

ZONE 7 BOARD OF DIRECTORS LEGISLATIVE COMMITTEE

DATE: May 25, 2023
TIME: 4:00 p.m.
LOCATION: Boardroom
Zone 7 Administration Building
100 North Canyons Parkway, Livermore

Director Gambs
Director Green
Director Ramirez Holmes

AGENDA

1. Call Meeting to Order
2. Public Comment on Items Not on Agenda
3. Association of California Water Agencies (ACWA) Legislative Priorities Update
4. Regulatory and Legislative Update: The Gualco Group, Inc.
5. Verbal Reports
6. Adjournment



100 North Canyons Parkway
Livermore, CA 94551
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DATE: May 25, 2023

TO: Legislative Committee

FROM: Carol Mahoney, Government Relations Manager

SUBJECT: Regulatory and Legislative Update: The Gualco Group, Inc.

SUMMARY:

Zone 7 staff, with the support of Agency consultants, monitors legislation that is being considered in Sacramento, as well as other political and regulatory activities of interest. This item supports Strategic Plan, Goal F – Stakeholder Engagement, engage our stakeholders to foster understanding of their needs, the Agency, and its function.

California’s Assembly, Senate, and Committees are progressing through the first year of the two-year legislative cycle. The attached Executive Summary provides an overview of key legislation being evaluated in this session. The Gualco Group, Inc. will provide an update on bills of interest and regulatory actions.

FUNDING: N/A

RECOMMENDED ACTION: Discuss and Provide Direction.

ATTACHMENT: Gualco Legislative Executive Summary – As of May 2023

Zone 7 Legislative Positions

- **Support (S)** — Agency actively supports the proposed legislation.
- **Support if Amended (S/A)** — Agency will actively support the proposed legislation, if it is amended to address specific shortcomings identified by the Agency.
- **Favor (F)** — Agency will join with other organizations in support but will not engage actively in advocacy for the measure.
- **Favor, if Amended (F/A)** — Agency will join with other organizations in support, if legislation is amended to address specific shortcomings identified by the Agency but will not engage actively in advocacy for the measure.
- **Watch (W)** — Measures or general issues have not been sufficiently defined for a formal position.
- **Not Favor (NF)** — Agency will join with other organizations in opposition but will not engage actively in advocacy against the measure.
- **Oppose Unless Amended (O/A)** — Agency will actively oppose the proposed legislation unless it is amended to address specific shortcomings.
- **Oppose (O)** — Agency actively opposes the proposed legislation.



EXECUTIVE SUMMARY

State Legislation



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

Bill	Topic	Synopsis	Staff Recommendation	Status of the Bill/Comments as of 05/01/2023
BROWN ACT LEGISLATION				
<u>AB 557 (Hart)</u>	Open meetings: local agencies: teleconference	Provisions proposed to be amended deal with circumstances under which the governor has proclaimed a state of emergency.	Watch	Assembly Floor
<u>AB 817 (Pacheco)</u>	Open meetings: teleconferencing: subsidiary body	Authorizes a subsidiary body to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.	Watch	Assembly Committee on Local Government
<u>SB 411 (Portantino)</u>	Open meetings: teleconferences: neighborhood councils	Provisions to state meeting requirements of an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.	Watch	Senate Committee on Judiciary

[SB 537](#)
[\(Becker\)](#)

**Open meetings:
multijurisdictional,
cross-county
agencies:
teleconferences**

Provides if a member of a legislative body of a local agency shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

Watch

Senate
Committee on
Judiciary

NATURAL RESOURCES BOND

[AB 305](#)
[\(Villapudua\)](#)

**California Flood
Protection Bond Act
of 2024**

General Obligation Bond - \$4,500,000,000

Watch

Assembly
Committee on
Appropriations

[AB 408](#)
[\(Wilson\)](#)

**Climate-resilient
Farms, Sustainable
Healthy Food Access,
and Farmworker
Protection Bond Act
of 2024**

General Obligation Bond - \$3,365,000,000

Watch

Assembly
Committee on
Appropriations

[AB 1567](#)
[\(Garcia\)](#)

**Safe Drinking Water,
Wildfire Prevention,
Drought Preparation,
Flood Protection,
Extreme Heat
Mitigation, and
Workforce
Development Bond
Act of 2024**

General Obligation Bond - \$15,105,000,000

Watch

Assembly
Committee on
Appropriations

[SB 638](#)
[\(Eggman\)](#)

**Climate Resiliency
and Flood Protection
Bond Act of 2024**

General Obligation Bond - \$6,000,000,000

Watch

Senate
Committee on
Appropriations

[SB 867 \(Allen\)](#)

Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024

General Obligation Bond – \$15,500,000,000

Watch

Senate
Committee on
Appropriations

UTILITY MANAGEMENT

[AB 735 \(Berman\)](#)

Workforce development: utility careers

Establishes the High Road Utility Careers (HRUC) program, to be administered by the California Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order to align interested individuals with available resources. The bill would require the HRUC program to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

Watch

NOTE: Board approved position of Favor as of May 17

Assembly
Committee on
Appropriations

[AB 1594](#)
[\(Garcia\)](#)

Medium- and heavy-duty zero-emission vehicles: public agency utilities

This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles by a public agency utility to ensure that those vehicles can support a public agency utility's ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, among other requirements.

