2021 Legislative Update For Water/Wastewater Agencies

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INTRODUCTION

We prepared the following information regarding legislation passed in the California Legislature during the 2021 Legislative Session and which became law. This information is not presented as specific legal advice, but rather, an update to our water/wastewater agency clients.

The following Legislative Update is divided in to five sections:

I. General
II. Water
III. Construction
IV. Finance
V. Informational

As you review this year's Legislative Update, you will find that the number of enacted laws is less than previous years. In light of the on-going COVID-19 situation (and similarly to 2020), we found that the California Legislature and Governor did not approve as many bills as we would normally see by the end of the annual Legislative Session.

This year's Legislative Update includes discussion of a number of pieces of legislation which may be of particular interest to our public agency water/wastewater clients. These include the following three pieces of legislation:

Assembly Bill 361 (Chapter 165) – This legislation, which took effect on September 16, 2021 as an urgency statute, affects the Ralph M. Brown Act. AB 361 specifically allows for simplified teleconferencing proceedings for meetings of a legislative body of a public agency, subject to certain ongoing findings during emergency situations within the State. This legislation continues to allow teleconferencing methodologies used by many public agencies during the period when the Governor's Executive Order No. N-29-20 was in effect. This legislation requires ongoing findings to be made on a periodic basis. Atkinson, Andelson, Loya, Ruud & Romo provided a separate and specific alert concerning the requirements and provisions of AB 361 to our clients in September of 2021. That alert can be found at:
https://www.aalrr.com/newsroom-alerts-3874.

Senate Bill 274 (Chapter 763) – This legislation made various changes regarding agenda and agenda supporting documents for board meetings of a legislative body by a public agency. Public agencies that operate or support an internet website will need to be prepared to meet these requirements effective as January 1, 2022.

Senate Bill 594 (Chapter 320) – This legislation modifies the deadline for redistricting information to be completed for those public agencies whose elected officials are elected by division or similar geographic sub-areas within a district. Public agencies should be cognizant of the requirement for the governing board to adopt adjusted division boundaries no later than April 17, 2022, if the board has a regular election to elect any members of its governing board on the same date as the 2022 Statewide General Election in November of 2022.

I. GENERAL

Chapter 165 – Assembly Bill No. 361 (Robert Rivas) - Open meetings: state and local agencies: teleconferences.

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 the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. 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 provid es an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This legislation, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This legislation requires legislative bodies that hold teleconferenced meetings 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, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The legislation requires the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The legislation specifies that actions taken during the disruption are subject to challenge proceedings, as specified.

This legislation prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The legislation prohibits the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the legislation requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This legislation excludes from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

This legislation declares the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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 legislation makes legislative findings to that effect.

This legislation took effect in 2021 as an urgency statute.

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

Chapter 97 – Assembly Bill No. 819 (Levine) - California Environmental Quality Act: notices and documents: electronic filing and posting.

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 it 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. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires, if an environmental impact report is required, the lead agency to mail a notice of that determination to each responsible agency, the Office of Planning and Research, and public agencies with jurisdiction over natural resources affected by the project. CEQA requires the lead agency to provide notice to the public and to organizations and individuals who have requested notices that the lead agency is preparing an environmental impact report, negative declaration, or specified determination. CEQA requires notices for an environmental impact report to be posted in the office of the county clerk of each county in which the project is located.

This legislation instead requires the lead agency to mail or email those notices, and to post them on the lead agency's internet website. The legislation also requires notices of an environmental impact report to be posted on the internet website of the county clerk of each county in which the project is located. Because this legislation imposes additional duties on a lead agency and a county clerk, this legislation imposes a state-mandated local program.

CEQA requires the lead agency to mail certain notices to persons who have filed a written request for notices.

This legislation requires the lead agency to post those notices on its internet website. Because this legislation imposes additional duties on a lead agency, this legislation imposes a state-mandated local program.

CEQA requires a lead agency to submit to the State Clearinghouse a sufficient number of copies, in either a hard-copy or electronic form, of a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration for projects in which a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the project is of sufficient statewide, regional, or areawide environmental significance.

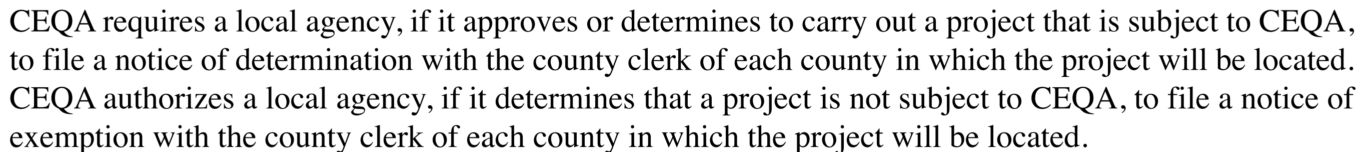
This legislation instead requires a lead agency to submit to the State Clearinghouse, in an electronic form, the above-described environmental review documents for all projects and would require the lead agency to post those documents on its internet website. Because this legislation imposes additional duties on a lead agency, this legislation imposes a state-mandated local program.

