



-VIA ELECTRONIC MAIL-

October 22, 2021

MEMORANDUM

Michael D. Belote

TO: Stacy Taylor, Mesa Water District

Dennis K. Albiani

FROM: Dennis K. Albiani, Anthony Molina, California Advocates, Inc.

*Faith Lane Borges**Cliff Costa*SUBJECT: October Report*Anthony Molina*

The Governor's bill signing period ended on Sunday, October 10th at midnight. This year the Governor had a total of 836 bills sent to his desk. The Governor signed a total 772 bills and vetoed 66 bills. The Governor's signature rate was at 92.1% for the year and his veto rate was 7.9%. Bills that were signed by the Governor will take effect on January 1, 2022. Should a bill have an "urgency clause" it will take effect immediately.

Furthermore, given this year's historic budget and investments made by the State, there are several workshops, comment periods, and draft programs being developed at the regulatory agencies. Due to the various programs and funding appropriations, CalAd has begun meeting with key agency staff to better understand the process, timelines, and funding opportunities. If we can identify funding opportunities that fit Mesa Water District's priorities, we will communicate the opportunities in a timely manner. Additionally, should Mesa Water District have programs or projects they would like CalAd to research, please reach out immediately.

Governor Newsom Proclaims State of Emergency to Assist Response to Southern California Oil Spill; Speaker Announces Select Committee

On October 4th, Governor Newsom proclaimed a state of emergency in Orange County to support the emergency response to the oil spill off the coast of Huntington Beach that originated in federal waters.

At the Governor's direction, the state has deployed personnel from the Department of Fish and Wildlife's Office of Spill Prevention and Response and the Governor's Office of Emergency Services to the incident command in Long Beach to closely coordinate with the U.S. Coast Guard, local agencies and responsible parties on the response, cleanup, and mitigation of the oil spill. In addition, agencies from across the administration are on the ground actively supporting various elements of the response, including staff from California State Parks, California Volunteers, California State Lands Commission, CAL FIRE and the Office of Environmental Health Hazard Assessment, among others.

The text of the proclamation can be found [HERE](#).

In addition to the proclamation, Speaker Anthony Rendon announced the formation of the Select Committee on Orange County Oil Spill for the 2021-22 Legislative Session. This select

committee will be chaired by Assemblywoman Cottie Petrie-Norris, who requested the committee's formation.

The Select Committee on the Orange County Oil Spill will hold hearings to focus on the causes and potential lapses that led to the oil spill, as well as the spill's impact on the environment and surrounding communities. The committee will also discuss any potential updates to state laws and regulations, and work to ensure those responsible for the spill are held accountable.

The additional Assemblymembers on the Select Committee on the Orange County Oil are the following: Steve Bennett, Richard Bloom, Tasha Boerner Horvath, Isaac Bryan, Laurie Davies, Eduardo Garcia, Mike Gipson, Al Muratsuchi, Janet Nguyen, Patrick O'Donnell, Luz Rivas, Robert Rivas, and Freddie Rodriguez.

Governor Newsom Expands Drought Emergency Statewide, Urges Californians to Redouble Water Conservation Efforts

This week, Governor Newsom issued a proclamation extending the drought emergency statewide and further urging Californians to step up their water conservation efforts as the western U.S. faces a potential third dry year.

The proclamation enables the State Water Resources Control Board (Board) to ban wasteful water practices, including the use of potable water for washing sidewalks and driveways. The Governor issued an executive order in July calling on Californians to voluntarily reduce water use by 15 percent compared to 2020 to protect water reserves and complement local conservation mandates. The Governor's action comes as the Board reports that in August, California reduced urban water use by 5 percent compared to 2020.

The proclamation also adds the eight counties not previously included in the drought state of emergency: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Francisco, and Ventura. In addition, the proclamation requires local water suppliers to implement water shortage contingency plans that are responsive to local conditions.

The text of the proclamation can be found [HERE](#).

"Water Infrastructure Funding Act of 2022" Initiative Filed

The More Water Now Coalition has filed the "Water Infrastructure Funding Act of 2022" with the Attorney General's Office and have request Title and Summary. The initiative calls for 2 percent of the state's general fund – about \$3.5 billion per year – to be allocated to projects that increase California's water supply. A copy of the filed initiative can be found [HERE](#).

Update: AB 1346 (Berman) Air pollution: small off-road engines (SORE).

While Mesa Water District did not engage on this bill, Mesa Water District may want to look into AB 1346 to see if this bill has an impact on their operations. For background, a SORE is any engine that produces a gross horsepower less than 25 horsepower (at or below 19 kilowatts for 2005 and later model year) or is designed to produce less than 25 horsepower that is not used to propel a licensed on-road motor vehicle, an off-road motorcycle, an all-terrain vehicle, a marine vessel, a snowmobile, a model airplane, a model car, or a model boat. A few different examples SOREs are lawn mowers, weed trimmers, leaf blowers, chain saws, string trimmers,

golf carts, specialty vehicles, generators, and pumps. Should Mesa Water District determine this legislation affects their operations negatively, Mesa Water District will have opportunities to engage during the regulatory process at the California Air Resources Board.