Watch
NOTE: Board approved position of Favor as of May 17

Assembly Committee on Appropriations

[SB 493 \(Min\)](#)

Air pollution: alternative vehicles and electric and hydrogen infrastructure

This bill would require the assessment of the fuel cell electric vehicle fueling infrastructure and fuel production to additionally include an assessment of storage and transport facilities, and the assessment of the electric vehicle charging infrastructure to additionally include electric system infrastructure and electric generation. The bill would expand the scope of the latter assessment to include the electric vehicle charging infrastructure, electric system infrastructure, and electric generation needed for the state to meet the goals of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. The bill would require both assessments to identify any barriers to the deployment of hydrogen infrastructure and any barriers to the deployment of electric infrastructure, respectively, for medium- and heavy-duty fleets and recommendations for addressing those barriers.

Watch
NOTE: Board approved position of Favor as of May 17

Senate Committee on Appropriations

WATER RIGHTS

[AB 460 \(Bauer-Kahan\)](#)

State Water Resources Control Board: interim relief: procedures

Authorizes the State Water Resources Control Board in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

Watch

Assembly Committee on Appropriations

[AB 676](#)
[\(Bennett\)](#)

Water: general state policy

Provides specific examples of the use of water for domestic purposes, including, but not limited to, sustenance of human beings and household conveniences. The bill would provide that all water rights remain subject to specified laws.

Watch

Assembly
Committee on
Water, Parks, &
Wildlife

[AB 1272](#)
[\(Wood\)](#)

State Water Resources Control Board: drought planning

Would require the State Water Resources Control Board to establish a program, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines provide for the development of watershed-level plans to support public trust uses, public health and safety, and the human right to water in times of water shortage, among other things.

Watch

Assembly
Committee on
Appropriations

[AB 1337](#)
[\(Wicks\)](#)

State Water Resources Control Board: water diversion curtailment

Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass.

Watch

Assembly
Committee on
Appropriations

[SB 389 \(Allen\)](#)

State Water Resources Control Board: determination of water right

Authorizes 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.

Watch

Senate
Committee on
Appropriations

WATER SUPPLY

AB 1573
(Friedman)

**Water conservation:
landscape design:
model ordinance**

This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance.

Watch
NOTE: Board
approved position of
Not Favor as of
May 17

Assembly
Committee on
Appropriations

SB 23
(Caballero)

**Water supply and
flood risk reduction
projects: expedited
permitting**

This bill would require a project proponent, if already required to submit a notification to the Department of Fish and Wildlife, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.

Watch
NOTE: Board
approved position of
Favor as of May 17

Senate
Committee on
Appropriations

SB 366
(Caballero)

**The California Water
Plan: long-term
supply targets**

Requires the Department of Water Resources, 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 long-term 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 a discussion of various strategies that may be pursued in order to meet the water supply targets and an economic analysis.

Watch
NOTE: Board
approved position of
Favor as of May 17

Senate
Committee on
Appropriations

[SB 687](#)
[\(Eggman\)](#)

**Water Quality
Control Plan: Delta
Conveyance Project**

Requires the State Water Resources Control Board to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as provided, before the board may consider a change in point diversion or any other water rights permit or order for the Delta Conveyance Project. The bill would also, if, after completing the update of the plan and in compliance with existing law, the board approves a change in point of diversion or any other water rights permit or order associated with the Delta Conveyance Project, prohibit the operation of the Delta Conveyance Project unless and until the updated plan is fully implemented.

Watch

Senate
Committee on
Appropriations

SGMA

[AB 429](#)
[\(Bennett\)](#)

**Groundwater wells:
permits**

Current law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards.

Watch

Assembly
Committee on
Water, Parks, &
Wildlife

[AB 560](#)
[\(Bennett\)](#)

**Sustainable
Groundwater
Management Act:
groundwater
adjudication**

Current law prohibits a court from approving entry of judgment in certain adjudication actions for a basin required to have a groundwater sustainability plan under the Sustainable Groundwater Management Act, unless the court finds that the judgment would not substantially impair the ability of a groundwater sustainability agency, the State Water Resources Control Board, or the Department of Water Resources to comply with the act and to achieve sustainable groundwater management. This bill would require the court to refer the proposed judgment to the board for a nonbinding advisory determination as to whether the proposed judgment will substantially impair the ability of a groundwater

Watch

Assembly
Committee on
Appropriations

sustainability agency, the board, or the department to achieve sustainable groundwater management, as provided. The bill would require the board to consult with the department before making its determination.

[AB 779](#)
[\(Wilson\)](#)

**Groundwater:
adjudication**

Would require the court to invite a representative from the department or the State Water Resources Control Board to provide technical assistance or expert testimony on the amount of water in the basin subject to adjudication, equitable and sustainable pumping allocations for the basin, and sustainable groundwater management best practices and recommendations.

Watch

Assembly
Committee on
Appropriations

[AB 828](#)
[\(Connolly\)](#)

**Sustainable
groundwater
management:
managed wetlands**

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term "managed wetland."

Watch

Assembly
Committee on
Water, Parks, &
Wildlife

[AB 900](#)
[\(Bennett\)](#)

Aquifer recharge

Current law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy, known as the Safeguarding California Plan, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Current law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives, including promoting the use of the plan to inform planning decisions and ensure that state

Watch

Assembly
Committee on
Appropriations

investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation. This bill would add aquifers as part of the meaning of natural infrastructure.

[AB 1563](#)
[\(Bennett\)](#)

**Groundwater
sustainability
agency: groundwater
extraction permit:
verification**

Existing law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval. This bill contains other related provisions and other existing laws.

Watch

Assembly
Committee on
Appropriations