

AGENDA  
COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING  
WITH BOARD OF DIRECTORS\*  
ORANGE COUNTY WATER DISTRICT  
18700 Ward Street, Fountain Valley, CA (714) 378-3200  
**April 6, 2023 12:00 p.m.- Conference Room C-2**

\*The OCWD Communications and Legislative Liaison Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act and it provides an opportunity for all Directors to hear presentations and participate in discussions. Directors receive no additional compensation or stipend as a result of simultaneously convening this meeting. Items recommended for approval at this meeting will be placed on the **April 19, 2023** Board meeting Agenda for approval.

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

**Computer Audio: You can join the Zoom meeting by clicking on the following link:**  
<https://ocwd.zoom.us/j/99465334409>

**Telephone Audio: (213) 338 8477**

**Webinar ID: 994 6533 4409**

Teleconference Sites:  
20 Civic Center Plaza, Room 813, Santa Ana  
19 Cannery, Buena Park  
\* Members of the public may attend and participate at all locations.

**ROLL CALL**

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

**RECOMMENDATION:** Adopt resolution determining need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda (requires two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, a unanimous vote of those members present.)

**VISITOR PARTICIPATION**

Time has been reserved at this point in the agenda for persons wishing to comment for up to three minutes to the Board of Directors on any item that is not listed on the agenda, but within the subject matter jurisdiction of the District. By law, the Board of Directors is prohibited from taking action on such public comments. As appropriate, matters raised in these public comments will be referred to District staff or placed on the agenda of an upcoming Board meeting.

At this time, members of the public may also offer public comment for up to three minutes on any item on the Consent Calendar. While members of the public may not remove an item from the Consent Calendar for separate discussion, a Director may do so at the request of a member of the public.

**CONSENT CALENDAR (ITEM NO. 1)**

All matters on the Consent Calendar are to be approved by one motion, without separate discussion on these items, unless a Board member or District staff request that specific items be removed from the Consent Calendar for separate consideration.

1. MINUTES OF COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING HELD FEBRUARY 2, 2023

RECOMMENDATION: Approve minutes as presented

**MATTERS FOR CONSIDERATION**

2. STATE LEGISLATIVE UPDATE

RECOMMENDATION: Agendize for April 19 Board meeting: Take the following positions:

Bill Number/Author	Short Title	Recommendation
<b>Water Rights Bills</b>		
AB 460 (Bauer-Kahan, D-Orinda)	State Water Resources Control Board: interim relief.	Oppose
AB 1137 (Wicks, D-Oakland)	State Water Resources Control Board: water shortage enforcement	Oppose
SB 389 (Allen, D-Redondo Beach)	State Water Resources Control Board: determination of water right	Oppose
<b>Other Topics</b>		
AB 557 (Hart, D-Santa Barbara)	Open meetings: local agencies: teleconferences	Support
SB 745 (Cortese, D-Campbell)	The Drought-Resistant Buildings Act	Consistent with WateReuse, take an "Oppose unless amended" position to exempt areas from the greywater capture building standard requirement that already have a centralized water recycling system; and support any additional amendments that WateReuse is developing
SB 366 (Caballero, D-Fresno)	The California Water Plan: long-term supply targets	Watch

3. FEDERAL LEGISLATIVE UPDATE

RECOMMENDATION: Agendize for April 19 Board meeting: Take action as appropriate

**INFORMATIONAL ITEMS**

4. GWRS FINAL COMPLETION DEDICATION CEREMONY UPDATE

5. CHILDREN'S WATER EDUCATION FESTIVAL UPDATE
6. PUBLIC AFFAIRS OUTREACH REPORT (FEBRUARY-MARCH)

**CHAIR DIRECTION AS TO WHICH ITEMS IF ANY TO BE AGENDIZED AS A MATTER FOR CONSIDERATION AT THE APRIL 19 BOARD MEETING**

**DIRECTOR'S ANNOUNCEMENTS/REPORTS**

**GENERAL MANAGER'S ANNOUNCEMENT/REPORT**

**ADJOURNMENT**

## COMMUNICATION AND LEGISLATIVE LIAISON COMMITTEE MEMBERS

Denis Bilodeau - Chair  
Van Tran - Vice Chair  
Roger Yoh  
Bruce Whitaker  
Steve Sheldon

Valerie Amezcua  
Natalie Meeks  
Dina Nguyen  
Kelly Rowe  
Cathy Green

**Agenda Posting:** In accordance with the requirements of California Government Code Section 54954.2, this agenda is posted in the window of the guard shack at the main entrance of the Orange County Water District, 18700 Ward Street, Fountain Valley, CA and on the OCWD website: [www.ocwd.com](http://www.ocwd.com) not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Assistant District Secretary. Backup material for the Agenda is available at the District offices for public review and can be viewed online at the District's website: [www.ocwd.com](http://www.ocwd.com).

**Accommodations to the Disabled:** Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the District Secretary at (714) 378-3233, by email at [jdurant@ocwd.com](mailto:jdurant@ocwd.com) by fax at (714) 378-3373. Notification 24 hours prior to the meeting will enable District staff to make reasonable arrangements to assure accessibility to the meeting.

**Availability of Agenda Material:** As a general rule, agenda reports or other written documentation that has been prepared or organized with respect to each item of business listed on the agenda can be reviewed at [www.ocwd.com](http://www.ocwd.com). Copies of these materials and other disclosable public records distributed to all or a majority of the members of the Board of Directors in connection with an Open Session agenda item are also on file with and available for inspection at the Office of the District Secretary, 18700 Ward Street, Fountain Valley, California, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Orange County Water District office.



MINUTES OF BOARD OF DIRECTORS MEETING  
WITH COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE  
ORANGE COUNTY WATER DISTRICT  
February 2, 2023, 8:00 a.m.

Due to the continuing state of emergency declared by the Governor and pursuant to Government Code Section 54953(e), Chair Bilodeau called the Communications and Legislative Liaison Committee meeting to order via Zoom webinar. Members of the Board and the public participated via Zoom. The Secretary called the roll and reported a quorum as follows:

Committee Members

Denis Bilodeau  
Van Tran  
Roger Yoh  
Bruce Whitaker  
Steve Sheldon (absent)

OCWD Staff

Mike Markus – General Manager  
Gina Ayala – Director of Public Affairs  
Alicia Dunkin – Legislative Affairs Liaison  
Christina Fuller – Asst. District Secretary

Alternates

Valerie Amezcua (absent)  
Natalie Meeks (absent)  
Dina Nguyen  
Kelly Rowe  
Cathy Green (absent)

**CONSENT CALENDAR**

The Consent Calendar was approved upon motion by Director Whitaker, seconded by Director Tran and carried [5-0] as follows:

***Ayes –Bilodeau, Tran, Yoh, Whitaker, Nguyen***

1. Minutes of Previous Meeting

**The minutes of the January 5, 2023 Communications/Legislative Liaison Committee meetings are approved as presented.**

**MATTERS FOR CONSIDERATION**

2. State Legislative Update

OCWD Consultants provided a summary of state bills and recommended actions for each bill.

**Upon motion by Director Bilodeau, seconded by Director Whitaker and carried [5-0], the Committee recommended that the Board at its February 15 Board meeting: Take the following positions:**

<b>Bill Number/Author</b>	<b>Short Title</b>	<b>Recommendation</b>
SB 23 (Caballero, D-Merced)	Water supply and flood risk reduction projects: expedited permitting	Support
SB 30 (Ward, R-39)	Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program	Support

***Ayes –Bilodeau, Tran, Yoh, Whitaker, Nguyen***

3. Federal Legislative Update

Federal Consultants reported on PFAS funding, Budget issues and earmarks.

**INFORMATIONAL ITEMS**

4. GWRS Final Completion Dedication Ceremony Update

Public Affairs Director Gina Ayala stated that the GWRS Final Completion Dedication Ceremony will be held Friday, April 14, 2023. She provide an update on event logistics and details. She advised that formal invitations will be sent in late February.

5. Children’s Water Education Festival Update

Principal Communications Specialist Crystal Nettles stated that the 26th annual Children's Water Education Festival will take place on March 29-30 at UC Irvine and noted that over 5,500 students are currently registered for the event.

6. Public Affairs Outreach Report (January)

Ms. Ayala provided an update on January highlights reporting that 68 people attended tours. She Advised that the next OCWD webinar will highlight the OCWD/OC San partnership.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 8:40 a.m.

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Denis Bilodeau, Chair





## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 6, 2023

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** Mike Markus

**Staff Contact:** G. Ayala/A. Dunkin

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**Program/Line-Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: STATE LEGISLATIVE UPDATE**

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### SUMMARY

Orange County Water District (OCWD) consultants will provide a verbal update on bills of interest to OCWD and PFAS funding.

### ATTACHMENTS

- Joe A. Gonsalves and Son – Edelstein Gilbert Robson & Smith April 2023 State Legislative Update
- **Water Right Bills:**
  - AB 460 (Bauer-Kahan, D-Orinda) State Water Resources Control Board: interim relief
  - AB 1337 (Wicks, D-Oakland) State Water Resources Control Board: water shortage enforcement
  - SB 389 (Allen, D-Redondo Beach) State Water Resources Control Board: determination of water right
- **Other Bill Topics:**
  - AB 557 (Hart, D-Santa Barbara) Open meetings: local agencies: teleconferences
  - AB 745 (Cortese, D-Campbell) The Drought-Resistant Buildings Act
  - SB 366 (Caballero, D-Fresno) California Water for All

### RECOMMENDATION

Agendize for the April 19 Board meeting: Take the following positions.

Bill Number/Author	Short Title	Recommendation
<b>Water Rights Bills</b>		
AB 460 (Rebecca Bauer-Kahan, D-Orinda)	State Water Resources Control Board: interim relief	Oppose
AB 1337 (Buffy Wicks, D-Oakland)	State Water Resources Control Board: water shortage enforcement	Oppose
SB 389 (Ben Allen, D-Redondo Beach)	State Water Resources Control Board: determination of water right	Oppose
<b>Other Bill Topics</b>		

AB 557 (Gregg Hart, D-Santa Barbara)	Open meetings: local agencies: teleconferences	Support
SB 745 (Dave Cortese, D-Campbell)	The Drought-Resistant Buildings Act	Consistent with WaterReuse, take an “Oppose unless amended” position to exempt areas from the greywater capture building standard requirement that already have a centralized water recycling system; and support any additional amendments that WaterReuse is developing
SB 366 (Anna Caballero, D-Fresno)	The California Water Plan: long-term supply targets	Watch

## DISCUSSION/ANALYSIS

**Water Rights Bills:** Observers of this legislation session have probably noticed a coordinated effort among a certain group of stakeholders to fundamentally change the way California’s water rights system is implemented and enforced. The water rights bills listed above are opposed by water associations that OCWD is a member of, including ACWA, WaterReuse, CMUA, and CGC. Below is a summary of concerns OCWD legal counsel and consultants have with the measures.

### **AB 460 (Bauer-Kahan, D-Orinda) – State Water Resources Control Board: Interim Relief**

Rutan and Tucker LLC would recommend arguing against this bill in its entirety as the entire framework essentially rewrites California Water law and gives open-ended powers to the State Water Resources Control Board (Board), which is often closely aligned with environmental groups.

This bill can be very problematic for any water user, supplier, or distributor, as it gives the Board practically limitless authority to impose interim requirements that prevent the diversion and beneficial use of water based upon open ended categories that will favor environmental groups. Likewise, the time limits in the bill will make it almost impossible to respond with sufficient evidence to effectively respond to a hearing notice, and in those instances where no hearing is provided, the water right holder will have no ability to object before the issuance of the order. Therefore, OCWD staff and consultants recommend an “oppose” position on AB 460.

### **AB 1137 (Buffy Wicks, D-Oakland) – State Water Resources Control Board: water shortage enforcement**

AB 1337 grants the Board authority to adopt regulations allowing them to curtail diversions of water for an extremely broad set of policy reasons. The bill does not impose any meaningful limits on the authority it grants the Board to curtail a community’s water supply.

This bill can also be very problematic for any water user, supplier, or distributor, as it gives the Board practically limitless authority to impose new regulations that could negatively

curtail a diverter's ability to access water that it arguably has a right to. Rutan and Tucker LLC recommend arguing against this bill in its entirety. Therefore, OCWD staff and consultants recommend an "oppose" position" on AB 1137.

**SB 389 (Ben Allen, D-Redondo Beach) – State Water Resources Control Board: determination of water right**

This bill gives the Board broad authority to conduct investigations and require diverters to provide information/reports to essentially prove up their water rights. The bill also gives the Board the ability to issue orders and decisions outlining its findings as a result of these investigations.

The bill could require costly investigations, arguably is overinclusive as it gives the Board the ability to go after and assess previously granted rights, and puts the burden on the discharger to support claims of waste.

According to Rutan and Tucker LLC, this bill could increase costs for numerous diverters, and is not necessary since the Board already has existing authority to conduct water right investigations. Therefore, OCWD staff and consultants recommend an "oppose" position" on SB389.

**AB 557 (Gregg Hart, D-Santa Barbara) Open meetings: local agencies: teleconferences**

AB 557 is sponsored by the California Special Districts Association (CSDA) to remove the sunset in AB 361, which was the bill that allowed remote meetings (after a board resolution each month to do so) during the COVID emergency. AB 557 allows agencies the authority for remote meetings during a declared state of emergency, or in other situations related to public health. OCWD used the provisions of AB 361 during the COVID emergency; therefore, OCWD staff and consultants recommend a "support" position on AB 557.

**SB 745 (Dave Cortese, D-Campbell) The Drought-Resistant Buildings Act**

Among other things, SB 745 would impose mandatory building standards that require new buildings to be designed to capture greywater onsite, which could reduce flows to OCWD. This bill has been proposed in various forms over the years and is sponsored by the pipefitters union.

On page 7 of OCWD's legislative goals and platform it states, "Encourage the State Board's greywater policy to be flexible enough to consider local conditions where there is already an investment in water recycling facilities. Advocate that the State Board not develop a uniform statewide policy, but instead address local conditions where extensive recycling is already occurring, and new greywater systems would lead to the diverting of water that could be recycled for potable reuse projects."

Consistent with WateReuse, OCWD staff and consultants recommend an "oppose unless amended" position to exempt areas from the greywater capture building standards requirement that already have a centralized water recycling system; and support any additional amendments that WateReuse is developing.

