



BEST BEST & KRIEGER ☰
ATTORNEYS AT LAW

To:	Las Virgenes-Triunfo JPA
From:	Syrus Devers, Best Best & Krieger
Date:	April 1st, 2021
Re:	State Legislative Report

Legislature:

The Legislature returns from the Spring Recess on April 5th and begins one of the three busiest times of the year. (The other two being the budget deadline and the end of session.) Bill authors who have been slow to set their bills now have to meet the policy committee deadline of Friday, April 30th to keep their bills alive, but not all committees meet every week and authors may be forced to accept whatever hearing date they get. Keep in mind that bills do not really die in the first year of the two-year legislative session, they simply become “two-year bills” and they get another chance next January to continue moving.

Below are three bills where staff is not suggesting that the JPA take a position, but feels they should be brought to the attention of the board just by way of information on significant legislative matters:

AB 1195 (C. Garcia)--This bill would create the Southern Los Angeles County Regional Water Agency for cities and unincorporated communities within the Central Basin and West Coast Basin aquifers, and have the same jurisdiction boundaries as the Water Replenishment District of Southern California. The bill is attracting significant attention because it would grant the new agency all necessary powers to operate a retail water agency, as well as broad powers to consolidate water districts “as directed by the State Water Resources Control Board.” The bill has not been set for a hearing. The affected cities and the Central Basin Municipal Water District are discussing amendments with the author at this time and have yet to take positions on the bill, at least as far as BB&K staff has been informed. Likewise, MWD has not adopted a formal position.

SB 480 (Stern)-- This bill would amend the Metropolitan Water District Act, which always demands attention. It would require the MWD Board to adopt, by rule, a code of conduct prohibiting inappropriate conduct as defined by the bill. The merits are self explanatory, but it is uncommon for a statute to require a public agency to formally adopt a rule such as this. The bill is not set for a hearing at this time and it will not likely receive significant attention. Staff is reporting on the bill simply because it would be remiss in its duties to not mention a bill that amends the MWD Act.



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AB 1296 (Kamlager)-- This bill would give the Assembly and Senate one additional appointee to the SCAQMD board. The purpose of the bill is certainly laudable in that it seeks to give greater representation to disadvantaged and underrepresented communities. The noteworthy issue, however, is the math behind how it achieves this goal. The current board consists of 13 members with the Governor, the Assembly, and the Senate each having one appointee. The others are drawn from local government. That results in 23% of the board coming from state political appointments. This bill would make SCAQMD a 15 member board with 5 state political appointees, or 33%. Giving a greater voice to underrepresented communities requires no justification, but accomplishing that goal by expanding the influence of state government over SCAQMD seems to call out for an explanation.

Newsom Recall:

The proponents of the recall have very likely turned in a sufficient number of signatures to trigger a recall. Once validated, a complicated process begins where there is ample room for political manoeuvring. The two main wildcards are when the election is set and who signs on to challenge Newsom. Secretary of State Shirley Weber, who was just appointed by Newsome, has significant power to determine when the election will take place and, far more importantly, how long challengers have to file and conduct a statewide campaign. Worse for the proponents, Newsom's poll numbers are rising as the pandemic restrictions ease and California moves into the lead pack of state vaccination rates. According to a recent PPIC poll, 56% of voters would oppose the recall if the election were held today.

Miscellaneous:

Not falling into any particular category but critical to staying informed on matters of interest to the Legislature is redistricting, and nobody seems to be saying much about it. Part of the reason is that the necessary census data will not be available in time for the state's Redistricting Commission to meet its August 15th deadline due to delays caused by the pandemic. A legal ruling has given the Commission until December to draw new maps. Setting deadlines aside, the process itself is one of the most significant political events in California. (Note the period.) Supposedly, politics were taken out of the process back in 2008 when voters established an independent commission to draw political boundaries. In 2011, the Republican Caucus Chair in power at the time believed it would be inappropriate to interfere in the process and Republican operatives were largely sidelined. Democrat operatives, by contrast, shifted into overdrive and the results were devastating for Republicans. That process is about to restart.