CEQA requires the public review period for a draft environmental impact report to not be less than 30 days and to be at least 45 days if the draft environmental impact report is submitted to the State Clearinghouse. CEQA requires the public review period for a proposed negative declaration or proposed mitigated negative declaration to not be less than 20 days and to be at least 30 days if the proposed negative declaration or proposed mitigated negative declaration is submitted to the State Clearinghouse.

This legislation instead requires the public review period of at least 45 days if the draft environmental impact report is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide environmental significance. The legislation also instead requires the public review period of at least 30 days if the proposed negative declaration or proposed mitigated negative declaration is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide environmental significance.

CEQA requires a state agency, if it approves or determines to carry out a project that is subject to CEQA, to file a notice of determination with the Office of Planning and Research. CEQA authorizes a state agency, if it determines that a project is not subject to CEQA, to file a notice of exemption with the Office of Planning and Research. CEQA requires a filed notice to be available for public inspection, and a list of these notices to be posted on a weekly basis and for 30 days in the Office of Planning and Research and retained for not less than 12 months.

This legislation requires the notice of determination or the notice of exemption to be filed electronically by the state agency. The legislation instead requires the filed notice to be available for public inspection on the Office of Planning and Research's internet website for not less than 12 months.



CEQA requires a local agency, if it approves or determines to carry out a project that is subject to CEQA, to file a notice of determination with the county clerk of each county in which the project will be located. CEQA authorizes a local agency, if it determines that a project is not subject to CEQA, to file a notice of exemption with the county clerk of each county in which the project will be located.

This legislation requires the notice of determination or notice of exemption to be filed electronically by the local agency if that option is offered by the county clerk. Because this legislation imposes additional duties on a lead agency, this legislation imposes a state-mandated local program.

CEQA requires a public agency that has completed an environmental document to file a notice of completion with the Office of Planning and Research.

This legislation requires the public agency to file the notice using the Office of Planning and Research's online process. To the extent that this legislation imposes additional duties on a public agency, this legislation imposes a state-mandated local program.

An act to amend Sections 21080.4, 21082.1, 21091, 21092, 21092.2, 21092.3, 21108, 21152, and 21161 of the Public Resources Code, relating to environmental quality.

Chapter 763 – Senate Bill No. 274 (Wieckowski) - Local government meetings: agenda and documents.

Existing law, the Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Existing law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person.

This legislation requires a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the legislation requires the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

An act to amend Section 54954.1 of the Government Code, relating to local government.

Chapter 137 – Senate Bill No. 427 (Eggman) - Water theft: enhanced penalties.

Existing law authorizes the legislative body of a city or a county to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to $100 for the first violation, $200 for a 2nd violation of the same ordinance within one year of the first violation, and $500 for each additional violation of the same ordinance within one year of the first violation.

This legislation authorizes the legislative body of a local agency, as defined, that provides water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The legislation requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.

An act to add Section 53069.45 to the Government Code, relating to local government.

Chapter 320 – Senate Bill No. 594 (Glazer) - Elections: redistricting.

(a) The California Constitution establishes the Citizens Redistricting Commission for the purpose of drawing district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization, and requires the commission to do so by August 15 in each year ending in the number one thereafter. For redistricting occurring in 2021, the Supreme Court of California, by peremptory writ of mandate in Legislature of State of California v. Padilla (2020) 9 Cal.5th 867, extended that deadline to December 15, 2021, or to a later date if specified conditions are met, due to a delay in the release of federal census data caused by the COVID-19 pandemic.

This legislation, for the June 7, 2022, statewide direct primary election, make various changes, described below, to existing law relating to candidate nominations and compilation of registered voter data in order to accommodate the extended state redistricting deadline. The legislation defines “state redistricting deadline” for these purposes to mean the extended deadline established by the Supreme Court of California described above, or that deadline as modified in any subsequent related proceeding. If a subsequent proceeding further modifies the deadline, the legislation requires the Secretary of State, within 7 days, to prepare a calendar of key election dates and deadlines and requirements for the nomination of candidates. The legislation repeals these provisions on January 1, 2023. By increasing the duties of local elections officials, the legislation imposes a state-mandated local program.

(b) Existing law provides that a person is not eligible to be elected to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person.

This legislation provides that a person is not ineligible to be elected to the office of Member of the State Board of Equalization, State Senator, or Member of the Assembly on the ground that the person was not otherwise qualified to vote for the office if, at the time that nomination papers are issued to the person, the person is registered to vote and would be qualified to vote for the office if the person was a resident of, and registered to vote in, the election district from which the office is elected.

(c) Existing law generally requires nomination documents for elective office to be made available to candidates not more than 113 days before the election.