## **SB 366 (Anna Caballero, D-Fresno) California Water for All**

This bill is sponsored by the California Municipal Utilities Association (CMUA) and would revise the existing California Water Plan statute, updating its provisions to promote new water supplies versus the State planning for water shortages through mainly conservation. The bill would establish long-term water supply targets for the State to achieve, require a financing plan, and would update the requirement that state agencies develop a plan to achieve those targets, in consultation with local water agencies, wastewater service providers, irrigation districts, and other stakeholders. OCWD staff and consultants recommend a “watch” position on SB 366 as the measure is simply a plan and does not specifically impact OCWD.

### **ACTIVITIES**

- March 7      Alicia Dunkin participated in the California Groundwater Coalition Lobby Day in Sacramento
- March 8      Assemblymember Ta and his staff met with President Green, Mike Markus and Alicia Dunkin
- March 9      Assemblymember Valencia’s staff, Natalie Rubalcava, met with Alicia Dunkin
- March 10     Senator Umberg and his staff met with President Green, Mike Markus and Alicia Dunkin
- March 17     Assemblymember Quirk-Silva and her staff met with President Green and Mike Markus
- March 20     OC Supervisor Sarmiento’s staff, Manuel Escamilla, met via Zoom with Alicia Dunkin
- March 23-24   President Green and Alicia Dunkin participated in the ACWA State Legislative Symposium and State Legislative Committee in Sacramento
- March 29     Senator Kelly Seyarto and his staff met via zoom with President Green, Mike Markus and Alicia Dunkin

### **Funding & Applications**

- Alicia Dunkin gained support letters from Orange County Assemblymembers, Senators and Supervisors for federal earmark funding requests to cleanup PFAS.
- During the California Groundwater Coalition (CGC) Lobby Day in Sacramento, Alicia Dunkin met with the chairs and members of state budget committees and key members of the legislature regarding PFAS funding, protection of groundwater from sea water intrusion and other topics that concern CGC’s membership.
- Alicia Dunkin is participating on the ACWA, CMUA, WateReuse and CGC infrastructure working groups and recommended prioritized funding for PFAS monitoring and remediation and funding for protection of groundwater basins from sea water intrusion.
- OCWD submitted seven applications for PFAS federal grant funding through the State Water Resources Control Board for a total amount of \$27.85 million.

- OCWD received a \$4.2 million grant from Proposition 1 IRWM Implementation Grant Program administered by DWR through SAWPA. \$4.2 million recommended by SAWPA subject to DWR approval (grant not received yet).
- OCWD is applying for funding through the DWR SGMA grant program. (amount to be determined)



EDELSTEIN GILBERT ROBSON & SMITH<sup>LLC</sup>



**Joe A. Gonsalves & Son**  
Anthony D. Gonsalves  
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TO: ORANGE COUNTY WATER DISTRICT

FROM: JOE A. GONSALVES AND SON  
EDELSTEIN GILBERT ROBSON & SMITH<sup>LLC</sup>

SUBJECT: LEGISLATIVE UPDATE

DATE: March 28, 2023

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On January 4, 2023, the Legislature reconvened for the 2023-24 legislative session. Shortly after, on January 10, 2023, Governor Newsom released his January budget proposal identifying a \$22.5 billion budget deficit. This is the first time since the Governor was elected that he has had to develop a budget with a deficit.

The Legislature spent the past month preparing their bill packages for this legislative year. All new bills had to be introduced by Friday, February 17, 2023. This year, the Legislature introduced 2,745 bills, constitutional amendments and resolutions. The Assembly introduced 1,803 and the Senate introduced 942. The legislative policy committees have begun to ramp up and started to hear bills.

The following will provide you with updates of interest to the District:

### **BUDGET**

Shortly after the Governor released his January budget proposal, Legislative Leadership in the state Senate released their “key values” document, preparing for budget negotiations later this spring. The document runs through a long list (about 40 items) of past accomplishments that they aim to shield from cuts, though it does not get into the specifics of a spending plan.

The main complicating factor in constructing a budget agreement by the June 15th deadline is the uncertainty on the tax revenue picture since many Californians will file their returns later than usual. Shortly after the series of deadly atmospheric rivers that devastated many parts of California in late December and early January, the IRS extended the filing deadline from April 18 to May 15 for affected taxpayers. Now, the IRS has announced it’s adding even more time (until October 16) for individuals and businesses in 47 of the state’s 58 counties.

The Governor’s office also announced that the state tax filing deadline will also be extended until Oct. 16 for affected counties. This is causing the Governor and Legislative leaders to forecast projections on the amount of revenues they will expect since the tax filings won’t come in until after a budget is adopted.

## **STATE OF THE STATE**

Unlike the traditional State of the State where the Governor gives his formal speech to both houses of the Legislature, this year, Governor Newsom instead, opted for a Statewide tour that ran Thursday, March 16 through Sunday, March 19 with stops in the Bay Area, Los Angeles and San Diego.

During the Governor's tour, he unveiled new policies and goals at each stop and was joined by state and local legislators and community members. On his four-day tour, the Governor announced \$1 billion in homelessness funding and the state's largest mobilization of small homes, a historic transformation of San Quentin State Prison, \$30 million through CalRX, and a transformative proposal to modernize California's behavioral health system and more mental health housing.

Under the CA constitution, the Governor is required to report to the Legislature each calendar year on the condition of the State. This year, Governor Newsom fulfilled that mandate by sending a letter to the Legislature after the tour, laying out the policies he announced on the road.

## **WATER RIGHTS BILLS**

This year, the Legislature has introduced a number of bills related to water rights.

Individually, and certainly when taken together, AB 460 (Bauer-Kahan), AB 1137 (Wicks), SB 389 (Allen), and AB 676 (Bennett) would fundamentally erode water rights and the ability of water rights holders to defend those rights. The bills empower the State Water Resources Control Board (State Board) to use sweeping new authorities to curtail water use through regulations and to order water rights holders to stop diverting water. These bills seriously limit an injured party's right to be heard or to seek relief from the State Board's actions.

We will continue to discuss these bills with you and OCWD staff.

**ASSEMBLY BILL**

**No. 460**

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**Introduced by Assembly Member Bauer-Kahan**

February 6, 2023

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An act to add Chapter 3.6 (commencing with Section 1115) to Part 1 of Division 2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 460, as introduced, Bauer-Kahan. State Water Resources Control Board: interim relief.

The California Constitution requires the reasonable and beneficial use of water. Under the public trust doctrine, the State Water Resources Control Board, among other state agencies, is required to take the public trust into account in the planning and allocation of water resources and to protect the public trust whenever feasible. The board and the California regional water quality control boards are required to set forth water quality objectives in state and regional water quality control plans. Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available upon appropriation by the Legislature for the administration of the board's water rights program.

Existing law requires that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam, as specified.

This bill would authorize the board to issue, on its own motion or upon the petition of an interested party, an interim relief order in appropriate circumstances to implement or enforce these and related



provisions of law. The bill would provide that a person or entity that violates any interim relief order issued by the board would be liable to the board for a civil penalty in an amount not to exceed the sum of \$10,000 for each day in which a violation occurs and \$5,000 for each acre-foot of water diverted in violation of the interim relief order. The bill would require these funds to be deposited in the Water Rights Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 3.6 (commencing with Section 1115) is  
2 added to Part 1 of Division 2 of the Water Code, to read:

3  
4 CHAPTER 3.6. INTERIM RELIEF  
5

6 1115. (a) The board may issue an interim relief order in  
7 appropriate circumstances, after notice and an opportunity for a  
8 hearing, in adjudicative proceedings to apply or enforce any of the  
9 following:

- 10 (1) Section 2 of Article X of the California Constitution.
- 11 (2) The public trust doctrine.
- 12 (3) Water quality objectives or principals and guidelines adopted  
13 under subdivision (b) of Section 13142, Section 13149, Section  
14 13170, or 13241.
- 15 (4) The requirements set forth in permits, licenses, certificates,  
16 and registrations issued under Part 2 (commencing with Section  
17 1200), including actions that invoke the board’s reserved  
18 jurisdiction or continuing authority.
- 19 (5) Section 5937 of the Fish and Game Code.

20 (b) The board may commence an interim relief proceeding on  
21 its own motion or upon the petition of an interested party. The  
22 board shall not accept a petition that does not include all of the  
23 following information:

- 24 (1) The name and mailing address of the petitioner.
- 25 (2) A description of the specific diversion or use of water that  
26 the petitioner is contesting.
- 27 (3) A statement of the petitioner’s interest in the contested  
28 diversion or use of water.

1 (4) Identification of the adjudicative proceedings in which  
2 interim relief is requested.

3 (5) A description of the harm or injury complained of.

4 (6) An explanation of the nexus between the diversion or use  
5 and the alleged harm or injury.

6 (7) The relief the petitioner is requesting.

7 (8) A statement of reasons explaining why the relief is justified.

8 (9) Any additional information that the board may deem  
9 appropriate.

10 (c) The board may dismiss a petition that does not raise  
11 substantial issues that are appropriate for review.

12 (d) Unless the board concludes that consideration of the matter  
13 is urgent, the board shall provide notice at least 20 days before the  
14 hearing date. In its discretion, the board may provide that the  
15 evidence to be considered shall be based on declarations under  
16 penalty of perjury, the testimony of witnesses at the hearing, or  
17 both. The board shall also consider oral or written legal argument  
18 that is provided in a timely manner by the parties. The board may  
19 establish a schedule for filing declarations and written arguments.

20 (e) If the board issues an interim relief order without providing  
21 at least 20 days' notice before the hearing date, or if the board  
22 issues an interim relief order after considering the declaration of  
23 any witness who is not available for cross-examination, the interim  
24 relief order shall remain in effect for a period not to exceed 180  
25 days unless the party to whom the interim relief order is issued  
26 agrees to an extension of that period. This subdivision is not a  
27 limitation on the authority of the board to issue any additional  
28 interim relief in response to changed circumstances.

29 (f) In determining whether to provide interim relief, and the  
30 nature and extent of the relief, the board shall consider all relevant  
31 circumstances, including the effects on other legal users of water,  
32 fish, wildlife, and other instream beneficial uses, the extent of  
33 harm, the necessity for relief, and any appropriate measures to  
34 minimize any adverse effects of providing interim relief. Sufficient  
35 grounds shall exist for interim relief upon the same showing as  
36 would be required for a superior court to grant a preliminary  
37 injunction.

38 1115.5. (a) As part of the interim relief order, the board may  
39 require a water diverter or user to do any of the following:

40 (1) Cease all harmful practices.

1 (2) Employ specific procedures and operations to prevent or  
2 mitigate the harm.

3 (3) Complete technical and monitoring work and prepare and  
4 submit reports on that work, including draft environmental  
5 documentation.

6 (4) Participate in, and provide funding for, studies that the board  
7 determines are reasonably necessary to evaluate the impact of the  
8 diversion or use that is the subject of the adjudicative proceeding.

9 (5) Reimburse the board’s expenses for the preparation of any  
10 necessary environmental documentation.

11 (6) Take other required action.

12 (b) The board shall set a schedule for compliance with any  
13 interim relief order.

14 1116. If the board orders interim relief, the board shall set a  
15 schedule, as soon as reasonably possible, for the board’s  
16 consideration of permanent relief. The schedule shall include  
17 actions that the water diverter or user is required to undertake to  
18 ensure timely consideration of the permanent relief. The actions  
19 required of the water diverter or user may include, but are not  
20 limited to, the completion of technical and monitoring work, the  
21 preparation and submittal of reports on that work, including draft  
22 environmental documentation, and the reimbursement of the  
23 board’s expenses. Any permanent relief shall be granted after  
24 notice and an opportunity for a hearing.

25 1116.5. (a) Except as otherwise specified in this section, any  
26 interim relief order issued by the board is exempt from the  
27 requirements of Division 13 (commencing with Section 21000)  
28 of the Public Resources Code if the board makes either of the  
29 following findings:

30 (1) Providing interim relief will not have a significant adverse  
31 effect on the environment.

32 (2) Providing interim relief will result in environmental benefits  
33 or prevent harm to environmental resources, and the benefits  
34 provided or harm prevented outweighs any adverse effects that  
35 may result from providing interim relief. If the board makes a  
36 finding pursuant to this paragraph, the board shall also adopt the  
37 finding or findings specified in Section 21081 of the Public  
38 Resources Code.

39 (b) Any findings of the board pursuant to this section shall be  
40 supported by substantial evidence in the record. If the board makes

1 the findings specified in paragraph (1) of subdivision (a) of Section  
2 21081 of the Public Resources Code, or if the board finds that  
3 providing interim relief will not have a significant adverse effect  
4 on the environment because a potentially significant adverse effect  
5 will be avoided as a result of mitigation incorporated in the board's  
6 order, the board shall adopt a reporting and monitoring program  
7 in accordance with Section 21081.6 of the Public Resources Code.

8 (c) Sections 21167, 21167.1, 21167.4, 21167.5, 21167.6.5,  
9 21167.7, 21167.8, 21168, 21168.5, 21168.9, and 21177 of the  
10 Public Resources Code shall apply to any action or proceeding to  
11 attack, review, set aside, void, or annul any action or decision of  
12 the board pursuant to this chapter on grounds of noncompliance  
13 with this section.

14 1117. The board may review and revise any part of an interim  
15 relief order at any time after notice to all interested parties and an  
16 opportunity for a hearing.

17 1117.5. The issuance or denial of an interim relief order by the  
18 board does not alter the burdens of proof or the burdens of coming  
19 forward with respect to the board's final decision on the merits in  
20 the adjudicative proceeding in which interim relief is requested.

21 1118. This chapter is not a limitation on the jurisdiction of any  
22 court or agency over any matter within that court or agency's  
23 jurisdiction.

24 1118.5. If a water diverter or user does not comply with an  
25 interim relief order, the Attorney General, upon the request of the  
26 board, shall petition the superior court for prohibitory or mandatory  
27 injunctive relief, as necessary, through the issuance of a temporary  
28 restraining order, preliminary injunction, or permanent injunction.

29 1119. (a) (1) Any person or entity that violates an interim  
30 relief order issued by the board is liable for a civil penalty not to  
31 exceed the sum of the following:

32 (A) Ten thousand dollars (\$10,000) for each day in which a  
33 violation occurs.

34 (B) Five thousand dollars (\$5,000) for each acre-foot of water  
35 diverted in violation of the interim relief order.

36 (2) Civil liability may be imposed by the superior court. The  
37 Attorney General, upon request of the board, shall petition the  
38 superior court to impose the liability. The Superior Court shall  
39 impose the civil penalty if it determines by a preponderance of the

1 evidence that the water diverter or user subject to the interim relief  
2 order has violated the order.

3 (3) Civil liability may be imposed administratively by the board  
4 pursuant to Section 1055.

