeld said consolidating the small community systems with larger neighbors will be a major tool.

Crowfoot said he is working daily with Blumenfeld on the San Joaquin and Sacramento rivers flow voluntary agreements. They both said climate change mitigation was an objective of conservation-oriented water management. Board President Don Cameron, noting the



secretaries' connecting climate change issues, cautioned that without water, farmers cannot mitigate carbon.

### **SWRCB Approves Wetlands / WOTS Policy Amendments**

After a decade-long process and after an intense all-stakeholder coalition advocacy effort over the past 18 months (see Bob Gore emails of March 6 and Jan. 23 for details), the SWRCB adopted the new policy with few 11<sup>th</sup>-hour edits. Local governments and ag interests gained revisions over the past few weeks that should ensure few significant changes in WDR and related permits.

The coalition held several negotiating sessions with staff and Board Members over the past 12 weeks – too granular to summarize here, and pleased to discuss if you wish to call. See the SWRCB agenda, item 10, for links to all materials:

[https://www.waterboards.ca.gov/board\\_info/agendas/2019/apr/040219\\_agenda.pdf](https://www.waterboards.ca.gov/board_info/agendas/2019/apr/040219_agenda.pdf)

In the final change sheet (attached), see the revisions (referencing page 14 of the amended final policy), which preserves the exemptions for water utilities and industrial users. Also, the third revision (referencing page 19) which reserves the grandfathering of existing applications.

Stakeholders also won staff a concession to participate in the development of the guidance document that will determine how the wetlands / WOTS program will be implemented with permits. An annual report to the board is required.

“This is a polarized issue,” Chair Joaquin Esquivel acknowledged in his opening remarks, saying that California’s wetlands protections must be updated and provide for statewide consistency. He candidly admitted the new policy is now partially aimed at blunting the federal effort to expand exclusions from the US Clean Water Act. He thanked stakeholders for the “creative contributions” in “countless hours of negotiations on complex issues.”

“No one got everything they wanted,” Chief Deputy Jonathan Bishop said.

Assn. of California Water Agencies and California Farm Bureau Federation supported, and both asked for additional language protecting stakeholder feedback for modifications as we proceed. Member Tam Doduc said the resolution (see #8) provided sufficient protection.

While many environmentalists offered detailed objections, Kim Delfino from Defenders of Wildlife, the lead negotiator, said the policy was good as-is, “though not what we wanted if we ran the world.” She asked for a follow-up inventory and tracking of wetlands acreage. Sierra Club and Audubon Society representatives also accepted the policy, again with reservations. All expressed doubts about the exemptions that were obtained.

“Very much a compromise,” Doduc said at the conclusion of testimony, opposing any further significant revisions. Vice Chair DeeDee D’Adamo, who is the major ag supporter, seconded the approval motion.



Cliff Moriyama, the coalition leader, and a firm senior advisor, focused on implementation. “We have concerns over the wetland definition – we agree to disagree.” The regional boards must have enough resources for timely permit issuance and to reduce costs of compliance. “We want to be a part of the process” with creating milestones for progress.

“The real work begins now,” Esquivel said.

### **DWR Hosts GSA Updates**

DWR also hosted a SGMA update session last week, with presentations from GSAs, for those of you following progress at the local level, link is here:

<https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Assistance-and-Engagement/Files/GSAForumPresentations.pdf?la=en&hash=F05AC817DCEF42097B2BA49F1319FA36D31B276E>