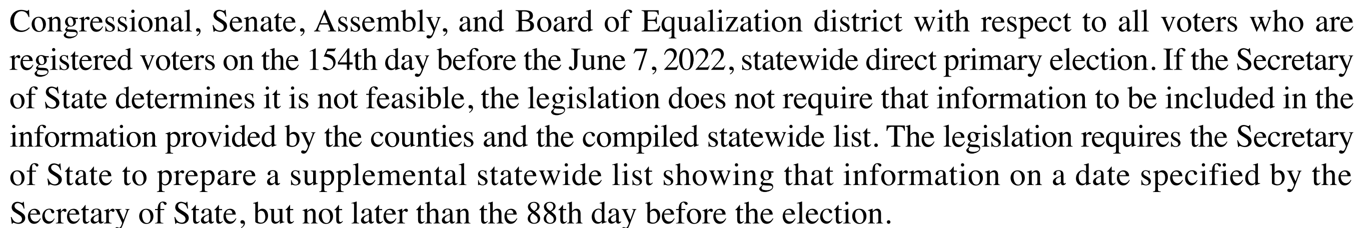
This legislation requires those nomination documents to be first available on February 14, 2022, or the 46th day after the state redistricting deadline, whichever is later.

(d) Existing law authorizes a candidate for elective office to submit a petition containing a specified number of signatures in lieu of all or part of the fee for filing nomination papers. Existing law requires the Secretary of State to make forms for securing signatures available to each candidate commencing 60 days before the first day for circulating nomination papers, except as specified, and requires candidates to file in-lieu-filing-fee petitions at least 30 days before the close of the nomination period.

This legislation requires the Secretary of State to make those forms available commencing 7 days after the state redistricting deadline, and require in-lieu-filing-fee petitions to be filed not later than February 9, 2022, or 41 days after the state redistricting deadline, whichever is later. The legislation requires the elections official to proportionally reduce the required number of signatures for a petition by the same proportion as the reduction in the number of days for a candidate to collect signatures on a petition compared to the number of days specified in existing law for a candidate to collect signatures for a regular election for the same office.

(e) Existing law requires each county elections official to provide the Secretary of State with specified information regarding the number of voters and their party preferences in the county and each supervisorial, Congressional, Senate, Assembly, and Board of Equalization district in the county on the 135th day before each direct primary election, with respect to all voters who are registered voters on the 154th day before the primary election. Existing law requires the Secretary of State to compile a statewide list of this information within 30 days after receiving it from each county elections official.

This legislation requires the Secretary of State to determine, by December 31, 2021, whether it is feasible to include in the statewide list described above the number of voters by party preference in each supervisorial,



Congressional, Senate, Assembly, and Board of Equalization district with respect to all voters who are registered voters on the 154th day before the June 7, 2022, statewide direct primary election. If the Secretary of State determines it is not feasible, the legislation does not require that information to be included in the information provided by the counties and the compiled statewide list. The legislation requires the Secretary of State to prepare a supplemental statewide list showing that information on a date specified by the Secretary of State, but not later than the 88th day before the election.

(f) Existing law requires the Secretary of State, at least 158 days before the statewide direct primary election, to prepare and transmit to each county elections official a notice designating all of the offices, except those of county officers and judges, for which candidates are to be nominated.

This legislation instead requires that notice to be transmitted not later than the 6th day after the state redistricting deadline.

(g) Existing law authorizes a candidate for elective office to designate that certain specified words appear below the candidate's name on the ballot, including, among others, the word "incumbent."

This legislation prohibits a candidate for the office of Representative in Congress, Member of the State Board of Equalization, State Senator, or Member of the Assembly from choosing the word "incumbent" as a designation to appear on the ballot. The legislation makes conforming changes relating to the deadline for a person to file nomination documents for an office if a current holder of the office does not file nomination documents.

Existing law requires, after each federal decennial census, the board of directors of certain special districts to adjust, by resolution, their division boundaries so that their divisions are equal in population and in compliance with specified requirements, and prohibits those districts from making a change in division boundaries within 180 days preceding the election of any director. Existing law also requires certain special districts that elect their board members from or by divisions to adjust their boundaries before November 1 of the year following the year in which each decennial census is taken.

For district conducting elections in 2022, this legislation does, notwithstanding those provisions, require a governing board to adopt adjusted division boundaries no later than April 17, 2022, if the board has a regular election to elect members of its governing board on the same date as the 2022 statewide general election. If the board does not have a regular election on that date, the legislation requires the board to adopt adjusted division boundaries prior to 180 days preceding the district's first regular election occurring after January 1, 2022. The legislation repeals these provisions on January 1, 2023. The legislation does also clarify that the date of adoption of a resolution adjusting division boundaries is the date of passage of the resolution by the board.

Existing law requires counties, general law cities, and charter cities that elect members of their legislative bodies using district-based elections to adopt boundaries for those supervisorial or council districts following each federal decennial census, as specified. Existing law expressly authorizes a city council to adopt district boundaries by resolution or ordinance.