5 (b) In determining the appropriate amount, the court or board,  
6 as the case may be, shall consider all the relevant circumstances,  
7 including the extent of harm caused by the violation, the nature  
8 and persistence of the violation, the length of time over which the  
9 violation occurs, and any corrective action undertaken by the  
10 violator.

11 (c) All funds recovered pursuant to this section shall be  
12 deposited in the Water Rights Fund.

13 (d) Remedies under this section are in addition to, and do not  
14 supersede or limit, any and all other remedies, civil or criminal.

15 1119.5. This chapter does not limit any authority held by the  
16 board under this code or any other provision of law.

**ASSEMBLY BILL**

**No. 557**

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**Introduced by Assembly Member Hart**

February 8, 2023

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An act to amend and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Hart. Open meetings: local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The bill would additionally make nonsubstantive changes to those provisions and correct erroneous cross references .

(2) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 1 of Chapter 285 of the Statutes of 2022, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the  
9 legislative body of a local agency may use teleconferencing for  
10 the benefit of the public and the legislative body of a local agency  
11 in connection with any meeting or proceeding authorized by law.  
12 The teleconferenced meeting or proceeding shall comply with all  
13 otherwise applicable requirements of this chapter and all otherwise  
14 applicable provisions of law relating to a specific type of meeting  
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used  
17 for all purposes in connection with any meeting within the subject  
18 matter jurisdiction of the legislative body. If the legislative body  
19 of a local agency elects to use teleconferencing, the legislative  
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be  
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a  
24 manner that protects the statutory and constitutional rights of the  
25 parties or the public appearing before the legislative body of a  
26 local agency.

27 (C) The legislative body shall give notice of the meeting and  
28 post agendas as otherwise required by this chapter.

29 (D) The legislative body shall allow members of the public to  
30 access the meeting and the agenda shall provide an opportunity  
31 for members of the public to address the legislative body directly  
32 pursuant to Section 54954.3.

33 (3) If the legislative body of a local agency elects to use  
34 teleconferencing, it shall post agendas at all teleconference  
35 locations. Each teleconference location shall be identified in the  
36 notice and agenda of the meeting or proceeding, and each  
37 teleconference location shall be accessible to the public. During  
38 the teleconference, at least a quorum of the members of the



1 legislative body shall participate from locations within the  
2 boundaries of the territory over which the local agency exercises  
3 jurisdiction, except as provided in subdivisions (d) and (e).

4 (c) (1) No legislative body shall take action by secret ballot,  
5 whether preliminary or final.

6 (2) The legislative body of a local agency shall publicly report  
7 any action taken and the vote or abstention on that action of each  
8 member present for the action.

9 (3) Prior to taking final action, the legislative body shall orally  
10 report a summary of a recommendation for a final action on the  
11 salaries, salary schedules, or compensation paid in the form of  
12 fringe benefits of a local agency executive, as defined in  
13 subdivision (d) of Section 3511.1, during the open meeting in  
14 which the final action is to be taken. This paragraph shall not affect  
15 the public's right under the California Public Records Act (Division  
16 10 (commencing with Section 7920.000) of Title 1) to inspect or  
17 copy records created or received in the process of developing the  
18 recommendation.

19 (d) (1) Notwithstanding the provisions relating to a quorum in  
20 paragraph (3) of subdivision (b), if a health authority conducts a  
21 teleconference meeting, members who are outside the jurisdiction  
22 of the authority may be counted toward the establishment of a  
23 quorum when participating in the teleconference if at least 50  
24 percent of the number of members that would establish a quorum  
25 are present within the boundaries of the territory over which the  
26 authority exercises jurisdiction, and the health authority provides  
27 a teleconference number, and associated access codes, if any, that  
28 allows any person to call in to participate in the meeting and the  
29 number and access codes are identified in the notice and agenda  
30 of the meeting.

31 (2) Nothing in this subdivision shall be construed as  
32 discouraging health authority members from regularly meeting at  
33 a common physical site within the jurisdiction of the authority or  
34 from using teleconference locations within or near the jurisdiction  
35 of the authority. A teleconference meeting for which a quorum is  
36 established pursuant to this subdivision shall be subject to all other  
37 requirements of this section.

38 (3) For purposes of this subdivision, a health authority means  
39 any entity created pursuant to Sections 14018.7, 14087.31,  
40 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare

1 and Institutions Code, any joint powers authority created pursuant  
2 to Article 1 (commencing with Section 6500) of Chapter 5 of  
3 Division 7 for the purpose of contracting pursuant to Section  
4 14087.3 of the Welfare and Institutions Code, and any advisory  
5 committee to a county-sponsored health plan licensed pursuant to  
6 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
7 Health and Safety Code if the advisory committee has 12 or more  
8 members.

9 (e) (1) The legislative body of a local agency may use  
10 teleconferencing without complying with the requirements of  
11 paragraph (3) of subdivision (b) if the legislative body complies  
12 with the requirements of paragraph (2) of this subdivision in any  
13 of the following circumstances:

14 (A) The legislative body holds a meeting during a proclaimed  
15 state of emergency, and state or local officials have imposed or  
16 recommended measures to promote social distancing.

17 (B) The legislative body holds a meeting during a proclaimed  
18 state of emergency for the purpose of determining, by majority  
19 vote, whether as a result of the emergency, meeting in person  
20 would present imminent risks to the health or safety of attendees.

21 (C) The legislative body holds a meeting during a proclaimed  
22 state of emergency and has determined, by majority vote, pursuant  
23 to subparagraph (B), that, as a result of the emergency, meeting  
24 in person would present imminent risks to the health or safety of  
25 attendees.

26 (2) A legislative body that holds a meeting pursuant to this  
27 subdivision shall do all of the following:

28 (A) In each instance in which notice of the time of the  
29 teleconferenced meeting is otherwise given or the agenda for the  
30 meeting is otherwise posted, the legislative body shall also give  
31 notice of the means by which members of the public may access  
32 the meeting and offer public comment. The agenda shall identify  
33 and include an opportunity for all persons to attend via a call-in  
34 option or an internet-based service option.

35 (B) In the event of a disruption that prevents the legislative body  
36 from broadcasting the meeting to members of the public using the  
37 call-in option or internet-based service option, or in the event of  
38 a disruption within the local agency's control that prevents  
39 members of the public from offering public comments using the  
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting  
2 agenda until public access to the meeting via the call-in option or  
3 internet-based service option is restored. Actions taken on agenda  
4 items during a disruption that prevents the legislative body from  
5 broadcasting the meeting may be challenged pursuant to Section  
6 54960.1.

7 (C) The legislative body shall not require public comments to  
8 be submitted in advance of the meeting and must provide an  
9 opportunity for the public to address the legislative body and offer  
10 comment in real time.

11 (D) Notwithstanding Section 54953.3, an individual desiring to  
12 provide public comment through the use of an internet website, or  
13 other online platform, not under the control of the local legislative  
14 body, that requires registration to log in to a teleconference may  
15 be required to register as required by the third-party internet  
16 website or online platform to participate.

17 (E) (i) A legislative body that provides a timed public comment  
18 period for each agenda item shall not close the public comment  
19 period for the agenda item, or the opportunity to register, pursuant  
20 to subparagraph ~~(F)~~; (D), to provide public comment until that  
21 timed public comment period has elapsed.

22 (ii) A legislative body that does not provide a timed public  
23 comment period, but takes public comment separately on each  
24 agenda item, shall allow a reasonable amount of time per agenda  
25 item to allow public members the opportunity to provide public  
26 comment, including time for members of the public to register  
27 pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for  
28 the purpose of providing public comment.

29 (iii) A legislative body that provides a timed general public  
30 comment period that does not correspond to a specific agenda item  
31 shall not close the public comment period or the opportunity to  
32 register, pursuant to subparagraph ~~(F)~~; (D), until the timed general  
33 public comment period has elapsed.

34 (3) If a state of emergency remains active, or state or local  
35 officials have imposed or recommended measures to promote  
36 social distancing, in order to continue to teleconference without  
37 compliance with paragraph (3) of subdivision (b), the legislative  
38 body shall, not later than ~~30~~ 45 days after teleconferencing for the  
39 first time pursuant to subparagraph (A), (B), or (C) of paragraph

1 (1), and every ~~30~~ 45 days thereafter, make the following findings  
2 by majority vote:

3 (A) The legislative body has reconsidered the circumstances of  
4 the state of emergency.

5 (B) Any of the following circumstances exist:

6 (i) The state of emergency continues to directly impact the  
7 ability of the members to meet safely in person.

8 (ii) State or local officials continue to impose or recommend  
9 measures to promote social distancing.

10 (4) This subdivision shall not be construed to require the  
11 legislative body to provide a physical location from which the  
12 public may attend or comment.

13 (f) (1) The legislative body of a local agency may use  
14 teleconferencing without complying with paragraph (3) of  
15 subdivision (b) if, during the teleconference meeting, at least a  
16 quorum of the members of the legislative body participates in  
17 person from a singular physical location clearly identified on the  
18 agenda, which location shall be open to the public and situated  
19 within the boundaries of the territory over which the local agency  
20 exercises jurisdiction and the legislative body complies with all  
21 of the following:

22 (A) The legislative body shall provide at least one of the  
23 following as a means by which the public may remotely hear and  
24 visually observe the meeting, and remotely address the legislative  
25 body:

26 (i) A two-way audiovisual platform.

27 (ii) A two-way telephonic service and a live webcasting of the  
28 meeting.

29 (B) In each instance in which notice of the time of the  
30 teleconferenced meeting is otherwise given or the agenda for the  
31 meeting is otherwise posted, the legislative body shall also give  
32 notice of the means by which members of the public may access  
33 the meeting and offer public comment.

34 (C) The agenda shall identify and include an opportunity for all  
35 persons to attend and address the legislative body directly pursuant  
36 to Section 54954.3 via a call-in option, via an internet-based service  
37 option, and at the in-person location of the meeting.

38 (D) In the event of a disruption that prevents the legislative body  
39 from broadcasting the meeting to members of the public using the  
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency's control that prevents  
2 members of the public from offering public comments using the  
3 call-in option or internet-based service option, the legislative body  
4 shall take no further action on items appearing on the meeting  
5 agenda until public access to the meeting via the call-in option or  
6 internet-based service option is restored. Actions taken on agenda  
7 items during a disruption that prevents the legislative body from  
8 broadcasting the meeting may be challenged pursuant to Section  
9 54960.1.

10 (E) The legislative body shall not require public comments to  
11 be submitted in advance of the meeting and must provide an  
12 opportunity for the public to address the legislative body and offer  
13 comment in real time.

14 (F) Notwithstanding Section 54953.3, an individual desiring to  
15 provide public comment through the use of an internet website, or  
16 other online platform, not under the control of the local legislative  
17 body, that requires registration to log in to a teleconference may  
18 be required to register as required by the third-party internet  
19 website or online platform to participate.

20 (2) A member of the legislative body shall only participate in  
21 the meeting remotely pursuant to this subdivision, if all of the  
22 following requirements are met:

23 (A) One of the following circumstances applies:

24 (i) The member notifies the legislative body at the earliest  
25 opportunity possible, including at the start of a regular meeting,  
26 of their need to participate remotely for just cause, including a  
27 general description of the circumstances relating to their need to  
28 appear remotely at the given meeting. The provisions of this clause  
29 shall not be used by any member of the legislative body for more  
30 than two meetings per calendar year.

31 (ii) The member requests the legislative body to allow them to  
32 participate in the meeting remotely due to emergency circumstances  
33 and the legislative body takes action to approve the request. The  
34 legislative body shall request a general description of the  
35 circumstances relating to their need to appear remotely at the given  
36 meeting. A general description of an item generally need not exceed  
37 20 words and shall not require the member to disclose any medical  
38 diagnosis or disability, or any personal medical information that  
39 is already exempt under existing law, such as the Confidentiality  
40 of Medical Information Act (Chapter 1 (commencing with Section

1 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
2 of this clause, the following requirements apply:

3 (I) A member shall make a request to participate remotely at a  
4 meeting pursuant to this clause as soon as possible. The member  
5 shall make a separate request for each meeting in which they seek  
6 to participate remotely.

7 (II) The legislative body may take action on a request to  
8 participate remotely at the earliest opportunity. If the request does  
9 not allow sufficient time to place proposed action on such a request  
10 on the posted agenda for the meeting for which the request is made,  
11 the legislative body may take action at the beginning of the meeting  
12 in accordance with paragraph (4) of subdivision (b) of Section  
13 54954.2.

14 (B) The member shall publicly disclose at the meeting before  
15 any action is taken, whether any other individuals 18 years of age  
16 or older are present in the room at the remote location with the  
17 member, and the general nature of the member's relationship with  
18 any such individuals.

19 (C) The member shall participate through both audio and visual  
20 technology.

21 (3) The provisions of this subdivision shall not serve as a means  
22 for any member of a legislative body to participate in meetings of  
23 the legislative body solely by teleconference from a remote location  
24 for a period of more than three consecutive months or 20 percent  
25 of the regular meetings for the local agency within a calendar year,  
26 or more than two meetings if the legislative body regularly meets  
27 fewer than 10 times per calendar year.

28 (g) The legislative body shall have and implement a procedure  
29 for receiving and swiftly resolving requests for reasonable  
30 accommodation for individuals with disabilities, consistent with  
31 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
32 Sec. 12132), and resolving any doubt in favor of accessibility. In  
33 each instance in which notice of the time of the meeting is  
34 otherwise given or the agenda for the meeting is otherwise posted,  
35 the legislative body shall also give notice of the procedure for  
36 receiving and resolving requests for accommodation.

37 (h) The legislative body shall conduct meetings subject to this  
38 chapter consistent with applicable civil rights and  
39 nondiscrimination laws.