AB 1346 Air pollution: small off-road engines.

Requires the California Air Resources Board (CARB) to adopt statewide rules by July 1, 2022 that “prohibit engine exhaust and evaporative emissions” from “new small off-road engines” in a manner that is “cost-effective and technologically feasible.”

Status: The bill was signed by the Governor.

Position: None

ACWA Sponsored Legislation Update “Water and Sewer Service”

Mesa Water District led a like-minded coalition of stakeholders on this legislation through the entire legislative process. Mesa Water District was successful in its advocacy and obtained two significant amendments:

- 1.) Requiring additional mail notification to ratepayers, and
- 2.) Reverting to the original language on the “effective date” in the bill when customers see the new rates on their water/sewer bill.

Both amendments improved this legislation to provide transparency to ratepayers. Mesa Water District should be commended for their leadership on this effort.

SB 323 (Caballero) Local government: water or sewer service: legal actions.

This bill would authorize a local agency or interested person to bring a validation action in a superior court to determine the validity of a fee or charge for water and sewer service. The proposal would require an interested party bring an action within 120 days after the local agency adopts the fee or charge.

Status: Signed by the Governor

Position: Support, if amended

Water Affordability Assistance

The author of this bill and the stakeholders worked diligently through the entire legislative process to reach agreements on several provisions in the legislation. However, a significant piece required for the bill to become operative was a “funding source.” Unfortunately, the author was unable to resolve this issue.

Additionally, during the final weeks of the legislative session, the Governor’s office requested that the Senator “hold” the bill and continue to work on the legislation through the Fall. The author agreed and moved the bill to the Assembly Floor’s Inactive File. The author’s office would like to move the bill early next year, if possible.

SB 222 (Dodd) Water Affordability Assistance Program.

This bill would establish the Water Affordability Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-

income ratepayers and ratepayers experiencing economic hardship in California. The bill would make money in the fund available upon appropriation by the Legislature to the state board to provide direct water bill assistance, water bill credits, water crisis assistance, affordability assistance, and short-term assistance to public water systems to administer program components.

Status: Assembly Floor, Inactive File

Position: Oppose Unless Amended

2021 Legislative Tracking

SB 223 (Dodd) Discontinuation of residential water service.

The bill would require the State Water Resources Control Board (Board) to provide technical assistance to very small community water systems. The bill would require the Board to establish a bridge loan program to assist very small community water systems that may suffer revenue loss or delayed collection while complying with this chapter. To the extent funding is available, partial loan forgiveness would be made available to systems that offer debt forgiveness to low-income residents with past due accounts. This bill would also require an urban water supplier and an urban and community water system to update policies to comply this chapter by July 1, 2022.

Status: This bill is dead.

Position: Oppose

AB 361 (Rivas) Open meetings: local agencies: teleconferences.

This bill builds upon the Governor's Executive Orders, allowing local legislative bodies to meet remotely during a state of emergency, as declared by the Governor, until January 2024. Additionally, this bill extends the current EO that enables state agencies and CSU boards to meet remotely for the next four months until January 2022. This bill had an "Urgency Clause" added and was supposed to take effect immediately upon signature by the Governor. However, the Governor issues a new Executive Order waiving the application of AB 361 until October 1, 2021, when the provisions of a prior executive order that established requirements for public agencies to meet remotely during the COVID-19 emergency will expire.

EXECUTIVE ORDER N-15-21 TEXT: <https://www.gov.ca.gov/wp-content/uploads/2021/09/9.20.21-executive-order.pdf>

Status: Signed by the Governor

Position: Support

AB 339 (Lee) State and local government: open meetings.

This bill requires, until December 31, 2023, that city councils and boards of supervisors in jurisdictions with over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings.

Status: Vetoed by the Governor

Position: Watch

AB 377 (Rivas) Water quality: impaired waters.

This bill would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, or a waste discharge requirement or waiver of a waste discharge requirement for a discharge, to surface water that causes or contributes to an exceedance of an applicable water quality standard in receiving waters, or from authorizing a best management practice permit term to authorize a discharge to surface water that causes or contributes to an exceedance of an applicable water quality standard in receiving waters.

Status: Two-year bill

Position: Oppose

AB 588 (E. Garcia) California Safe Drinking Water Act: compliance.

This bill would authorize the State Water Resources Control Board (Board) to set a period from 30 days to three years for reaching compliance with a new drinking water regulation. The bill would also require the Board to identify actions to assist water systems to achieve compliance with a new regulation.

Status: Two-year bill

Position: Support

AB 703 (Rubio) Open meetings: local agencies: teleconferences.

This bill will eliminate the previously existing concept of “teleconference locations”; will revise existing law to ensure minimum standards for public participation; and will revise notice requirements to allow for greater public participation in teleconference meetings of local agencies. The bill does not require teleconferencing but modernizes existing law to ensure greater public participation in meetings of the legislative bodies of local agencies which choose to utilize teleconferencing.

Status: Two-year bill

Position: Support

AB 1434 (Friedman) Urban water use objectives: indoor residential water use.