This legislation clarifies that "adopting" district boundaries for these purposes means the passage of an ordinance or resolution specifying those boundaries.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This legislation provides that, if the Commission on State Mandates determines that the legislation contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This legislation took effect immediately as an urgency statute.

An act to amend Sections 21500, 21601, and 21621 of, to add Section 22002 to, and to add and repeal Section 22000.1 of, and Chapter 1.5 (commencing with Section 8160) to Part 1 of Division 8 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

II. WATER

Chapter 625 – Assembly Bill No. 1061 (Lee) - Mobilehome Residency Law: water utility charges.

Under existing law if the management of a mobilehome park provides both master-meter and submeter service of utilities to a homeowner, for each billing period the charges for the period are required to be separately stated along with the opening and closing readings for the homeowner. Existing law requires management to post, in a conspicuous place, the specific current residential utility rate as published by the serving utility. Existing law authorizes management of a mobilehome park to also post the internet website address of the specific current residential utility rate schedule, as specified.

This legislation, if the management of a mobilehome park elects to separately bill water utility service to homeowners, limits charges and fees on homeowners in connection with those services to specified types of charges and fees. The specified charges and fees would be for (1) the homeowner's volumetric usage based on the homeowner's proportion of total usage, or, where the water purveyor uses a tiered rate schedule, based on the homeowner's proportion of the tier's usage, or based on a mobilehome space rate; (2) any recurring fixed charge, however that charge is designated, for water service that has been billed to management by the water purveyor, determined on the basis of either the homeowner's proportional share of volumetric use or the total charge divided by the number of mobilehome spaces; and (3) a billing, administrative, or other fee representing the costs of both management and the billing agent combined, not to exceed $4.75 or 25% of the charge for the homeowner's volumetric usage, whichever is less. The legislation prohibits volumetric usage charges from including water usage by a park's common area facilities or by any other person or entity other than the homeowner. This legislation provides that these provisions do not prevent management from recovering its costs to install, maintain, or improve its internal water delivery system, as may otherwise be allowed in any rental agreement or local regulation. The legislation defines terms for these purposes.

An act to amend Section 798.40 of the Civil Code, relating to mobilehomes.

Chapter 64 – Assembly Bill No. 1428 (Quirk) - Safe Drinking Water Act: applicability.

Existing law vests in the State Water Resources Control Board the authority to implement the federal Safe Drinking Water Act and the California Safe Drinking Water Act. Under existing law, a water district, as defined, in existence prior to May 18, 1994,

that provides primarily agricultural services through a piped water system with only incidental residential or similar uses is not considered to be a public water system under specified conditions, including the system certifying that it is providing alternative water for residential or similar uses for drinking water and cooking to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.

This legislation removes the above provision authorizing those water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.

An act to amend Section 116286 of the Health and Safety Code, relating to drinking water.

Chapter 68 – Senate Bill No. 708 (Melendez) - Water shortage emergencies: declarations: deenergization events.

Existing law requires the governing body of a public water supplier to declare a water shortage emergency condition if the supplier makes certain findings. Existing law requires a public water supplier that declares the existence of an emergency condition of water shortage to adopt regulations and restrictions on the delivery and consumption of water to conserve the water supply for the greatest public benefit. Existing law requires the declaration to be made only after a public hearing except in the event of a wildfire or a breakage or failure of a dam, pump, pipeline, or conduit causing an immediate emergency.

This legislation additionally authorizes the governing body of a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a deenergization event, as defined.

An act to amend Section 351 of the Water Code, relating to water.

Chapter 187 – Senate Bill No. 776 (Gonzalez) - Safe drinking water and water quality.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law provides that the California Safe Drinking Water Act does not apply to small state water systems, except as specified.

This legislation expands the application of the act to small state water systems, as specified.

Existing law requires any person operating a public water system to obtain and provide at that person's expense an analysis of the water to the state board, in the form, covering those matters, and at intervals as the state board by regulation may prescribe.

This legislation authorizes the state board to adopt regulations pursuant to the above provision as emergency regulations under the Administrative Procedure Act and would require the state board to hold a hearing before adopting those emergency regulations. The legislation exempts from the Administrative Procedure Act specified orders and other actions by the state board relating to drinking water.

Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.

This legislation authorizes the state board to award moneys from the fund of $10,000 or less without a written agreement to address a drinking water emergency and would exempt contracts entered into pursuant to the Safe and Affordable Drinking Water Fund provisions from specified existing law.

Under existing law, the state board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act. Existing law establishes various programs authorizing the state board to provide financial assistance for water quality and drinking water purposes, including, among other programs, the State Water Pollution Control Revolving Fund program, pursuant to which state and federal funds are continuously appropriated from the State Water Pollution Control Revolving Fund to the state board for loans and other financial assistance for purposes related to the federal Clean Water Act. Existing law generally authorizes the state board to enforce the financial assistance programs.