1 (i) (1) Nothing in this section shall prohibit a legislative body  
2 from providing the public with additional teleconference locations.  
3 (2) Nothing in this section shall prohibit a legislative body from  
4 providing ~~members of~~ the public with additional physical locations  
5 in which the public may observe and address the legislative body  
6 by electronic means.  
7 (j) For the purposes of this section, the following definitions  
8 shall apply:  
9 (1) “Emergency circumstances” means a physical or family  
10 medical emergency that prevents a member from attending in  
11 person.  
12 (2) “Just cause” means any of the following:  
13 (A) A childcare or caregiving need of a child, parent,  
14 grandparent, grandchild, sibling, spouse, or domestic partner that  
15 requires them to participate remotely. “Child,” “parent,”  
16 “grandparent,” “grandchild,” and “sibling” have the same meaning  
17 as those terms do in Section 12945.2.  
18 (B) A contagious illness that prevents a member from attending  
19 in person.  
20 (C) A need related to a physical or mental disability as defined  
21 in Sections 12926 and 12926.1 not otherwise accommodated by  
22 subdivision (g).  
23 (D) Travel while on official business of the legislative body or  
24 another state or local agency.  
25 (3) “Remote location” means a location from which a member  
26 of a legislative body participates in a meeting pursuant to  
27 subdivision (f), other than any physical meeting location designated  
28 in the notice of the meeting. Remote locations need not be  
29 accessible to the public.  
30 (4) “Remote participation” means participation in a meeting by  
31 teleconference at a location other than any physical meeting  
32 location designated in the notice of the meeting. Watching or  
33 listening to a meeting via webcasting or another similar electronic  
34 medium that does not permit members to interactively hear,  
35 discuss, or deliberate on matters, does not constitute remote  
36 participation.  
37 (5) “State of emergency” means a state of emergency proclaimed  
38 pursuant to Section 8625 of the California Emergency Services  
39 Act (Article 1 (commencing with Section 8550) of Chapter 7 of  
40 Division 1 of Title 2).

1 (6) “Teleconference” means a meeting of a legislative body,  
2 the members of which are in different locations, connected by  
3 electronic means, through either audio or video, or both.

4 (7) “Two-way audiovisual platform” means an online platform  
5 that provides participants with the ability to participate in a meeting  
6 via both an interactive video conference and a two-way telephonic  
7 function.

8 (8) “Two-way telephonic service” means a telephone service  
9 that does not require internet access, is not provided as part of a  
10 two-way audiovisual platform, and allows participants to dial a  
11 telephone number to listen and verbally participate.

12 (9) “Webcasting” means a streaming video broadcast online or  
13 on television, using streaming media technology to distribute a  
14 single content source to many simultaneous listeners and viewers.

15 (k) This section shall remain in effect only until January 1, ~~2024,~~  
16 ~~2026,~~ and as of that date is repealed.

17 SEC. 2. Section 54953 of the Government Code, as amended  
18 by Section 2 of Chapter 285 of the Statutes of 2022, is amended  
19 to read:

20 54953. (a) All meetings of the legislative body of a local  
21 agency shall be open and public, and all persons shall be permitted  
22 to attend any meeting of the legislative body of a local agency,  
23 except as otherwise provided in this chapter.

24 (b) (1) Notwithstanding any other provision of law, the  
25 legislative body of a local agency may use teleconferencing for  
26 the benefit of the public and the legislative body of a local agency  
27 in connection with any meeting or proceeding authorized by law.  
28 The teleconferenced meeting or proceeding shall comply with all  
29 otherwise applicable requirements of this chapter and all otherwise  
30 applicable provisions of law relating to a specific type of meeting  
31 or proceeding.

32 (2) Teleconferencing, as authorized by this section, may be used  
33 for all purposes in connection with any meeting within the subject  
34 matter jurisdiction of the legislative body. If the legislative body  
35 of a local agency elects to use teleconferencing, the legislative  
36 body of a local agency shall comply with all of the following:

37 (A) All votes taken during a teleconferenced meeting shall be  
38 by rollcall.

39 (B) The teleconferenced meetings shall be conducted in a  
40 manner that protects the statutory and constitutional rights of the



1 parties or the public appearing before the legislative body of a  
2 local agency.

3 (C) The legislative body shall give notice of the meeting and  
4 post agendas as otherwise required by this chapter.

5 (D) The legislative body shall allow members of the public to  
6 access the meeting and the agenda shall provide an opportunity  
7 for members of the public to address the legislative body directly  
8 pursuant to Section 54954.3.

9 (3) If the legislative body of a local agency elects to use  
10 teleconferencing, it shall post agendas at all teleconference  
11 locations. Each teleconference location shall be identified in the  
12 notice and agenda of the meeting or proceeding, and each  
13 teleconference location shall be accessible to the public. During  
14 the teleconference, at least a quorum of the members of the  
15 legislative body shall participate from locations within the  
16 boundaries of the territory over which the local agency exercises  
17 jurisdiction, except as provided in ~~subdivision (d)~~. *subdivisions*  
18 *(d) and (e)*.

19 (c) (1) No legislative body shall take action by secret ballot,  
20 whether preliminary or final.

21 (2) The legislative body of a local agency shall publicly report  
22 any action taken and the vote or abstention on that action of each  
23 member present for the action.

24 (3) Prior to taking final action, the legislative body shall orally  
25 report a summary of a recommendation for a final action on the  
26 salaries, salary schedules, or compensation paid in the form of  
27 fringe benefits of a local agency executive, as defined in  
28 subdivision (d) of Section 3511.1, during the open meeting in  
29 which the final action is to be taken. This paragraph shall not affect  
30 the public's right under the California Public Records Act (Division  
31 10 (commencing with Section 7920.000) of Title 1) to inspect or  
32 copy records created or received in the process of developing the  
33 recommendation.

34 (d) (1) Notwithstanding the provisions relating to a quorum in  
35 paragraph (3) of subdivision (b), if a health authority conducts a  
36 teleconference meeting, members who are outside the jurisdiction  
37 of the authority may be counted toward the establishment of a  
38 quorum when participating in the teleconference if at least 50  
39 percent of the number of members that would establish a quorum  
40 are present within the boundaries of the territory over which the

1 authority exercises jurisdiction, and the health authority provides  
2 a teleconference number, and associated access codes, if any, that  
3 allows any person to call in to participate in the meeting and the  
4 number and access codes are identified in the notice and agenda  
5 of the meeting.

6 (2) Nothing in this subdivision shall be construed as  
7 discouraging health authority members from regularly meeting at  
8 a common physical site within the jurisdiction of the authority or  
9 from using teleconference locations within or near the jurisdiction  
10 of the authority. A teleconference meeting for which a quorum is  
11 established pursuant to this subdivision shall be subject to all other  
12 requirements of this section.

13 (3) For purposes of this subdivision, a health authority means  
14 any entity created pursuant to Sections 14018.7, 14087.31,  
15 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
16 and Institutions Code, any joint powers authority created pursuant  
17 to Article 1 (commencing with Section 6500) of Chapter 5 of  
18 Division 7 for the purpose of contracting pursuant to Section  
19 14087.3 of the Welfare and Institutions Code, and any advisory  
20 committee to a county-sponsored health plan licensed pursuant to  
21 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
22 Health and Safety Code if the advisory committee has 12 or more  
23 members.

24 (e) (1) The legislative body of a local agency may use  
25 teleconferencing without complying with *the requirements of*  
26 *paragraph (3) of subdivision (b) if, during the teleconference*  
27 *meeting, at least a quorum of the members of the legislative body*  
28 *participates in person from a singular physical location clearly*  
29 *identified on the agenda, which location shall be open to the public*  
30 *and situated within the boundaries of the territory over which the*  
31 *local agency exercises jurisdiction and the legislative body*  
32 *complies with all of the following:*

33 (A) ~~The legislative body shall provide at least one of the~~  
34 ~~following as a means by which the public may remotely hear and~~  
35 ~~visually observe the meeting, and remotely address the legislative~~  
36 ~~body:~~

37 (i) ~~A two-way audiovisual platform.~~

38 (ii) ~~A two-way telephonic service and a live webcasting of the~~  
39 ~~meeting.~~

1 if the legislative body complies with the requirements of  
 2 paragraph (2) of this subdivision in any of the following  
 3 circumstances:

4 (A) The legislative body holds a meeting during a proclaimed  
 5 state of emergency, and state or local officials have imposed or  
 6 recommended measures to promote social distancing.

7 (B) The legislative body holds a meeting during a proclaimed  
 8 state of emergency for the purpose of determining, by majority  
 9 vote, whether as a result of the emergency, meeting in person  
 10 would present imminent risks to the health or safety of attendees.

11 (C) The legislative body holds a meeting during a proclaimed  
 12 state of emergency and has determined, by majority vote, pursuant  
 13 to subparagraph (B), that, as a result of the emergency, meeting  
 14 in person would present imminent risks to the health or safety of  
 15 attendees.

16 (2) A legislative body that holds a meeting pursuant to this  
 17 subdivision shall do all of the following:

18 ~~(B)~~

19 (A) In each instance in which notice of the time of the  
 20 teleconferenced meeting is otherwise given or the agenda for the  
 21 meeting is otherwise posted, the legislative body shall also give  
 22 notice of the means by which members of the public may access  
 23 the meeting and offer public comment. *The agenda shall identify*  
 24 *and include an opportunity for all persons to attend via a call-in*  
 25 *option or an internet-based service option.*

26 ~~(C) The agenda shall identify and include an opportunity for all~~  
 27 ~~persons to attend and address the legislative body directly pursuant~~  
 28 ~~to Section 54954.3 via a call-in option, via an internet-based service~~  
 29 ~~option, and at the in-person location of the meeting.~~

30 ~~(D)~~

31 (B) In the event of a disruption that prevents the legislative body  
 32 from broadcasting the meeting to members of the public using the  
 33 call-in option or internet-based service option, or in the event of  
 34 a disruption within the local agency’s control that prevents  
 35 members of the public from offering public comments using the  
 36 call-in option or internet-based service option, the legislative body  
 37 shall take no further action on items appearing on the meeting  
 38 agenda until public access to the meeting via the call-in option or  
 39 internet-based service option is restored. Actions taken on agenda  
 40 items during a disruption that prevents the legislative body from

1 broadcasting the meeting may be challenged pursuant to Section  
2 54960.1.

3 ~~(E)~~

4 (C) The legislative body shall not require public comments to  
5 be submitted in advance of the meeting and must provide an  
6 opportunity for the public to address the legislative body and offer  
7 comment in real time.

8 ~~(F)~~

9 (D) Notwithstanding Section 54953.3, an individual desiring to  
10 provide public comment through the use of an internet website, or  
11 other online platform, not under the control of the local legislative  
12 body, that requires registration to log in to a teleconference may  
13 be required to register as required by the third-party internet  
14 website or online platform to participate.

15 ~~(2) A member of the legislative body shall only participate in~~  
16 ~~the meeting remotely pursuant to this subdivision, if all of the~~  
17 ~~following requirements are met:~~

18 ~~(A) One of the following circumstances applies:~~

19 ~~(i) The member notifies the legislative body at the earliest~~  
20 ~~opportunity possible, including at the start of a regular meeting,~~  
21 ~~of their need to participate remotely for just cause, including a~~  
22 ~~general description of the circumstances relating to their need to~~  
23 ~~appear remotely at the given meeting. The provisions of this clause~~  
24 ~~shall not be used by any member of the legislative body for more~~  
25 ~~than two meetings per calendar year.~~

26 ~~(ii) The member requests the legislative body to allow them to~~  
27 ~~participate in the meeting remotely due to emergency circumstances~~  
28 ~~and the legislative body takes action to approve the request. The~~  
29 ~~legislative body shall request a general description of the~~  
30 ~~circumstances relating to their need to appear remotely at the given~~  
31 ~~meeting. A general description of an item generally need not exceed~~  
32 ~~20 words and shall not require the member to disclose any medical~~  
33 ~~diagnosis or disability, or any personal medical information that~~  
34 ~~is already exempt under existing law, such as the Confidentiality~~  
35 ~~of Medical Information Act (Chapter 1 (commencing with Section~~  
36 ~~56) of Part 2.6 of Division 1 of the Civil Code). For the purposes~~  
37 ~~of this clause, the following requirements apply:~~

38 ~~(I) A member shall make a request to participate remotely at a~~  
39 ~~meeting pursuant to this clause as soon as possible. The member~~

1 shall make a separate request for each meeting in which they seek  
2 to participate remotely.

3 ~~(H) The legislative body may take action on a request to~~  
4 ~~participate remotely at the earliest opportunity. If the request does~~  
5 ~~not allow sufficient time to place proposed action on such a request~~  
6 ~~on the posted agenda for the meeting for which the request is made,~~  
7 ~~the legislative body may take action at the beginning of the meeting~~  
8 ~~in accordance with paragraph (4) of subdivision (b) of Section~~  
9 ~~54954.2.~~

10 ~~(B) The member shall publicly disclose at the meeting before~~  
11 ~~any action is taken whether any other individuals 18 years of age~~  
12 ~~or older are present in the room at the remote location with the~~  
13 ~~member, and the general nature of the member's relationship with~~  
14 ~~any such individuals.~~

15 ~~(C) The member shall participate through both audio and visual~~  
16 ~~technology.~~

17 ~~(3) The provisions of this subdivision shall not serve as a means~~  
18 ~~for any member of a legislative body to participate in meetings of~~  
19 ~~the legislative body solely by teleconference from a remote location~~  
20 ~~for a period of more than three consecutive months or 20 percent~~  
21 ~~of the regular meetings for the local agency within a calendar year,~~  
22 ~~or more than two meetings if the legislative body regularly meets~~  
23 ~~fewer than 10 times per calendar year.~~

24 *(E) (i) A legislative body that provides a timed public comment*  
25 *period for each agenda item shall not close the public comment*  
26 *period for the agenda item, or the opportunity to register, pursuant*  
27 *to subparagraph (D), to provide public comment until that timed*  
28 *public comment period has elapsed.*

29 *(ii) A legislative body that does not provide a timed public*  
30 *comment period, but takes public comment separately on each*  
31 *agenda item, shall allow a reasonable amount of time per agenda*  
32 *item to allow public members the opportunity to provide public*  
33 *comment, including time for members of the public to register*  
34 *pursuant to subparagraph (D), or otherwise be recognized for the*  
35 *purpose of providing public comment.*

36 *(iii) A legislative body that provides a timed general public*  
37 *comment period that does not correspond to a specific agenda*  
38 *item shall not close the public comment period or the opportunity*  
39 *to register, pursuant to subparagraph (D), until the timed general*  
40 *public comment period has elapsed.*

1 (3) *If a state of emergency remains active, or state or local*  
2 *officials have imposed or recommended measures to promote*  
3 *social distancing, in order to continue to teleconference without*  
4 *compliance with paragraph (3) of subdivision (b), the legislative*  
5 *body shall, not later than 45 days after teleconferencing for the*  
6 *first time pursuant to subparagraph (A), (B), or (C) of paragraph*  
7 *(1), and every 45 days thereafter, make the following findings by*  
8 *majority vote:*

9 (A) *The legislative body has reconsidered the circumstances of*  
10 *the state of emergency.*

11 (B) *Any of the following circumstances exist:*

12 (i) *The state of emergency continues to directly impact the ability*  
13 *of the members to meet safely in person.*