Las Virgenes-Triunfo JPA

April, 2021

A. Priority Support/Oppose

Measure	Author	Topic	Current Text Version	Status	Location	Brief Summary	Position	Notes 1
AB 59	Gabriel D	Mitigation Fee Act: fees: notice and timelines.	Introduced: 12/7/2020 html pdf	1/11/2021 -Referred to Coms. on L. GOV. and H. & C.D.	1/11/2021- A. L. GOV.	Current law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Current law also provides that, if an ordinance, resolution, or motion provides for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase. This bill would increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the meeting to at least 45 days before the meeting.	Opposition	
AB 377	Rivas, Robert D	Water quality: impaired waters.	Amended: 3/22/2021 html pdf	3/23/2021 1-Re-referred to Com. on E.S. & T.M.	2/12/2021- A. E.S. & T.M.	Would require all California surface waters to attain applicable beneficial uses by January 1, 2050. The bill would require the state board and regional boards, when issuing an NPDES permit, a waste discharge requirement, or a waiver of a waste discharge requirement, to require that the discharge to surface water does not cause or contribute to an exceedance of an applicable water quality standard in receiving waters, and to not authorize the use of a best management practice permit term to authorize a discharge to surface water that causes or contributes to an exceedance of an applicable	Opposition	Amended March 8th.

						water quality standard in receiving waters.		
AB 442	Mayer I	Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan.	Introduced: 2/4/2021 html pdf	3/25/2021-1-From committee: Do pass and re-refer to Com. on W.,P., & W. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (March 24). Re-referred to Com. on W.,P., & W.	3/24/2021-A. W.,P. & W.	The Surface Mining and Reclamation Act of 1975 exempts certain activities from the provisions of the act, including, among others, emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Board for the specified purposes; surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control; and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Central Valley Flood Protection Board for the purpose of flood control. This bill would additionally exempt from the provisions of the act emergency excavations or grading conducted by the Metropolitan Water District of Southern California (MWD) for its own operations and infrastructure for specified purposes.	Support	
AB 818	Bloom D	Solid waste: premoistened nonwoven disposable wipes.	Introduced: 2/16/2021 html pdf	2/25/2021-1-Referred to Coms. on E.S. & T.M. and JUD.	2/25/2021-A. E.S. & T.M.	Would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.	Support	
AB 1434	Friedman D	Urban water use objectives: indoor residential water use.	Introduced: 2/19/2021 html pdf	3/11/2021-1-Referred to Com. on W.,P., & W.	3/11/2021-A. W.,P. & W.	Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily. The bill would eliminate the requirement that the department, in coordination with the state board, conduct necessary studies and investigations and jointly recommend to the Legislature a	Opposition	

						standard for indoor residential water use.		
AB 1500	Garcia, Eduardo D	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	Introduced: 2/19/2021 html pdf	3/11/2021 -Referred to Coms. on W.,P., & W. and NAT. RES.	3/11/2021- A. W.,P. & W.	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Support if amended	Amend to provide \$1.5B for recycling
SB 45	Portantino D	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	Introduced: 12/7/2020 html pdf	3/24/2021 1-Set for hearing April 8. April 8 hearing postponed by committee.	3/16/2021- S. GOV. & F.	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Support if amended	Same as AB 1500
SB 222	Dodd D	Water Affordability Assistance Program.	Introduced: 1/14/2021 html pdf	3/23/2021 1-Set for hearing April 12.	2/8/2021- S. E. U., & C.	Would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, as part of the Water Affordability Assistance Program established by the bill, direct water bill assistance, water bill credits, water crisis assistance, affordability assistance, and short-term assistance to public water systems to administer program components.	Out for Analysis	
SB 223	Dodd D	Discontinuation of residential water service.	Introduced: 1/14/2021 html pdf	3/23/2021 1-Set for hearing April 12.	1/28/2021- S. E. U., & C.	Current law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment.	Out for Analysis	

						Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year-long residents.		
SB 230	Portantino D	State Water Resources Control Board: Constituents of Emerging Concern Program.	Introduced: 1/19/2021 html pdf	3/22/2021-March 22 set for first hearing canceled at the request of author.	3/15/2021-S. APPR.	Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.	Support	
SB 273	Hertzberg D	Water quality: municipal wastewater agencies.	Introduced: 1/29/2021 html pdf	3/18/2021-Set for hearing April 12.	3/11/2021-S. E.Q.	Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.	Support	CASA sponsor
SB 323	Caballero D	Local government: water or sewer service: legal actions.	Amended: 3/17/2021 html pdf	3/25/2021-From committee: Do pass and	3/25/2021-S. JUD.	Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of	Support	

				re-refer to Com. on JUD. (Ayes 4. Noes 1.) (March 25). Re-referred to Com. on JUD.		providing the service for which the fee is charged, unless voter approval is obtained. Current law provides that a local agency levying a new a water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. This bill would apply the same judicial action procedure and timelines, as stated above, to ordinances, resolutions, or motions adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, except as provided.		
SB 403	Gonzalez D	Drinking water: consolidation.	Introduced: 2/12/2021 html pdf	3/16/2021-1-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 5. Noes 1.) (March 15). Re-referred to Com. on GOV. & F.	3/15/2021-S. GOV. & F.	The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. 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.	Out for Analysis	

B. Watch

Measure	Author	Topic	Current Text Version	Status	Location	Brief Summary	Position	Notes 1
AB 100	Holden D	Drinking water: pipes and fittings: lead content.	Introduced: 12/11/2020 html pdf	1/11/2021-Read first time. Referred to Com. on E.S. & T.M.	1/11/2021-A. E.S. & T.M.	The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of	Watch	

						conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.		
AB 339	Lee D	State and local government: open meetings.	Introduced: 1/28/2021 html pdf	1/29/2021-1-From printer. May be heard in committee February 28.	1/28/2021-A. PRINT	Current law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified. This bill would require all meetings, including gatherings using teleconference technology, 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.		
AB 361	Rivas, Robert D	Open meetings: local agencies: teleconferences	Introduced: 2/1/2021 html pdf	2/12/2021-1-Referred to Com. on L. GOV.	2/12/2021-A. L. GOV.	Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.	Watch	
AB 703	Rubio, Blanca D	Open meetings: local agencies: teleconferences	Introduced: 2/16/2021 html pdf	2/25/2021-1-Referred to Com. on L. GOV.	2/25/2021-A. L. GOV.	Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for	Watch	

						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 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, as provided.		
SB 55	Stern D	Very high fire hazard severity zone: state responsibility area: development prohibition.	Introduced: 12/7/2020 html pdf	3/3/2021- Re-referr ed to Coms. on GOV. & F. and HOUSIN G.	3/3/2021-S . GOV. & F.	Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.	Watch	
SB 274	Wieckowski D	Local government meetings: agenda and documents.	Introduced: 1/29/2021 html pdf	3/25/2021- I-From committe e: Do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (March 25).	3/25/2021-S. S. APPR.	The Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by mail or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the	Watch	

						agenda and to mail a copy of all other documents constituting the agenda packet, as specified.		
SB 351	Caballero D	Water Innovation Act of 2021.	Introduced: 2/9/2021 html pdf	3/24/2021-Set for hearing April 15.	2/17/2021-S. N.R. & W.	Current law establishes the State Water Resources Control Board for the purposes of providing for the orderly and efficient administration of the water resources of the state. 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 technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take specified measures to advance innovation in the water sector. The bill would make findings and declarations regarding the need for water innovation.	Watch	
SB 552	Hertzberg D	Drought planning: small water suppliers: nontransient noncommunity water systems.	Introduced: 2/18/2021 html pdf	3/24/2021-Set for hearing April 13.	3/3/2021-S. N.R. & W.	Would require small water suppliers, as defined, and nontransient noncommunity water systems that are schools, no later than December 31, 2022, to develop and submit to the Division of Drinking Water for the State Water Resources Control Board 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 state board's Electronic Annual Reporting System, and to include water system risk and water shortage information in the water systems' Consumer Confidence Reports, as provided.		
SB 559	Hurtado D	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.	Introduced: 2/18/2021 html pdf	3/25/2021-Set for hearing April 27.	3/3/2021-S. N.R. & W.	Would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make	Watch	

						these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.		
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Total Measures: 22

Total Tracking Forms: 22