This legislation consolidates the enforcement authority available to the state board to enforce the terms, conditions, and requirements of its financial assistance programs, as specified. As part of that consolidation, the legislation explicitly authorizes the state board to recover any costs incurred in the enforcement of an agreement, to recover any amount of financial assistance provided to a recipient not expended for the authorized purposes, and to impose civil penalties in specified amounts on any person who violates any term of a financial assistance agreement. The legislation requires information related to funds disbursed or costs claimed for reimbursement pursuant to a financial assistance agreement to be furnished and attested to under penalty of law, and would provide that a person who knowingly makes a false statement, material misrepresentation, or false certification in any submittal to the state board relating to a financial assistance agreement, shall, upon conviction, be punished by a specified criminal fine or imprisonment, or by both

that fine and imprisonment. By creating a new crime, the legislation imposes a state-mandated local program. The legislation requires all moneys collected pursuant to the above provisions to be deposited into the fund from which the financial assistance agreement that is the subject of the action originated, unless the state board determines that deposit in another fund would be more effective for providing financial assistance for the same or substantially similar purpose, and if the fund is continuously appropriated and the moneys are derived from the imposition of penalties, the moneys would be required to be separately accounted for and available, upon appropriation by the Legislature, for the purposes for which expenditures from that fund are authorized.

An act to amend Section 11352 of the Government Code, to amend Sections 116340, 116385, 116766, and 116767 of the Health and Safety Code, and to add Chapter 6.7 (commencing with Section 13490) to Division 7 of the Water Code, relating to water.

III. CONSTRUCTION

Chapter 677 – Senate Bill No. 378 (Gonzalez) - Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance.

Existing law, the Permit Streamlining Act, governs the approval process that a city or county is required to follow when approving, among other things, a permit for construction or reconstruction for a development project for a wireless telecommunications facility and a collocation or siting application for a wireless telecommunications facility.

This legislation requires a local agency to allow, except as provided, microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber. The legislation also requires, to the extent necessary, a local agency with jurisdiction to approve excavations to adopt or amend existing policies, ordinances, codes, or construction rules to allow for microtrenching. The legislation provides that these provisions do not supersede, nullify, or otherwise alter the requirements to comply with specified safety standards. The legislation authorizes a local agency to impose a fee for its reasonable costs on an application for a permit to install fiber, as provided. By imposing new duties on local agencies with regard to the installation of fiber, the legislation imposes a state-mandated local program.

The legislation includes findings that changes proposed by this legislation addresses a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

An act to add Section 65964.5 to the Government Code, relating to local government.

IV. FINANCE

Chapter 115 – Assembly Bill No. 148 (Committee on Budget) - Public resources.

Existing law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Existing law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Existing law requires an urban and community water system to provide notice of that policy to customers, as provided.

The California Safe Drinking Water Act makes it a crime for any person to knowingly commit certain acts, including making a false statement or representation in any record submitted, maintained, or used for the purposes of compliance with the act, possessing a record required to be maintained by the act that has been altered or concealed, and destroying, altering, or concealing any record required to be maintained by the act.

This legislation establishes the California Water and Wastewater Arrearage Payment Program in the State Water Resources Control Board. Pursuant to the program and following an appropriation in the annual Budget Act for these purposes, the State Water Resources Control Board would be required to survey community water systems to determine statewide arrearages and water enterprise revenue shortfalls and adopt a resolution establishing guidelines for application requirements and reimbursement amounts for those arrearages and shortfalls. If there are insufficient funds appropriated for purposes of the program, the legislation requires the State Water Resources Control Board to disburse the funds on a proportional basis to each community water system applicant based on reported arrearages and shortfalls. If there are sufficient funds appropriated for purposes of the program, the legislation requires the State Water Resources Control Board to establish a similar program for funding wastewater treatment provider arrearages and shortfalls with the remaining funds.

This legislation requires a community water system to provide customers with arrearages accrued during the COVID-19 pandemic bill relief period, as defined, a notice that they may enter into a payment plan, as prescribed. The legislation prohibits a community water system from discontinuing water service due to nonpayment before September 30, 2021, or the date the customer misses the

enrollment deadline for, or defaults on, a payment plan, whichever is later. The legislation requires the State Water Resources Control Board to coordinate with the Department of Community Services and Development in allocating program funding to certain community water systems.

This legislation applies certain enforcement provisions of the California Safe Drinking Water Act, including the above-described crimes, to the foregoing provisions. The legislation thereby imposes a state-mandated local program by expanding the application of a crime.

This legislation makes these provisions inoperative on July 1, 2025.