14 (ii) *State or local officials continue to impose or recommend*  
15 *measures to promote social distancing.*

16 (4) *This subdivision shall not be construed to require the*  
17 *legislative body to provide a physical location from which the*  
18 *public may attend or comment.*

19 (f) *The legislative body shall have and implement a procedure*  
20 *for receiving and swiftly resolving requests for reasonable*  
21 *accommodation for individuals with disabilities, consistent with*  
22 *the federal Americans with Disabilities Act of 1990 (42 U.S.C.*  
23 *Sec. 12132), and resolving any doubt in favor of accessibility. In*  
24 *each instance in which notice of the time of the meeting is*  
25 *otherwise given or the agenda for the meeting is otherwise posted,*  
26 *the legislative body shall also give notice of the procedure for*  
27 *receiving and resolving requests for accommodation.*

28 (g) *The legislative body shall conduct meetings subject to this*  
29 *chapter consistent with applicable civil rights and*  
30 *nondiscrimination laws.*

31 (h) (1) *Nothing in this section shall prohibit a legislative body*  
32 *from providing the public with additional teleconference locations.*

33 (2) *Nothing in this section shall prohibit a legislative body from*  
34 *providing ~~members~~ of the public with additional physical locations*  
35 *in which the public may observe and address the legislative body*  
36 *by electronic means.*

37 (i) *For the purposes of this section, the following definitions*  
38 *shall apply:*

- 1 (1) ~~“Emergency circumstances” means a physical or family~~  
2 ~~medical emergency that prevents a member from attending in~~  
3 ~~person.~~
- 4 (2) ~~“Just cause” means any of the following:~~
- 5 (A) ~~A childcare or caregiving need of a child, parent,~~  
6 ~~grandparent, grandchild, sibling, spouse, or domestic partner that~~  
7 ~~requires them to participate remotely. “Child,” “parent,”~~  
8 ~~“grandparent,” “grandchild,” and “sibling” have the same meaning~~  
9 ~~as those terms do in Section 12945.2.~~
- 10 (B) ~~A contagious illness that prevents a member from attending~~  
11 ~~in person.~~
- 12 (C) ~~A need related to a physical or mental disability as defined~~  
13 ~~in Sections 12926 and 12926.1 not otherwise accommodated by~~  
14 ~~subdivision (f).~~
- 15 (D) ~~Travel while on official business of the legislative body or~~  
16 ~~another state or local agency.~~
- 17 (3) ~~“Remote location” means a location from which a member~~  
18 ~~of a legislative body participates in a meeting pursuant to~~  
19 ~~subdivision (e), other than any physical meeting location designated~~  
20 ~~in the notice of the meeting. Remote locations need not be~~  
21 ~~accessible to the public.~~
- 22 (4) ~~“Remote participation” means participation in a meeting by~~  
23 ~~teleconference at a location other than any physical meeting~~  
24 ~~location designated in the notice of the meeting. Watching or~~  
25 ~~listening to a meeting via webcasting or another similar electronic~~  
26 ~~medium that does not permit members to interactively hear,~~  
27 ~~discuss, or deliberate on matters, does not constitute remote~~  
28 ~~participation.~~
- 29 (1) *“State of emergency” means a state of emergency*  
30 *proclaimed pursuant to Section 8625 of the California Emergency*  
31 *Services Act (Article 1 (commencing with Section 8550) of Chapter*  
32 *7 of Division 1 of Title 2).*
- 33 (5)
- 34 (2) ~~“Teleconference” means a meeting of a legislative body,~~  
35 ~~the members of which are in different locations, connected by~~  
36 ~~electronic means, through either audio or video, or both.~~
- 37 (6) ~~“Two-way audiovisual platform” means an online platform~~  
38 ~~that provides participants with the ability to participate in a meeting~~  
39 ~~via both an interactive video conference and a two-way telephonic~~  
40 ~~function.~~

1 ~~(7) “Two-way telephonic service” means a telephone service~~  
2 ~~that does not require internet access, is not provided as part of a~~  
3 ~~two-way audiovisual platform, and allows participants to dial a~~  
4 ~~telephone number to listen and verbally participate.~~

5 ~~(8) “Webeasting” means a streaming video broadcast online or~~  
6 ~~on television, using streaming media technology to distribute a~~  
7 ~~single content source to many simultaneous listeners and viewers.~~

8 ~~(j) This section shall become operative January 1, 2024, shall~~  
9 ~~remain in effect only until January 1, 2026, and as of that date is~~  
10 ~~repealed.~~

11 ~~(j) This section shall become operative January 1, 2026.~~

12 SEC. 3. Section 54953 of the Government Code, as added by  
13 Section 3 of Chapter 285 of the Statutes of 2022, is repealed.

14 54953. ~~(a) All meetings of the legislative body of a local~~  
15 ~~agency shall be open and public, and all persons shall be permitted~~  
16 ~~to attend any meeting of the legislative body of a local agency,~~  
17 ~~except as otherwise provided in this chapter.~~

18 ~~(b) (1) Notwithstanding any other provision of law, the~~  
19 ~~legislative body of a local agency may use teleconferencing for~~  
20 ~~the benefit of the public and the legislative body of a local agency~~  
21 ~~in connection with any meeting or proceeding authorized by law.~~  
22 ~~The teleconferenced meeting or proceeding shall comply with all~~  
23 ~~requirements of this chapter and all otherwise applicable provisions~~  
24 ~~of law relating to a specific type of meeting or proceeding.~~

25 ~~(2) Teleconferencing, as authorized by this section, may be used~~  
26 ~~for all purposes in connection with any meeting within the subject~~  
27 ~~matter jurisdiction of the legislative body. All votes taken during~~  
28 ~~a teleconferenced meeting shall be by rollcall.~~

29 ~~(3) If the legislative body of a local agency elects to use~~  
30 ~~teleconferencing, it shall post agendas at all teleconference~~  
31 ~~locations and conduct teleconference meetings in a manner that~~  
32 ~~protects the statutory and constitutional rights of the parties or the~~  
33 ~~public appearing before the legislative body of a local agency.~~  
34 ~~Each teleconference location shall be identified in the notice and~~  
35 ~~agenda of the meeting or proceeding, and each teleconference~~  
36 ~~location shall be accessible to the public. During the teleconference,~~  
37 ~~at least a quorum of the members of the legislative body shall~~  
38 ~~participate from locations within the boundaries of the territory~~  
39 ~~over which the local agency exercises jurisdiction, except as~~  
40 ~~provided in subdivision (d). The agenda shall provide an~~



1 opportunity for members of the public to address the legislative  
2 body directly pursuant to Section 54954.3 at each teleconference  
3 location.

4 (4) For the purposes of this section, “teleconference” means a  
5 meeting of a legislative body, the members of which are in different  
6 locations, connected by electronic means, through either audio or  
7 video, or both. Nothing in this section shall prohibit a local agency  
8 from providing the public with additional teleconference locations.

9 (e) (1) No legislative body shall take action by secret ballot,  
10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report  
12 any action taken and the vote or abstention on that action of each  
13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally  
15 report a summary of a recommendation for a final action on the  
16 salaries, salary schedules, or compensation paid in the form of  
17 fringe benefits of a local agency executive, as defined in  
18 subdivision (d) of Section 3511.1, during the open meeting in  
19 which the final action is to be taken. This paragraph shall not affect  
20 the public’s right under the California Public Records Act (Chapter  
21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to  
22 inspect or copy records created or received in the process of  
23 developing the recommendation.

24 (d) (1) Notwithstanding the provisions relating to a quorum in  
25 paragraph (3) of subdivision (b), if a health authority conducts a  
26 teleconference meeting, members who are outside the jurisdiction  
27 of the authority may be counted toward the establishment of a  
28 quorum when participating in the teleconference if at least 50  
29 percent of the number of members that would establish a quorum  
30 are present within the boundaries of the territory over which the  
31 authority exercises jurisdiction, and the health authority provides  
32 a teleconference number, and associated access codes, if any, that  
33 allows any person to call in to participate in the meeting and the  
34 number and access codes are identified in the notice and agenda  
35 of the meeting.

36 (2) Nothing in this subdivision shall be construed as  
37 discouraging health authority members from regularly meeting at  
38 a common physical site within the jurisdiction of the authority or  
39 from using teleconference locations within or near the jurisdiction  
40 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other  
2 requirements of this section.

3 ~~(3) For purposes of this subdivision, a health authority means~~  
4 ~~any entity created pursuant to Sections 14018.7, 14087.31,~~  
5 ~~14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare~~  
6 ~~and Institutions Code, any joint powers authority created pursuant~~  
7 ~~to Article 1 (commencing with Section 6500) of Chapter 5 of~~  
8 ~~Division 7 for the purpose of contracting pursuant to Section~~  
9 ~~14087.3 of the Welfare and Institutions Code, and any advisory~~  
10 ~~committee to a county-sponsored health plan licensed pursuant to~~  
11 ~~Chapter 2.2 (commencing with Section 1340) of Division 2 of the~~  
12 ~~Health and Safety Code if the advisory committee has 12 or more~~  
13 ~~members.~~

14 ~~(e) This section shall become operative January 1, 2026.~~

15 SEC. 4. The Legislature finds and declares that Sections 1 and  
16 2 of this act, which amend Section 54953 of the Government Code,  
17 furthers, within the meaning of paragraph (7) of subdivision (b)  
18 of Section 3 of Article I of the California Constitution, the purposes  
19 of that constitutional section as it relates to the right of public  
20 access to the meetings of local public bodies or the writings of  
21 local public officials and local agencies. Pursuant to paragraph (7)  
22 of subdivision (b) of Section 3 of Article I of the California  
23 Constitution, the Legislature makes the following findings:

24 This act is necessary to ensure minimum standards for public  
25 participation and notice requirements allowing for greater public  
26 participation in teleconference meetings.

**ASSEMBLY BILL**

**No. 1337**

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**Introduced by Assembly Member Wicks**

February 16, 2023

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An act to add Chapter 2.5 (commencing Section 1065) to Part 1 of Division 2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1337, as introduced, Wicks. State Water Resources Control Board: water shortage enforcement.

Existing law establishes the State Water Resources Control Board in the California Environmental Protection Agency and vests the board with various powers and duties, including, among other things, to ascertain whether or not water heretofore filed upon or attempted to be appropriated is appropriated under the laws of this state. Existing law authorizes the board to adopt emergency regulations if, among other things, the regulations are adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would authorize the board to adopt regulations for various water conservation purposes, including, but not limited to, to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and to implement these regulations through orders curtailing the diversion or use of water under any claim of right. The bill would require the board to provide notice and an opportunity to be heard before issuing an order, except where an opportunity to be heard before the issuance of an order would be impractical given the likelihood of harm to the purposes of the various water conservation regulations. The bill would provide that a person or entity may be civilly liable for a violation of any regulation or order issued by the board pursuant to these provisions in an amount not to exceed \$1,000 for each day in which the violation has occurred and \$2,500 for each acre-foot of water diverted or used in violation of the applicable requirement. The bill would authorize the imposition of this civil liability by the superior court, as specified, or administratively by the board. The bill would provide that a regulation or order issued by the board pursuant to these provisions, or by emergency regulation, is exempt from CEQA.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2.5 (commencing with Section 1065) is  
 2 added to Part 1 of Division 2 of the Water Code, to read:  
 3  
 4 CHAPTER 2.5. WATER SHORTAGE ENFORCEMENT  
 5  
 6 1065. The board may adopt regulations for any of the following  
 7 purposes:  
 8 (a) To prevent the waste, unreasonable use, unreasonable method  
 9 of use, or unreasonable method of diversion of water.  
 10 (b) To promote water recycling or water conservation.  
 11 (c) To protect public trust resources.  
 12 (d) To require curtailment of diversions when water is not  
 13 available under the diverter’s priority of right.  
 14 (e) In furtherance of any of the purposes of this section, to  
 15 require reporting of diversion or use or the preparation of  
 16 monitoring reports.

1 1066. (a) The board may implement regulations through orders  
2 curtailing the diversion or use of water under any claim of right.

3 (b) (1) The board shall provide notice and an opportunity to be  
4 heard, except where an opportunity to be heard before the issuance  
5 of an order would be impractical given the likelihood of harm to  
6 the purposes described in Section 1065, or other relevant  
7 circumstances.

8 (2) The opportunity to be heard may be tailored to the  
9 circumstances, may be a collective rather than individual process,  
10 and may be written or oral.

11 (3) If the board does not provide an opportunity to be heard  
12 before the issuance of an order, the board shall promptly provide  
13 the opportunity after the issuance of the order, such as through the  
14 petition for reconsideration process pursuant to Chapter 4  
15 (commencing with Section 1120).

16 1067. (a) A person or entity may be civilly liable for a violation  
17 of any regulation or order issued under this chapter in an amount  
18 not to exceed the sum of the following:

19 (1) One thousand dollars (\$1,000) for each day in which the  
20 violation has occurred.

21 (2) Two thousand five hundred dollars (\$2,500) for each  
22 acre-foot of water diverted or used in violation of the applicable  
23 requirement.

24 (b) Civil liability may be imposed by the superior court. The  
25 Attorney General, upon the request of the board, shall petition the  
26 superior court to impose, assess, and recover those sums.

27 (c) Civil liability may be imposed administratively by the board  
28 pursuant to Section 1055.

29 1068. A regulation or order issued by the board under this  
30 chapter or Section 1058.5 shall be exempt from the requirements  
31 of the California Environmental Quality Act (Division 13  
32 (commencing with Section 21000) of the Public Resources Code).

33 1069. This chapter does not limit any authority held by the  
34 board under this code or any other law.

**Introduced by Senator Allen**

February 9, 2023

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An act to add Article 6 (commencing with Section 1860) to Chapter 12 of Part 2 of Division 2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as introduced, Allen. State Water Resources Control Board: determination of water right.

Existing law establishes the State Water Resources Control Board within the California Environmental Protection Agency. Existing law provides generally for the appropriation of water. Existing law provides that it is the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board orders and decisions, and to prevent the unlawful diversion of water.

This bill would authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 6 (commencing with Section 1860) is  
2 added to Chapter 12 of Part 2 of Division 2 of the Water Code, to  
3 read:

1 Article 6. Determination of Basis of Right

2  
3 1860. The state board may investigate the diversion and use  
4 of water from a stream system to determine whether the diversion  
5 and use are based upon appropriation, riparian right, or other basis  
6 of right.