This bill would incrementally lower the indoor water use standard starting January 1, 2023, to reach a standard of 40 gallons per capita daily starting in 2030. The bill also removes the requirement for the Department of Water Resources, in consultation with the State Water Resources Control Board, to submit a report on the result of its indoor water use studies and make recommendations regarding the existing standards.

Status: Two-year bill

Position: Oppose

Bonds

Both bond proposals bills have been put to a halt for the immediate future. The Senate moved their bond proposal to the Senate Floor “Inactive File” and the Assembly moved their bond proposal to the Assembly Rules Committee. At this time both bills will be held until leadership in

both houses decides to move forward with each proposal in the legislative process. To make it on the November 2022 ballot, either bill must pass the Legislature before June 2022.

SB 45 (Portantino) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.

This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

Status: Senate Floor, Inactive File

Position: Watch

AB 1500 (E. Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.

This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

Status: Assembly Rules Committee

Position: Watch

Regulatory

- **State Water Board Adopts Guidelines for Paying off Pandemic-Related Water Bill Debt.**
The State Water Resources Control Board adopted guidelines that will determine how the agency will administer the \$1 billion financial relief program for community water systems' unpaid water bill debt from residential and commercial customers who were unable to pay their bills due to COVID-related financial hardship. The California Water and Wastewater Arrearages Payment Program will disburse funds between November 1, 2021 and January 31, 2022, prioritizing small drinking water systems first. Water systems must apply for the funding, which covers residential and commercial accounts that are 60 days or more behind on payments for debt accrued between March 4, 2020 and June 15, 2021. As a condition of receiving the funds, participating systems must credit their customers' accounts and notify them that their water bill debt has been cleared or reduced. Customers will not be paid directly. Pending budget legislation negotiated by the Administration and the Legislature would extend the moratorium on water shutoffs to December 31, 2021. The press release can be found [HERE](#).
- **2021 California Climate Adaptation Strategy Out for Public Comment.**
The California Natural Resources Agency (CNRA) released the 2021 California Climate Adaptation Strategy (Strategy) draft for public input. The draft Strategy outlines the state's key climate resilience priorities, includes specific and measurable steps, and serves as a framework for action across sectors and regions in California. A copy of the Strategy can be found [HERE](#). Public comments

are due November 17, 2021. Your input will help improve the final Strategy that will be used to direct climate resilience efforts across state government. Comments can be submitted via mail at California Natural Resources Agency, 715 P Street, Sacramento, CA 95814, or email at the following addresses icarp@opr.ca.gov.

- **The Governor made the following appointments:**
 - **E. Joaquin Esquivel, 39, of Sacramento, has been appointed to the Colorado River Basin Salinity Control Advisory Council and the Colorado River Basin Salinity Control Forum.** Esquivel has been a member of the State Water Resources Control Board since 2017 and Chair since 2019. He was Assistant Secretary for Federal Water Policy at the California Natural Resources Agency from 2015 to 2017, Research Assistant, Legislative Aide, and Legislative Assistant for Native American, Water and Agriculture Issues and Director of Information and Technology in the Office of United States Senator Barbara Boxer from 2007 to 2015.
 - **Jessica Neuwerth, 31, of Los Angeles, has been appointed to the Colorado River Basin Salinity Control Advisory Council and the Salinity Control Forum.** Neuwerth has been the Deputy Director at the Colorado River Board of California since 2020. She was an Environmental Scientist with the Colorado River Board of California from 2014 to 2020, a Lab Technician at the Sinclair Wyoming Refining Company from 2013 to 2014, Forest Ecology Field Technician at the Forest and Fire Ecology Lab at the University of Wyoming and Sagebrush Research Assistant in the Botany Lab at the University of Wyoming in 2013, and Stream Ecology Research Assistant in the Stream Ecology Lab at the University of Wyoming from 2012 to 2013.
 - **E. Joaquin Esquivel, 39, of Sacramento, has been appointed to the Western States Water Council.** Esquivel has been a member of the State Water Resources Control Board since 2017 and Chair since 2019. He was Assistant Secretary for Federal Water Policy at the California Natural Resources Agency from 2015 to 2017, Research Assistant, Legislative Aide, and Legislative Assistant for Native American, Water and Agriculture Issues and Director of Information and Technology in the Office of United States Senator Barbara Boxer from 2007 to 2015.
 - **Karla Nemeth, 51, of Sacramento, has been appointed to the Western States Water Council.** Nemeth has been director at the Department of Water Resources since 2018. She was deputy secretary for water policy at the California Natural Resources Agency from 2014 to 2018, Bay Delta Conservation Plan program manager at the Natural Resources Agency from 2009 to 2014, and Environmental and Public Affairs Director for Alameda County Flood Control and Water Conservation District, Zone 7 from 2005 to 2009. Nemeth was the Community Affairs Manager at Jones & Stokes from 2003 to 2005. Legislative Assistant at AESOP Enterprise from 2001 to 2003 and Legislative Assistant and Program Manager at Kings County from 1998 to 2000.

Important Dates and Deadlines for 2022

January

- Jan 1. – Statutes take effect.
- Jan 3. – Legislative Session Reconvenes.