An act to amend Section 2782.6 of the Civil Code, to add Section 5122.5 to the Corporations Code, to amend Sections 17210 and 17213 of the Education Code, to amend Sections 1348, 1350, 1352, 1745.1, and 1745.2 of the Fish and Game Code, to add Section 569.5 to the Food and Agricultural Code, to amend Sections 8670.2, 8670.3, 8670.40, 15472, 15473, 15475, and 65850.2 of, to add Sections 15475.1, 15475.2, 15475.4, 15475.5, and 15475.6 to, and to add and repeal Section 16428.92 of, the Government Code, to amend Sections 13143.9, 25501, 25503, 25504, 25506, 25507, 25507.1, 25510, 25510.1, 25516, 25517, 25531.2, 25532, 25533, 25534, 25534.05, 25534.06, 25534.5, 25535, 25535.1, 25535.2, 25535.5, 25536, 25536.6, 25536.9, 25537, 25537.5, 25538, 25539, 25541.5, 25542, 25543, 25543.1, 25543.2, 25543.3, and 25545 of, to add Section 41855.8 to, and to add and repeal Chapter 4.7 (commencing with Section 116773) of Part 12 of Division 104 of, the Health and Safety Code, to amend Section 7856 of the Labor Code, to amend Sections 5011, 8750, 14515.8, 14571.9, 14581, 21151.4, 21151.8, 25620.8, 25711.5, and 41821 of, and to add and repeal Section 5010.2.5 of, the Public Resources Code, to amend Sections 270, 282, 895, 8385, 8386, 8386.1, 8386.3, 8386.5, and 8389 of the Public Utilities Code, to amend Sections 46001.5, 46007, 46008, 46011, 46017, 46021, 46023, 46028, 46053, 46101, 46151, and 46751 of, and to add Sections 46024 and 46025 to, the Revenue and Taxation Code, and to amend Section 81023 of, and to add and repeal Article 6 (commencing with Section 13198) of Chapter 3 of Division 7 of, the Water Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Chapter 25 – Assembly Bill No. 464 (Mullin) - Enhanced Infrastructure Financing Districts: allowable facilities and projects.

Existing law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use.

This legislation includes, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business, as defined, occupant of such

structures, if certain conditions are met, and facilities in which nonprofit community organizations provide health, youth, homeless, and social services.

An act to amend Section 53398.52 of the Government Code, relating to local government.

Chapter 347 – Assembly Bill No. 602 (Grayson) - Development fees: impact fee nexus study.

Existing law, the Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. Existing law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions.

This legislation, among other things, requires, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

This legislation requires that a local agency that calculates fees proportionately to the square footage of the proposed units be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development. The legislation declares that its provisions shall not be construed to relieve a local agency from the requirements of the Mitigation Fee Act, the California Constitution, or applicable case law when calculating the amount of a fee.

This legislation also requires a city, county, or special district to post a written fee schedule or a link directly to the written fee schedule on its internet website. The legislation requires a city or county to request the total amount of fees and exactions associated with a project upon the issuance of a certificate of occupancy or the final inspection, whichever occurs last, and to post this information on its internet website, as specified. By requiring a city or county to include certain information in, and follow certain standards with regard to, its impact fee nexus studies and to include certain information on its internet website, the legislation imposes a state-mandated local program.

Existing law requires the Department of Housing and Community Development to develop specifications for the structure, functions, and organization of a housing and community development information system for this state. Existing law requires the system to include statistical, demographic, and community development data that will be of assistance to local public entities in the planning and implementation of housing and community development programs.

This legislation requires the department, on or before January 1, 2024, to create an impact fee nexus study template that may be used by local jurisdictions. The legislation requires that the template include a method of calculating the feasibility of housing being built with a given fee level.

The Mitigation Fee Act requires notice of the time and place of a meeting regarding any fee, that includes a general explanation of the matter to be considered, be mailed at least 14 days before the first meeting to an interested party who files a written request with the city or county for mailed notice of a meeting on a new or increased fee.

This legislation authorizes any member of the public, including an applicant for a development project, to submit evidence that the city, county, or other local agency has failed to comply with the Mitigation Fee Act. The legislation requires the legislative body of the city, county, or other local agency to consider any timely submitted evidence and authorize the legislative body to change or adjust the proposed fee or fee increase, as specified.

An act to amend Sections 65940.1 and 66019 of, and to add Section 66016.5 to, the Government Code, and to add Section 50466.5 to the Health and Safety Code, relating to land use.

Chapter 385 – Senate Bill No. 319 (Melendez) - Land use: development fees: audit.

Existing law, the Mitigation Fee Act, requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, identify the purpose of the fee and the use to which the fee is to be put. Existing law requires a local agency to deposit those fees imposed for an improvement to serve the development project in a separate capital facilities account or fund and to expend those fees solely for the purpose for which the fees were collected. Existing law requires the local agency, after each fiscal year, to make public and to review specified information about each of those accounts or funds, including the amount of fees collected and the amount of the expenditures on each public improvement for the fiscal year.