7 1861. In furtherance of an investigation authorized pursuant  
8 to Section 1860, the state board may issue an information order to  
9 a water right claimant, diverter, or user to provide technical reports  
10 or other information related to a diversion and use of water,  
11 including, but not limited to, all of the following:

12 (a) Information in addition to any information required to be  
13 reported pursuant to Part 5.1 (commencing with Section 5100).

14 (b) Information related to the basis of the water right claimed.

15 (c) Information related to the patent date claimed for the place  
16 of use.

17 (d) Information related to the notice date of the appropriation  
18 and the date of actual delivery of water to beneficial use.

19 (e) Information related to prior diversions and use, including  
20 direct diversions and diversions to storage.

21 (f) Information related to the diversions and use of transferred  
22 water.

23 1862. After notice and opportunity for hearing, the state board  
24 may issue a decision or order determining the diversion and use  
25 basis of right, including the authorized scope of the diversion and  
26 use, or may issue a decision or order determining that the diversion  
27 and use is not authorized under any basis of right.

28 1863. In determining under this article whether a holder of an  
29 appropriative water right has forfeited the right or any portion of  
30 the right pursuant to Sections 1240 and 1241, the state board is  
31 not required to find the existence of a conflicting claim by any  
32 water right holder within the stream system during the period of  
33 forfeiture.

34 1864. In any state board proceeding to determine a diversion  
35 and use basis of right under this article, the water right claimant,  
36 diverter, or user shall have the burden of proving by the  
37 preponderance of evidence the elements of the basis of right.

1 1865. Nothing in this article shall limit the authority of the  
2 state board to issue any decision or order, or to take any other  
3 action authorized by law.

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**Introduced by Senator Cortese**February 17, 2023

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An act to add Sections 18940.7 and 18940.8 to the Health and Safety Code, relating to housing.

## LEGISLATIVE COUNSEL'S DIGEST

SB 745, as introduced, Cortese. The Drought-Resistant Buildings Act.

Existing law, the California Building Standards Law, establishes the California Building Standards Commission within the Department of General Services and sets forth its powers and duties, including approval and adoption of building standards and codification of those standards into the California Building Standards Code. Existing law requires the commission to adopt specific building standards, including standards for graywater, and to publish, or cause to be published, editions of the California Building Standards Code in its entirety once every 3 years. Existing law establishes the Building Standards Administration Special Revolving Fund, and makes the moneys in the fund available, upon appropriation, to state entities to carry out various related provisions, as specified.

This bill would require the commission to develop and propose mandatory building standards to reduce the designed potable water demand of new buildings by 25% from current mandatory design requirements and to minimize the use of potable water for nonpotable uses. The bill would require the commission to adopt mandatory building standards that require new buildings to be designed to capture graywater and use alternative water sources for nonpotable building and landscaping water uses, as specified.

Existing law establishes, within the California Environmental Protection Agency, the State Water Resources Control Board for the purposes of orderly and efficient administration of the state's water resources. Existing law requires the commission, in consultation with the board, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water in multifamily residential, commercial, and mixed-use buildings, as specified. Existing law requires the installation of an onsite treated nonpotable water system to be permitted pursuant to a regulatory program established by a local jurisdiction that, among other requirements, is adopted through a local ordinance that includes the risk-based water quality standards adopted by the board.

This bill would require, no later than December 31, 2024, the commission, in consultation with the board, to develop a guidance document and a model local ordinance to help local jurisdictions adopt regulatory programs for onsite nonpotable water treatment systems, as specified.

The bill would authorize the California Building Standards Commission to expend moneys from the Building Standards Administration Special Revolving Fund for the above-described purposes, upon appropriation by the Legislature, as specified.

The bill would make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known, and maybe cited, as the
- 2 Drought-Resistant Buildings Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) The California Constitution requires that the water resources
- 5 of the state be put to beneficial use to the fullest extent to which
- 6 they are capable and that the waste, unreasonable use, or
- 7 unreasonable method of use of water be prevented.
- 8 (b) Severe drought conditions have increased in frequency over
- 9 the last decade, resulting in California's water supplies falling to
- 10 alarmingly low levels during multiple years.
- 11 (c) California's climate is warming and becoming more variable.
- 12 Rising temperatures are making droughts more intense, and dry
- 13 years are occurring more frequently. Higher temperatures mean

1 less snowpack, which is the state’s largest water reservoir.  
2 Scientists project that the average water supply from snowpack  
3 will decline to two-thirds of historical levels by 2050. Available  
4 water from the Colorado River Basin, which provides drinking  
5 water to southern California, is also projected to decline  
6 precipitously due to prolonged drought. Hotter and drier weather  
7 conditions from climate change are projected to reduce California’s  
8 overall water supply by up to 10 percent by the year 2040.

9 (d) Because buildings stay in use for 30 to 100 years before they  
10 are replaced, California needs to begin drought proofing its building  
11 stock now.

12 (e) The California Building Standards Code should be updated  
13 to reduce the designed potable water demand of new buildings by  
14 25 percent from current mandatory design requirements and to  
15 minimize the use of potable water for nonpotable uses.

16 (f) Existing law requires an onsite treated nonpotable water  
17 system to be installed pursuant to a local jurisdiction’s program  
18 that meets the requirements of Section 13558 of the Water Code.  
19 This law has had the unintended impact of effectively prohibiting  
20 onsite treated nonpotable water systems in all but a few  
21 jurisdictions in the state since the vast majority of jurisdictions do  
22 not have the resources or sufficient demand to justify the cost of  
23 developing their own programs.

24 (g) To overcome this unintended barrier and facilitate the  
25 approval of onsite treated nonpotable graywater systems, the  
26 California State Building Standards Commission, in consultation  
27 with the State Water Resources Control Board, should adopt model  
28 ordinance language and guidance documents that may be easily  
29 adopted and implemented by local agencies in order to allow them  
30 to approve onsite, nonpotable water treatment systems in  
31 compliance with the existing statutory and state agency  
32 requirements for approving those systems.

33 (h) A model ordinance would both reduce costs to local  
34 jurisdictions and, at the same time, create consistency among local  
35 programs that will help improve compliance and safety and  
36 increase installation of these systems by developers and contractors  
37 that operate in multiple jurisdictions.

38 SEC. 3. Section 18940.7 is added to the Health and Safety  
39 Code, to read:

1 18940.7. (a) For purposes of this section, “drought proofed”  
2 means designed to capture graywater and use alternative water  
3 sources for nonpotable building and landscaping water uses,  
4 including toilet and urinal flushing, floor trap priming, cooling  
5 towers, and air-conditioning devices.

6 (b) The California Building Standards Commission shall develop  
7 and propose mandatory building standards to reduce the designed  
8 potable water demand of new buildings by 25 percent from current  
9 mandatory design requirements and to minimize the use of potable  
10 water for nonpotable uses.

11 (c) The commission shall, commencing with the next triennial  
12 edition of the California Building Standards Code (Title 24 of the  
13 California Code of Regulations), research, develop, adopt, approve,  
14 codify, and publish mandatory building standards to require new  
15 buildings to be drought proofed. In complying with these standards,  
16 agencies shall take into consideration potential impacts on  
17 affordable housing and may limit specific standards to  
18 nonresidential, hotel and motel, and market-rate housing, or as  
19 otherwise determined appropriate.

20 (d) In developing and proposing mandatory building standards  
21 under this section, the commission is authorized to expend funds  
22 from the Building Standards Administration Special Revolving  
23 Fund, upon appropriation pursuant to Section 18931.7.

24 SEC. 4. Section 18940.8 is added to the Health and Safety  
25 Code, to read:

26 18940.8. (a) No later than December 31, 2024, the California  
27 Building Standards Commission, in consultation with the State  
28 Water Resources Control Board, shall develop a guidance  
29 document and a model local ordinance to help local jurisdictions  
30 adopt regulatory programs for onsite nonpotable water treatment  
31 systems in compliance with Section 13558 of the Water Code.

32 (b) In developing and proposing mandatory building standards  
33 under this section, the commission is authorized to expend funds  
34 from the Building Standards Administration Special Revolving  
35 Fund, upon appropriation by the Legislature, pursuant to Section  
36 18931.7.

AMENDED IN SENATE MARCH 22, 2023

**SENATE BILL**

**No. 366**

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**Introduced by Senator Caballero**  
*(Coauthor: Assembly Member Blanca Rubio)*

February 8, 2023

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*An act to amend Section 10004.6 of, to repeal Sections 10004.5 and 10013 of, and to repeal and add Sections 10004 and 10005 of, the Water Code, relating to water.*

LEGISLATIVE COUNSEL'S DIGEST

SB 366, as amended, Caballero. The California Water Plan: long-term supply targets.

Existing law 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. Existing law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. *Existing law requires the department to establish an advisory committee to assist the department in updating the plan.*

~~This bill would make legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets.~~

*This bill would require the department to instead establish a stakeholder advisory committee, to expand the membership of the*

*committee to include tribes and environmental justice interests, to prohibit a member of the committee from serving longer than the development of 2 updates, and to require the committee to meet a minimum of 4 times annually. The bill would require the department, in coordination with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state’s water needs and meeting specified water supply targets established by the bill for purposes of “The California Water Plan.” The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses. The bill would require the plan to include specified components, including an economic analysis and a long-term financing plan. The bill would require the department to develop the long-term financing plan, as provided, to meet the water supply targets and include the final financing plan as part of each update. The bill would require the Director of Water Resources to provide an oral and written report to the Legislature, each year by May 1, regarding the progress made toward meeting the water supply targets, as specified. The bill would also require the department to conduct public workshops to give interested parties an opportunity to comment on the plan and to post the preliminary draft of the plan on the department’s internet website. The bill would include findings and declarations relating to water supply and climate change.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *To thrive as a state, California needs a reliable supply of*
- 4     *water for urban, agricultural, and environmental uses that is*
- 5     *resilient to climate change.*
- 6     (b) *California’s existing water usage is highly reliant on*
- 7     *capturing the snow melt on an annual basis. That water is stored*
- 8     *in lakes, reservoirs, and groundwater basins and is then*
- 9     *transported around the state for environmental, residential,*
- 10    *business, and agricultural use when needed.*

1 (c) California has the most intricate and elaborate system of  
2 water conveyance in the world.

3 (d) Dependent on the extent of drought or flood conditions, the  
4 Department of Water Resources has calculated that the volume of  
5 water used by people in California for agricultural, urban, and  
6 environmental purposes ranges from 60,000,000 acre-feet per  
7 year to 90,000,000 acre-feet per year.

8 (e) Per capita water use has declined over time, thanks to a  
9 conservation ethic encouraged by water agencies and other  
10 stakeholders, water-saving indoor plumbing fixtures and  
11 appliances, better leak detection, and efforts to reduce outdoor  
12 water use.

13 (f) Water use also has significantly declined in the agricultural  
14 sector thanks to proactive steps taken by irrigation districts and  
15 farmers, such as installing drip irrigation systems.

16 (g) California is experiencing significant impacts of a changing  
17 climate on our water supply systems.

18 (h) According to the Department of Water Resources, hotter  
19 and drier weather is estimated to diminish our existing water  
20 supply even further and likely by 10 percent.

21 (i) A 10-percent loss could mean the disappearance of about  
22 6,000,000 acre-feet to 9,000,000 acre-feet of water supply.

23 (j) Many rivers, lakes, and estuaries are being impacted by  
24 declining water quality, including increases in harmful algal  
25 blooms.

26 (k) The California central valley has a groundwater overdraft  
27 of 2,000,000 to 3,000,000 acre-feet of water.

28 (l) Following more than two decades of “megadrought” in the  
29 Colorado Basin, reservoir levels are so low that supply cuts are  
30 likely.

31 (m) California’s precipitation is changing from seasonal snow  
32 in the Sierra to periods of substantial rainfall, including from  
33 atmospheric rivers.

34 (n) The shift to drier dry years and wetter wet years makes it  
35 imperative that the state of California develop comprehensive wet  
36 year strategies that take full advantage of times of abundance,  
37 while also ensuring public safety from floods.

38 (o) It is imperative that California capture more water from  
39 atmospheric rivers and other storms that occur during dry years  
40 to help fill groundwater basins and surface storage.

1 (p) California is the nation's agricultural powerhouse,  
2 accounting for 12 percent of agricultural production in 2021,  
3 including more than 70 percent of the nation's fruits and nuts.

4 (q) The agricultural sector produces annual revenues of more  
5 than \$50 billion, employs more than 420,000 people, and supports  
6 large food and beverage processing industries.

7 (r) According to the Department of Water Resources, there is  
8 the potential for more than 13,000,000 acre-feet of groundwater  
9 recharge annually with more than 2,500,000 acre-feet being  
10 possible using existing infrastructure.

11 (s) The Department of Water Resources describes a statewide  
12 capacity in groundwater basins in the range of 1,000,000,000  
13 acre-feet or approximately 20 times the total surface water storage  
14 capacity statewide.

15 (t) California is the home to cutting-edge job-creating industries,  
16 such as those in Silicon Valley and southern California's biotech  
17 industry.

18 (u) Local and regional water suppliers are at the forefront of  
19 implementing projects to build resiliency, but need additional  
20 support from the state and federal governments through funding  
21 and regulatory frameworks that are adapted for the new climate  
22 reality.

23 (v) It is essential for our economy, environment, and well-being  
24 that California increases the resilience of the state's water supplies.

25 (w) Governor Gavin Newsom released "California's Water  
26 Supply Strategy: Adapting to a Hotter, Drier Future" in August  
27 2022 that began to outline strategies for increasing California's  
28 water supply and streamlining approvals, but California must  
29 make a historic change in the state's comprehensive water plan  
30 and how water is provided for environmental, residential, business,  
31 and agricultural uses.

32 *SEC. 2. Section 10004 of the Water Code is repealed.*

33 ~~10004. (a) The plan for the orderly and coordinated control,  
34 protection, conservation, development, and utilization of the water  
35 resources of the state which is set forth and described in Bulletin  
36 No. 1 of the State Water Resources Board entitled "Water  
37 Resources of California," Bulletin No. 2 of the State Water  
38 Resources Board entitled, "Water Utilization and Requirements  
39 of California," and Bulletin No. 3 of the department entitled, "The  
40 California Water Plan," with any necessary amendments,~~



1 supplements, and additions to the plan, shall be known as “The  
2 California Water Plan.”