Existing law authorizes a person to request an audit to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency. If a local agency does not comply with the above-described disclosure requirement for 3 consecutive years, existing law prohibits the local agency from requiring that person to make a specified deposit and requires the local agency to pay the cost of the audit.

This legislation, additionally, requires that audit to include each consecutive year the local agency did not comply with the disclosure requirement. The legislation makes clarifying changes to that provision.

An act to amend Section 66023 of the Government Code, relating to land use.

Chapter 216 – Senate Bill No. 323 (Caballero) - Local government: water or sewer service: legal actions.

The Mitigation Fee Act authorizes a local agency to establish, increase, or impose a variety of fees, dedications, reservations, or other exactions for services, and in connection with the approval of a development project, as defined. Existing law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Existing law provides that a local agency levying a new water or sewer connection fee or increasing a fee must do so by ordinance or resolution.

Existing law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings.

Except as provided, this legislation requires any judicial action or proceeding to attack, review, set aside, void, validate, or annul an ordinance, resolution, or motion adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, to be commenced within 120 days of the effective date or the date of final passage, adoption, or approval of the ordinance, resolution, or motion, whichever is later.

Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution and defines terms for these purposes.

This legislation requires a water or sewer agency mailing a written notice to the record owner of a parcel affected by a proposed fee or charge pursuant to Article XIII D to include a statement that there is a 120-day statute of limitations for challenging any new, increased, or extended fee or charge. This legislation provides that the provisions of this legislation does not apply to a judicial action arising from billing errors, as provided, due to the defective implementation of an ordinance, resolution, or motion adopting, modifying, or amending a fee or charge for water or sewer service. Because this legislation requires an

agency issuing a notice pursuant to Article XIII D to include additional information in the notice, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This legislation provides that, if the Commission on State Mandates determines that the legislation contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

An act to add Article 4.7 (commencing with Section 53759) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

V. INFORMATIONAL

Chapter 590– Assembly Bill No. 818 (Bloom) - Solid waste: premoistened nonwoven disposable wipes.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

This legislation requires, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase "Do Not Flush" and a related symbol, as specified. The legislation prohibits a covered entity, as defined, from making a repres entation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The legislation establishes enforcement provisions, including authorizing a civil penalty not to exceed $2,500 per day, up to a maximum of $100,000 per violation, to be imposed on a covered entity who violates those provisions.

The legislation establishes, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required, among other things, to participate in a collection study conducted in collaboration with wastewater agencies for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state. The legislation requires covered entities to annually report to specified legislative committees and the State Water Resources Control Board on their activities under the program and would require the state board to post the reports on its internet website.

An act to add Part 9 (commencing with Section 49650) to Division 30 of, and to repeal Section 49652 of, the Public Resources Code, relating to solid waste.

Chapter 713 – Assembly Bill No. 1250 (Calderon) - Water and sewer system corporations: consolidation of service.

The Public Utilities Act prohibits, with certain exemptions, any public utility from selling, leasing, assigning, mortgaging, or otherwise disposing of or encumbering specified property necessary or useful in the performance of the public utility's duties to the public without first, for qualified transactions valued above $5,000,000, securing an order from the Public Utilities Commission authorizing it to do so or, for qualified transactions valued at $5,000,000 or less, filing an advice letter and obtaining approval from the commission.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, which include small community water systems, and imposes on the State Water Resources Control Board related regulatory responsibilities and duties. Existing law authorizes the state board to order consolidation

Chapter 755 – Assembly Bill No. 1570 (Committee on Natural Resources) - Public resources: omnibus bill.

Existing law requires the Department of Forestry and Fire Protection to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations.

This legislation instead requires the department to assist local governments in preventing future high-intensity wildland fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations. The legislation explicitly defines, for these purposes, "local governments" to include cities, counties, and special districts. The legislation also makes changes to related findings and declarations by the Legislature.

An act to amend Sections 4740, 4741, 31108, 42282, and 42370.1 of the Public Resources Code, relating to public resources.

Chapter 597 – Senate Bill No. 52 (Dodd) - State of emergency: local emergency: planned power outage.

Existing law, the California Emergency Services Act, authorizes the Governor to proclaim a state of emergency, and local officials and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. Existing law defines the terms "state of emergency" and "local emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state or the territorial limits of a local government caused by, among other things, a sudden and severe energy shortage. This legislation defines a "deenergization event" as a planned power outage, as specified, and would make a deenergization event one of those conditions constituting a local emergency, with prescribed limitations. This legislation incorporates additional changes to Section 8558 of the Government Code proposed by AB 1403 to be operative only if this legislation and AB 1403 are enacted and this legislation is enacted last.

An act to amend Sections 8557 and 8558 of the Government Code, relating to emergency services.

Chapter 241– Senate Bill No. 273 (Hertzberg) - Water quality: municipal wastewater agencies.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the National Pollutant Discharge Elimination System permit program and the Porter-Cologne Water Quality Control Act. Existing law requires regulated municipalities and industries to obtain a stormwater permit.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified.