3 ~~(b) (1) The department shall update The California Water Plan  
4 on or before December 31, 2003, and every five years thereafter.  
5 The department shall report the amendments, supplements, and  
6 additions included in the updates of The California Water Plan,  
7 together with a summary of the department’s conclusions and  
8 recommendations, to the Legislature in the session in which the  
9 updated plan is issued.~~

10 ~~(2) The department shall establish an advisory committee,  
11 comprised of representatives of agricultural and urban water  
12 suppliers, local government, business, production agriculture, and  
13 environmental interests, and other interested parties, to assist the  
14 department in the updating of The California Water Plan. The  
15 department shall consult with the advisory committee in carrying  
16 out this section. The department shall provide written notice of  
17 meetings of the advisory committee to any interested person or  
18 entity that request the notice. The meetings shall be open to the  
19 public.~~

20 ~~(3) The department shall release a preliminary draft of The  
21 California Water Plan, as updated, upon request, to interested  
22 persons and entities throughout the state for their review and  
23 comments. The department shall provide these persons and entities  
24 an opportunity to present written or oral comments on the  
25 preliminary draft. The department shall consider these comments  
26 in the preparation of the final publication of The California Water  
27 Plan, as updated.~~

28 *SEC. 3. Section 10004 is added to the Water Code, to read:*

29 *10004. (a) The department, in coordination with the California  
30 Water Commission, the board, other state and federal agencies  
31 as appropriate, and the stakeholder advisory committee outlined  
32 in subparagraph (A) of paragraph (3) of subdivision (f) shall  
33 develop a comprehensive plan for addressing the state’s water  
34 needs and meeting the water supply targets in subdivision (c),  
35 which shall be known as “The California Water Plan.” The plan  
36 shall provide recommendations and strategies to ensure enough  
37 water supply for all beneficial uses.*

38 *(b) It is hereby declared that the people of the state have a  
39 primary interest in the orderly and coordinated control, protection,  
40 conservation, development, and utilization of the water resources*

1 of the state by all individuals and entities and that it is the policy  
2 of the state that The California Water Plan, with any necessary  
3 amendments, supplements, and additions to the plan, is accepted  
4 as the master plan that guides the orderly and coordinated control,  
5 protection, conservation, development, management, and efficient  
6 utilization of the water resources of the state.

7 (c) The department shall include in the plan a water supply  
8 planning target of 15,000,000 acre-feet of water by 2050 with an  
9 interim target of 10,000,000 acre-feet of water by 2040 to ensure  
10 water supply reliability for California's future economic and  
11 environmental sustainability. The target shall include new and  
12 expanded supplies, including from the strategies listed in  
13 subparagraph (A) of paragraph (1) of subdivision (d).

14 (d) In addition to the water supply planning targets in  
15 subdivision (c), each update of the plan shall include the following  
16 components:

17 (1) (A) A discussion of various strategies, including, but not  
18 limited to, those relating to the development of new surface and  
19 groundwater storage facilities, water conservation, water  
20 recycling, desalination, conjunctive use, improved regional and  
21 statewide conveyance, stormwater capture, and water transfers  
22 that may be pursued in order to meet the water supply targets in  
23 subdivision (c). The department shall include in the plan a  
24 discussion of the potential advantages and disadvantages of each  
25 strategy, how to maximize the strategy for long-term sustainability,  
26 how innovation and research can spur the implementation of each  
27 strategy, and an identification of all federal and state permits,  
28 approvals, or entitlements that may be required in order to  
29 implement the various components of the strategy.

30 (B) In consultation with the advisory committee outlined in  
31 subparagraph (A) of paragraph (3) of subdivision (f), the  
32 department shall develop and make recommendations for specific  
33 actions that shall be taken to streamline those permits and  
34 approvals.

35 (C) In carrying out this chapter, a public water system,  
36 irrigation district, or wastewater service provider shall not be  
37 required to implement a specific strategy or project.

38 (2) A study to support the water supply targets and to  
39 recommend programs, policies, and facilities to achieve those

1 targets with assumptions and estimates as outlined in Section  
2 10004.6.

3 (3) An economic analysis of the costs and impacts to the state  
4 if it has inadequate water supplies to meet current demand for all  
5 sectors of the economy and environment in the next 10-, 20-, and  
6 30-year scenarios. The analysis shall include a range of water  
7 supply shortfall projections and water supply shortage scenarios  
8 for urban and agricultural water suppliers using water suppliers'  
9 existing planning documents, such as water shortage contingency  
10 plans, urban water management plans, and agricultural water  
11 management plans. The analysis also shall include the impacts of  
12 possible rationing for various agricultural, industrial, commercial,  
13 and residential customer classes.

14 (4) A report on the development of regional and local water  
15 projects within each hydrologic region of the state to improve  
16 water supplies to meet municipal, agricultural, and environmental  
17 water needs and meet the water supply targets.

18 (5) A long-term financing plan as outlined in Section 10005.

19 (e) The declaration set forth in subdivision (b) does not  
20 constitute approval for the construction of specific projects or  
21 routes for transfer of water, or for financial assistance, by the state  
22 without further legislative action, nor shall the declaration be  
23 construed as a prohibition of the development of the water  
24 resources of the state by any entity.

25 (f) (1) The department shall update The California Water Plan  
26 on or before December 31, 2028, and every five years thereafter.  
27 The department shall report the amendments, supplements, and  
28 additions included in the updates of The California Water Plan,  
29 together with a summary of the department's conclusions and  
30 recommendations, to the Legislature, in compliance with Section  
31 9795 of the Government Code, in the session in which the updated  
32 plan is issued.

33 (2) The director shall provide an oral and written report to the  
34 Legislature, in accordance with Section 9795 of the Government  
35 Code, each year by May 1, regarding the progress made toward  
36 meeting the water supply targets in an informational hearing of  
37 the relevant committees. The report shall include the list of  
38 recommended actions that require legislative intervention and  
39 those that can be implemented by the department or other state

1 agencies. The written report shall be posted on the department's  
2 internet website.

3 (3) (A) The department, in consultation with the California  
4 Water Commission, shall establish a stakeholder advisory  
5 committee, comprised of representatives of agricultural and urban  
6 water suppliers, local government, business, production  
7 agriculture, tribes, environmental justice and environmental  
8 interests, and other interested parties, to provide substantive  
9 input to assist the department in updating The California Water  
10 Plan, including the financing plan outlined in Section 10005. The  
11 department shall consult with and consider recommendations from  
12 the advisory committee in carrying out this section. The department  
13 shall accept applications for the stakeholder advisory committee  
14 before each update and ensure a balanced representation of  
15 members. A member of the advisory committee shall not serve for  
16 longer than the development of two updates. The advisory  
17 committee shall meet a minimum of four times annually. The  
18 department shall provide written notice of meetings of the advisory  
19 committee to any interested person or entity that requests the  
20 notice. The meetings shall be open to the public.

21 (B) The department also shall seek out and consider all relevant  
22 information from retail and wholesale water agencies, agriculture,  
23 business, tribes, environmental and environmental justice  
24 communities, and any other communities potentially impacted by  
25 the plan and from researchers and experts on climate science,  
26 climate science solutions, water storage, water conveyance, and  
27 environmental protection.

28 (4) In preparing any update of The California Water Plan, the  
29 department shall conduct a series of public workshops to give  
30 interested parties an opportunity to comment on the plan. The  
31 department shall conduct a portion of these workshops in regions  
32 of the state that have been impacted the most by drought and other  
33 weather extremes, including, but not limited to, communities with  
34 minority populations, communities with low-income populations,  
35 or both.

36 (5) The department shall release a preliminary draft of The  
37 California Water Plan, as updated, upon request, to interested  
38 persons and entities throughout the state for their review and  
39 comments. The department shall provide these persons and entities  
40 an opportunity to present written or oral comments on the

1 preliminary draft. The department also shall post the preliminary  
2 draft on the department's internet website. The department shall  
3 consider these comments in the preparation of the final publication  
4 of The California Water Plan, as updated.

5 SEC. 4. Section 10004.5 of the Water Code is repealed.

6 ~~10004.5. As part of the requirement of the department to update  
7 The California Water Plan pursuant to subdivision (b) of Section  
8 10004, the department shall include in the plan a discussion of  
9 various strategies, including, but not limited to, those relating to  
10 the development of new water storage facilities, water conservation,  
11 water recycling, desalination, conjunctive use, and water transfers  
12 that may be pursued in order to meet the future water needs of the  
13 state. The department shall also include a discussion of the potential  
14 for alternative water pricing policies to change current and  
15 projected uses. The department shall include in the plan a  
16 discussion of the potential advantages and disadvantages of each  
17 strategy and an identification of all federal and state permits,  
18 approvals, or entitlements that are anticipated to be required in  
19 order to implement the various components of the strategy.~~

20 SEC. 5. Section 10004.6 of the Water Code is amended to read:

21 ~~10004.6. (a) As part of updating The California Water Plan  
22 every five years pursuant to subdivision (b) of Section 10004, the  
23 department shall conduct a study to determine the amount of water  
24 needed to meet the state's future needs and to recommend  
25 programs, policies, and facilities to meet those needs.~~

26 ~~(b) The department shall consult with the advisory committee  
27 established pursuant to subdivision (b) of Section 10004 in carrying  
28 out this section.~~

29 (e)

30 ~~10004.6. (a) On or before January 1, 2002, and one year prior  
31 to before issuing each successive update to The California Water  
32 Plan, the department shall release a preliminary draft of the  
33 assumptions and other estimates upon which the study will be  
34 based, to interested persons and entities throughout the state for  
35 their review and comments. The department shall provide these  
36 persons and entities an opportunity to present written or oral  
37 comments on the preliminary draft. The department shall consider  
38 these documents when adopting the final assumptions and estimates  
39 for the study. For the purpose of carrying out this subdivision, the~~

- 1 department shall release, at a minimum, assumptions and other  
2 estimates relating to all of the following:
- 3 (1) Basin hydrology, including annual rainfall, estimated  
4 unimpaired streamflow, depletions, and consumptive uses.
- 5 (2) Groundwater supplies, including estimates of sustainable  
6 yield, supplies necessary to recover overdraft basins, and supplies  
7 lost due to pollution and other groundwater contaminants.
- 8 (3) Current and projected land use patterns, including the mix  
9 of residential, commercial, industrial, agricultural, and undeveloped  
10 lands.
- 11 (4) Environmental water needs, including regulatory instream  
12 flow requirements, nonregulated instream uses, and water needs  
13 by wetlands, preserves, refuges, and other managed and unmanaged  
14 natural resource lands.
- 15 (5) Current and projected population.
- 16 (6) Current and projected water use for all of the following:
- 17 (A) Interior uses in a single-family dwelling.
- 18 (B) Exterior uses in a single-family dwelling.
- 19 (C) All uses in a multifamily dwelling.
- 20 (D) Commercial uses.
- 21 (E) Industrial uses.
- 22 (F) Parks and open spaces.
- 23 (G) Agricultural water diversion and use.
- 24 (7) Evapotranspiration rates for major crop types, including  
25 estimates of evaporative losses by irrigation practice and the extent  
26 to which evaporation reduces transpiration.
- 27 (8) Current and projected adoption of urban and agricultural  
28 conservation practices.
- 29 (9) Current and projected supplies of water provided by water  
30 recycling and reuse.
- 31 ~~(d) The department shall include a discussion of the potential~~  
32 ~~for alternative water pricing policies to change current and~~  
33 ~~projected water uses identified pursuant to paragraph (6) of~~  
34 ~~subdivision (e).~~
- 35 (10) *Climate change impacts by region.*
- 36 ~~(e) Nothing in this section requires or prohibits~~  
37 (b) *This section does not require or prohibit the department*  
38 *from updating any data necessary to update The California Water*  
39 *Plan pursuant to subdivision (b) (f) of Section 10004.*
- 40 *SEC. 6. Section 10005 of the Water Code is repealed.*

1     ~~10005. (a) It is hereby declared that the people of the state~~  
2 ~~have a primary interest in the orderly and coordinated control,~~  
3 ~~protection, conservation, development, and utilization of the water~~  
4 ~~resources of the state by all individuals and entities and that it is~~  
5 ~~the policy of the state that The California Water Plan, with any~~  
6 ~~necessary amendments, supplements, and additions to the plan, is~~  
7 ~~accepted as the master plan which guides the orderly and~~  
8 ~~coordinated control, protection, conservation, development,~~  
9 ~~management and efficient utilization of the water resources of the~~  
10 ~~state.~~

11     ~~(b) The declaration set forth in subdivision (a) does not~~  
12 ~~constitute approval for the construction of specific projects or~~  
13 ~~routes for transfer of water, or for financial assistance, by the state,~~  
14 ~~without further legislative action, nor shall the declaration be~~  
15 ~~construed as a prohibition of the development of the water~~  
16 ~~resources of the state by any entity.~~

17     *SEC. 7. Section 10005 is added to the Water Code, to read:*

18     *10005. (a) The department shall develop a long-term financing*  
19 *plan to meet the water supply targets and include the final*  
20 *financing plan as part of each update.*

21     *(b) The financing plan shall do all of the following:*

22     *(1) Analyze a variety of financing mechanisms, including use*  
23 *of general fund moneys, general obligation bond fund moneys,*  
24 *and other potential sources of financing to meet the water supply*  
25 *targets in The California Water Plan and provide necessary*  
26 *investments to ensure a water resilient state.*

27     *(2) Consider the cost-effectiveness of various water supply*  
28 *options and compare those costs to the economic costs of supply*  
29 *shortages on various customer classes and the California economy.*

30     *(3) Recommend actions to be taken by the department, the board,*  
31 *or other state agencies to streamline access to funding for projects*  
32 *in all areas of the state that will help achieve the water supply*  
33 *targets, including a coordinated application process across state*  
34 *agencies, expedited funding guidelines, and an annual report*  
35 *listing projects funded by state agencies with the resulting acre-feet*  
36 *produced.*

37     *(c) The California Water Commission shall conduct a series of*  
38 *public workshops to give interested parties an opportunity to*  
39 *comment on the financing plan. The commission shall conduct a*  
40 *portion of these workshops in regions of the state that have been*

1 *impacted the most by drought or other weather extremes, including,*  
2 *but not limited to, communities with minority populations,*  
3 *communities with low-income populations, or both.*

4 *(d) The financing plan shall recognize that public water systems,*  
5 *irrigation districts, and wastewater service providers utilize*  
6 *different rate structures and avoid mandates for revising those*  
7 *rates or a specific level of investment from public water systems,*  
8 *irrigation districts, or wastewater service providers.*

9 *SEC. 8. Section 10013 of the Water Code is repealed.*

10 ~~10013. The department, as a part of the preparation of the~~  
11 ~~department's Bulletin 160-03, shall include in the California Water~~  
12 ~~Plan a report on the development of regional and local water~~  
13 ~~projects within each hydrologic region of the state, as described~~  
14 ~~in the department's Bulletin 160-98, to improve water supplies to~~  
15 ~~meet municipal, agricultural, and environmental water needs and~~  
16 ~~minimize the need to import water from other hydrologic regions.~~  
17 ~~The report shall include, but is not limited to, regional and local~~  
18 ~~water projects that use technologies for desalting brackish~~  
19 ~~groundwater and ocean water, reclaiming water for use within the~~  
20 ~~community generating the water to be reclaimed, the construction~~  
21 ~~of improved potable water treatment facilities so that water from~~  
22 ~~sources determined to be unsuitable can be used, and the~~  
23 ~~construction of dual water systems and brine lines, particularly in~~  
24 ~~connection with new developments and when replacing water~~  
25 ~~pipng in developed or redeveloped areas.~~

26 ~~SECTION 1. The Legislature finds and declares all of the~~  
27 ~~following:~~

28 ~~(a) To thrive as a state, California needs a reliable supply of~~  
29 ~~water for urban, agricultural, and environmental uses that is~~  
30 ~~completely resilient to climate change.~~

31 ~~(b) California's existing water level is highly reliant on capturing~~  
32 ~~the snow melt on an annual basis. That captured water is stored in~~  
33 ~~lakes, reservoirs, and groundwater basins, and is then transported~~  
34 ~~around the state for environmental, residential, business, and~~  
35 ~~agricultural use when needed.~~

36 ~~(c) California has the most intricate and elaborate system of~~  
37 ~~water conveyance in the world.~~

38 ~~(d) The volume of water used by people in California for~~  
39 ~~agriculture, urban, and environmental purposes ranges from~~  
40 ~~60,000,000 to 90,000,000 acre-feet per year.~~



1 ~~(e) Per-capita water use has declined over time, thanks to~~  
2 ~~water-saving indoor plumbing fixtures and appliances, better leak~~  
3 ~~detection, development of potable and nonpotable water reuse~~  
4 ~~projects, and efforts to reduce outdoor water use.~~

5 ~~(f) Over the last two years, scientists and water managers have~~  
6 ~~been alarmed by the accelerating impacts of the warming climate~~  
7 ~~on our water supply.~~

8 ~~(g) Hotter and drier weather is estimated to diminish our existing~~  
9 ~~water supply by 10 percent to 20 percent.~~

10 ~~(h) A loss of 10 percent of our existing water supply due to~~  
11 ~~hotter and drier conditions could mean the disappearance of about~~  
12 ~~6,000,000 to 9,000,000 acre-feet of water.~~

13 ~~(i) For comparison's sake, California's largest reservoir, the~~  
14 ~~Shasta Reservoir, holds 4,500,000 acre-feet of water.~~

15 ~~(j) Many rivers, lakes, and estuaries are being impacted by~~  
16 ~~declining water quality, including increases in harmful algae~~  
17 ~~blooms.~~

18 ~~(k) The California central valley has a groundwater overdraft~~  
19 ~~of 2,000,000 to 3,000,000 acre-feet of water.~~

20 ~~(l) Following more than two decades of "megadrought" in the~~  
21 ~~Colorado River Basin, reservoir levels are so low that near-term~~  
22 ~~supply cuts are likely.~~

23 ~~(m) California's precipitation is changing from seasonal snow~~  
24 ~~in the Sierra Nevada Mountains to periods of substantial rainfall,~~  
25 ~~including atmospheric rivers.~~

26 ~~(n) The shift to drier dry years and wetter wet years makes it~~  
27 ~~imperative that the State of California develop comprehensive~~  
28 ~~wet-year strategies that take full advantage of times of abundance,~~  
29 ~~while also ensuring public safety from floods.~~

30 ~~(o) It is imperative that California capture more water from~~  
31 ~~atmospheric rivers and other storms that occur during dry years to~~  
32 ~~help fill groundwater basins and surface storage.~~

33 ~~(p) California is the nation's agricultural powerhouse, accounting~~  
34 ~~for 12 percent of the nation's agricultural production in 2021,~~  
35 ~~including more than 70 percent of the nation's fruits and nuts.~~

36 ~~(q) The agriculture sector produces annual revenues of more~~  
37 ~~than \$50 billion, employs more than 420,000 people, and supports~~  
38 ~~large food and beverage processing industries.~~

39 ~~(r) According to the Department of Water Resources, there is~~  
40 ~~the potential for more than 13,000,000 acre-feet of groundwater~~

1 recharge annually, with more than 2,500,000 acre-feet being  
2 possible using existing infrastructure.

3 (s) The Department of Water Resources describes a statewide  
4 capacity in groundwater basins in the range of 1,000,000,000  
5 acre-feet or approximately 20 times the total surface water storage  
6 capacity statewide.

7 (t) California is home to cutting-edge, job-creating industries  
8 such as those in Silicon Valley and southern California's  
9 biotechnology industry.

10 (u) It is essential for our economy, environment, and well-being  
11 that California increases the resilience of the state's water supplies.

12 (v) California must make a historic change in how water is  
13 provided for environmental, residential, business, and agricultural  
14 uses.

15 SEC. 2. It is the intent of the Legislature to enact future  
16 legislation that modernizes the California Water Plan, including  
17 the establishment of long-term water supply targets.



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 6, 2023

**To:** Communications/Leg. Liaison Cte  
Board of Directors

**From:** Mike Markus

**Staff Contact:** G. Ayala/A. Dunkin

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**Program/Line-Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: FEDERAL LEGISLATIVE UPDATE**

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### SUMMARY

The Orange County Water District (OCWD) federal advocate and staff will provide an update on advocacy efforts to exempt water entities from PFAS liability, support for federal Forecast Informed Reservoir Operations (FIRO) funding, a recent trip to Washington D.C., new federal PFAS regulatory requirements and PFAS funding.

#### Attachment(s):

- ENS Resources March Update

### RECOMMENDATION

Agendize for the April 19 Board meeting: Take action as appropriate.

### DISCUSSION / ANALYSIS

#### Informational

#### Forecast Informed Reservoir Operations (FIRO)

Consistent with OCWD's legislative goals and platform, President Green signed on to a coalition support letter for \$15 million of federal funding that supports FIRO enhancements.

#### Efforts to exempt water entities from PFAS liability:

According to ENS Resources, as a follow-up to OCWD's successful participation in a congressional briefing before the Senate, a second briefing was convened by the solid waste industry. The briefing highlighted the ubiquitous nature of PFAS and the fact that given all the consumer products that contain PFAS, it would be impossible to address the threats if the science suggests human health impacts exist. Additionally, if the designation of PFAS as hazardous under CERCLA is finalized, it would impose substantial costs on the public, violating the polluter pays principle the panelists highlighted. Panelists also noted that designation would effectively make all wastes

hazardous creating a management crisis. While this was a solid waste-oriented briefing, presentations included a clear call that an exemption from CERCLA liability must be provided to water and wastewater agencies. Finally, the panelists called upon Congress and USEPA to support increased assistance into health research and technologies to destroy PFAS.

## **ACTIVITIES**

February 28 Congressman Correa and his staff met with Mike Markus and Alicia Dunkin in Washington D.C. Also, Staff to the Senate Environment and Public Works Committee, Beth Hammon and Joe Brown, met with Mike Markus, Eric Sapirstein and Alicia Dunkin

March 1 Congresswoman Kim's staff, Shine Lee, and Congresswoman Steel's staff, Ken Clifford, met with Mike Markus and Alicia Dunkin

February 28-March 2

President Green, Mike Markus and Alicia Dunkin participated in the ACWA Washington D.C. conference and MWDOC policy dinner

### Federal PFAS Funding:

Alicia Dunkin and Eric Sapirstein submitted applications for \$8 million of PFAS cleanup funding to the entire Orange County delegation (except Congresswoman Porter as she did not provide an earmark funding opportunity). In fiscal year 2023, OCWD gained \$5 million through our earmark funding applications from Congresswoman Kim.



TO: Alicia Dunkin  
FROM: Eric Sapirstein  
DATE: March 28, 2023  
SUBJECT: Washington Update

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During the past month, Congress continued its efforts to develop a fiscal year 2024 budget. Among the first orders of business was a call from Members of Congress for requests from public agencies for directed spending of projects. Additionally, hearings into how USEPA is implementing the Infrastructure Investment and Jobs Act. The following summarizes the status of issues of interest to OCWD.

- ***PFAS Congressional Briefing Part Two***

As a follow-up to OCWD's successful participation in a congressional briefing before the Senate, a second briefing was convened by the solid waste industry. The briefing highlighted the ubiquitous nature of PFAS and the fact that given all the consumer products that contain PFAS, it would be impossible to address the threats if the science suggests human health impacts exist. Additionally, if the designation of PFAS as hazardous under CERCLA is finalized, it would impose substantial costs on the public, violating the polluter pays principle the panelists highlighted. Panelists also noted that designation would effectively make all wastes hazardous creating a management crisis. While this was a solid waste oriented briefing, presentations included a clear call that an exemption from CERCLA liability must be provided to water and wastewater agencies. Finally, the panelists called upon Congress and USEPA to support increased assistance into health research and technologies to destroy PFAS.

- ***Water Infrastructure Legislation Introduced***

Senator Bernie Sanders (I-VT) and Representative Bonnie Watson Coleman (D-NJ) introduced the Water Access Transparency Equity and Reliability Act (WATER) that would establish a \$35 billion trust fund to support water and wastewater infrastructure, support PFAS cleanups, fund investigations into the impact of rate structure on service cut-offs and discriminatory practices of water supplies impacting delivery of services among other activities. The bill would rely upon an increase in the corporate tax rate to pay for the trust fund establishment. Passage and enactment of the legislation is highly unlikely given the proposed tax increase and other provisions that would increase spending.

### ***Fiscal Year 2024 Community Project Requests***

The third year of congressionally directed project spending requests concluded in the past weeks. OCWD submitted its formal request for assistance to the congressional delegation that would maintain continued federal support of the PFAS contamination response within the groundwater basin. The delegation will now review the numerous requests for federal assistance and determine which projects to seek funding under the yet to be drafted fiscal year 2024 appropriations bills. Members are limited to requesting just fifteen projects. If Congress is unable to pass final spending bills, a continuing resolution would be required to maintain governmental operations. If this happens, the ability to direct federal assistance to projects would be eliminated because congressional rules prohibit adding new spending to such a bill.

### ***USEPA Fiscal Year 2024 Budget Request Receives House and Senate Review***

The Senate Committee on Environment and Public Works and the House Subcommittee on Interior and Environment Appropriations convened hearings to review USEPA's budget request for fiscal year 2024. USEPA Administrator Regan testified before both hearings. The hearings focused on similar themes, ranging from funding level increases for staff and programs to rulemakings for PFAS and WOTUS. Republican concerns over the agency's decision to issue the WOTUS rule prior to when the Supreme Court will rule on the scope of the Clean Water Act this spring. Members raised concerns over resources allocated to a rule that could need to be rewritten after the court's decision. Democrats predictably supported the decision to issue the rule noting the extended input from stakeholders. On budgetary issues, questions about a significant increase in staffing (2,000 additional positions) were one of the more animated discussions as committee members questioned the need for additional staff. In response, Regan stated the agency was simply working to restore personnel to previous levels that had been reduced over many years to carry out the agency's responsibilities under the infrastructure law and Inflation Reduction Act. Regan was met with Republican members' responses that the substantial funding provided under the two laws throws into question the need for increased spending. Conversely, Democratic committee members endorsed the overall budget request's increased funding and noted the importance of supporting environmental justice programs and to restore the agency to adequate staffing levels.





## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 6, 2023

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** Mike Markus

**Staff Contacts:** G. Ayala/K. Erquiaga

**Budgeted:** Yes

**Budgeted Amount:**

**Cost Estimate:**

**Funding Source:** Multiple

**Program/Line Item No.:**

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: GWRS FINAL COMPLETION DEDICATION CEREMONY UPDATE**

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### SUMMARY

The GWRS Final Completion Dedication Ceremony (Dedication) will be held Friday, April 14, 2023. Staff will provide a verbal update on event logistics and other details.

### RECOMMENDATION

Informational

### DISCUSSION/ANALYSIS

Hosted jointly with OC San, a dedication event has been scheduled for April 14, 2023 to commemorate the GWRS Final Completion. The event will showcase the accomplishments of this project and its enormous benefits to Orange County's water supply.

The event will take place from 11:00 am to 1:00 pm and will include a dedication ceremony, GWRS tours and a lunch reception. Currently more than 225 people have RSVP'd including elected officials, water industry professionals and other stakeholders. Confirmed speakers include Congressman Correa, Congresswoman Kim, and Congresswoman Porter.

The cost of this event is budgeted, will be offset by sponsorships, and will be cost-shared by OC San. To date \$40,000 has been raised in sponsorship from the following companies:

- Black & Veatch
- Brown & Caldwell
- Butier
- Carollo
- Converse
- Dupont
- Schimmick
- SPI Engineering



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 6, 2023

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** Mike Markus

**Staff Contacts:** G. Ayala/C. Nettles

**Budgeted:** Yes

**Budgeted Amount:** \$245,000

**Cost Estimate:** \$245,000

**Funding Source:** 1012.51112

**Program/Line Item No.:** 1206

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: CHILDREN'S WATER EDUCATION FESTIVAL UPDATE**

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### SUMMARY

The 26<sup>th</sup> annual Children's Water Education Festival (Festival) took place March 29-30, 2023, at UC Irvine. Staff will provide a verbal update on the event.

### RECOMMENDATION

Informational

### DISCUSSION/ANALYSIS

The Children's Water Education Festival is an annual, successful program started in 1997 to educate Orange County's youngest stakeholders about the importance of water. Since inception, more than 142,000 students have experienced the Festival and all it has to offer. After two years of hosting the Festival in a virtual format, it returned to an in-person format March 29-30, 2023, at UC Irvine. The free event is open to third, fourth and fifth grade classes in Orange County, California.

Staff will provide a verbal update on the outcome of the event.

**PRIOR RELEVANT BOARD ACTION(S)** N/A



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 6, 2023

**To:** Communications/Leg. Liaison Cte  
Board of Directors

**From:** Mike Markus

**Staff Contact:** G. Ayala/C. Nettles

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**Program/Line Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject:** PUBLIC AFFAIRS OUTREACH REPORT (FEBRUARY - MARCH 2023)

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### SUMMARY

Outreach for the Orange County Water District (OCWD; the District) and its programs and projects continue in in-person and virtual formats. Staff will provide a verbal update on outreach activities that took place in February and March of 2023.

### RECOMMENDATION

Informational

### DISCUSSION/ANALYSIS

Staff will provide a verbal update on outreach.