This legislation authorizes a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, as defined, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the legislation. The legislation requires the exercise of any new authority granted under the legislation to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The legislation requires a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the legislation imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This legislation provides that, if the Commission on State Mandates determines that the legislation contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

An act to add Part 9 (commencing with Section 49650) to Division 30 of, and to repeal Section 49652 of, the Public Resources Code, relating to solid waste.

Chapter 242 – Senate Bill No. 403 (Gonzalez) - Drinking water: consolidation.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

This legislation revises those consolidation provisions, including, among other revisions, authorizing the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.

This legislation requires the state board, before ordering consolidation or extension of service, to consult with any groundwater sustainability agency, as defined, that provides groundwater supply to the affected area. The legislation requires the state board to conduct outreach to ratepayers and residents served by an at-risk water system, consider any specified petitions submitted by members of a disadvantaged community served by the at-risk water system, and consider any information provided by the potentially subsumed water system in support of its contention that it is not an at-risk water system before ordering the consolidation of the at-risk water system, as prescribed. The legislation authorizes the state board to prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles. The legislation requires a finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells to be based on specified aquifer maps and inspection or testing of the domestic wells, as provided.

An act to amend Sections 116681 and 116682 of the Health and Safety Code, relating to drinking water.

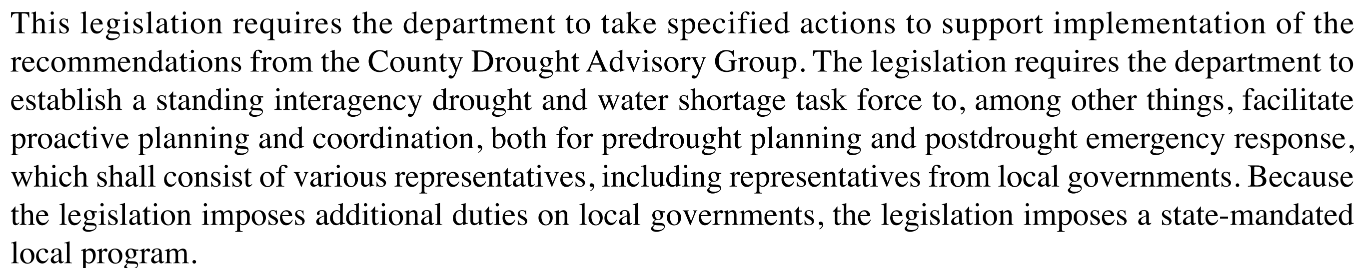
Chapter 245 – Senate Bill No. 552 (Hertzberg) - Drought planning: small water suppliers: nontransient noncommunity water systems.

Existing law declares that small water suppliers and rural communities are often not covered by established water shortage requirements, and that the state should provide guidance to improve drought planning for small water suppliers and rural communities. Existing law required the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify, no later than January 1, 2020, small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability. To implement this directive, the department formed a stakeholder advisory group, the County Drought Advisory Group. Existing law required the department, in consultation with the state board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided.

This legislation requires small water suppliers, as defined, serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools, no later than July 1, 2023, to develop and maintain an abridged Water Shortage Contingency Plan that includes specified drought-planning elements. The legislation requires a small water supplier serving fewer than 1,000 service connections to add drought planning elements to its emergency notification or response plan and submit the plan to

to the state board. The legislation requires these water systems to report annually specified water supply condition information to the state board through the state board's Electronic Annual Reporting System or other reporting tool, as directed by the state board. The legislation requires small water suppliers and nontransient noncommunity water systems that are schools to implement, subject to funding availability, specified drought resiliency measures, including, among others, having at least one backup source of water supply and metering each service connection. The legislation exempts from these provisions small water suppliers, or small water suppliers integrated into larger water systems, that voluntarily choose to instead comply with specified existing law relating to urban water management plans.

This legislation requires a county to establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, as provided. The legislation authorizes a county, in lieu of establishing a standing task force, to establish an alternative process that facilitates drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, as provided. The legislation provides that a county that establishes a drought task force on or before January 1, 2022, shall be deemed in compliance with these requirements as long as the task force continues to exist. The legislation requires a county to develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions, as provided. Because the legislation imposes additional duties on counties, the legislation imposes a state-mandated local program.



This legislation requires the department to take specified actions to support implementation of the recommendations from the County Drought Advisory Group. The legislation requires the department to establish a standing interagency drought and water shortage task force to, among other things, facilitate proactive planning and coordination, both for predrought planning and postdrought emergency response, which shall consist of various representatives, including representatives from local governments. Because the legislation imposes additional duties on local governments, the legislation imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This legislation provides that, if the Commission on State Mandates determines that the legislation contains costs mandated statutory provisions noted above.

An act to add Part 2.56 (commencing with Section 10609.50) to Division 6 of the Water Code, relating to water.