



## MEMORANDUM

TO: Water Resources Committee and Alternates, Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: April 1, 2024

RE: Water Resources Committee to Consider Recommendations on Legislation /  
Board of Directors to Consider Same

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### Recommendation

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Recommend to the Board of Directors to adopt the following positions on legislation:

#### Support and Amend

- Adopt a position of "Support and Amend" on S. 3830 (Padilla), Low-Income Household Water Assistance Program Establishment Act

#### Favor

- Adopt a position of "Favor" on AB 2302 (Addis), Open Meeting: local agencies: teleconferences.

#### Watch and Amend

- Adopt a position of "Watch and Amend" on AB 2060 (Soria), Lake and streambed alteration agreements: exemptions.
- Adopt a position of "Watch and Amend" on SB 1156 (Hurtado), Groundwater Sustainability Agencies: financial disclosures.
- Adopt a position of "Watch and Amend" on SB 1390 (Caballero), Groundwater recharge: floodflows: diversion.



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## Federal Legislation

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### S. 3830 (Padilla), Low-Income Household Water Assistance Program Establishment Act

**RECOMMENDATION: SUPPORT AND AMEND**

**OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies**

#### Summary

The bill would authorize the establishment the Low-Income Household Water Assistance Program, administered through the Environmental Protection Agency, which would provide funding to states or Indian tribes to assist low-income households in paying arrearages and other rates associated with the provision on drinking water or wastewater services.

The bill would also provide the opportunity to provide funding for non-profit organizations to assist low-income households with access to the program.

#### Status

S. 3830 was introduced on February 28, 2024 and has been referred to the Senate Committee on Health, Education, Labor and Pensions.

#### Importance to the Authority

The COVID-19 pandemic and associated economic challenges caused many low-income households to become in arrears on payments to water utilities, including some Authority member agencies and their customers. This legislation would establish a federal program that is based on the Low Income Household Energy Assistance Program (LIHEAP), providing financial assistance to low-income households to support payment of water and wastewater services.

#### Suggested Amendments

Suggested amendments would address variances in regional definitions of low-income to better address the totality of impacts to Authority member agencies and expanding the ability of water agencies to directly access the program.

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## State Legislation

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### A.B. 2302 (Addis), Open meetings: local agencies: teleconferences.

**RECOMMENDATION: FAVOR**

**OBJECTIVE: Improve Outreach and Education**

#### Summary

This bill would revise existing teleconference meeting participation limits in current law that prohibits virtual participation for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year, instead prohibiting such participation for more than the following number of meetings, as applicable:



1. Two meetings per year, if the legislative body regularly meets once per month or less;
2. Five meetings per year, if the legislative body regularly meets twice per month; or,
3. Seven meetings per year, if the legislative body regularly meets three or more times per month.

For the purposes of counting meetings attended by teleconference, a “meeting” shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

#### Status

A.B. 2302 was introduced on February 12, 2024 and has been referred to the Assembly Committee on Local Government.

#### Importance to the Authority

When the COVID-19 pandemic began and stay-at-home orders were implemented, many local agencies transitioned to remote participation options for conducting meetings. Through Executive Order N-29-20, Governor Newsom stated that local agencies could still comply with open meeting laws if notice and accessibility requirements are met, members of the public can observe and address the legislative body at the meeting, and that the legislative body provide a procedure for receiving and quickly resolving requests for reasonable accommodation for individuals with disabilities. Governor Newsom’s executive order was beneficial to local agencies trying to conform with the Brown Act’s public accessibility requirement during the pandemic, and it allowed the public to access and participate in meetings remotely.

Although the order has since expired, AB 361 (Chapter 165, Statutes of 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without being required to have a quorum present and abide by other requirements of teleconference meetings under the Brown Act. Pursuant to AB 361, local legislative bodies were authorized to continue meeting virtually until the end of the state’s COVID-19 State of emergency, which was officially lifted on February 28, 2023, and during any future state of emergency until January 1, 2024, and must take a majority vote every 30 days in order to continue allowing members to participate virtually without being required to abide by existing Brown Act requirements.

AB 2449 (Chapter 285, Statutes of 2022) was introduced to plan for the eventual expiration of AB 361. The bill allows, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing each teleconference location or making it publicly accessible, provided at least a quorum of the members of the body participates in person at a singular physical location. The bill does not require teleconferencing. Rather, it modernizes existing law to ensure greater public participation in meetings of the legislative bodies of local agencies who choose to utilize teleconferencing. Similarly, in acknowledgement of the critical importance of maintaining transparency and accountability, the bill requires that a quorum of the governing body be physically present at a clearly identified meeting location for all public meetings. It also places reasonable limits on the number of times individual governing body members utilize teleconferencing each year, maintaining regular accessibility by their constituents. Specifically, the bill stipulates that the provisions shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.



AB 2302 essentially leaves untouched the frequency by which a legislative body of a local agency can invoke the teleconferencing terms of AB 2449. This bill is advantageous for local agencies, however, in that it would define several meetings held on the same day as “one meeting” for the purposes of determining how many invocations of AB 2449 remain for the legislative body. This ensures that local agencies that split their closed session meetings off from their regular, open session meetings held on the same day won’t rapidly burn through their annual allowance of teleconferenced meetings.

AB 2302

The City of Pismo Beach (City) has sponsored AB 2302 to remedy complications it has had with AB 2449’s provisions. The City would split their closed session meetings off from their regular, open session meeting held on the same day. Their legal counsel advised that in so doing, when AB 2449’s terms were being used, the City would have to invoke AB 2449 twice that day (once for each of those two meetings), therefore burning through two of their allowances. AB 2302 would remedy this situation, as those two meetings held on the same day would only count as “one meeting” towards their allowance, not two.

[A.B. 2060 \(Soria\), Lake and streambed alteration agreements: exemptions.](#)

**RECOMMENDATION: WATCH AND AMEND**

**OBJECTIVE: Core Objective**

Summary

Existing law prohibits a person, a state or local governmental agency, or a public utility from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless prescribed requirements are met, including written notification to the Department of Fish and Wildlife regarding the activity. Existing law requires the department to determine whether the activity may substantially adversely affect an existing fish and wildlife resource and, if so, to provide a draft lake or streambed alteration agreement to the person, agency, or utility. Existing law prescribes various requirements for lake and streambed alteration agreements. Existing law also establishes various exemptions from these provisions, including, until January 1, 2029, the diversion of floodflows for groundwater recharge, as provided.

This bill would indefinitely exempt from these provisions the temporary operation of existing infrastructure or temporary pumps being used to divert flood stage flows, as identified by the California Nevada River Forecast Center or the State Water Resources Control Board, or near-flood stage flows, as defined, to groundwater recharge as long as certain conditions are met.

The bill would also make conforming changes.

Status

A.B. 2060 was introduced on February 1, 2024 and has been scheduled for a hearing in the Assembly Water, Parks and Wildlife Committee on April 9.

Importance to the Authority

The legislation would remove the requirement to apply for a lake or streambed alteration agreement for a person, agency or utility, as long as diversions are near or at flood stage, as defined by the California



Nevada River Forecast Center or the State Water Resources Control Board. The provisions of the bill would expedite the ability of low-impact diversions to occur in or around streams at or near flood stage, but does not provide any language to address potential diversions that could impact CVP operations.

#### Suggested Amendments

Staff intends to pursue amendments that would protect CVP operations, including the Delta being in excess conditions, no releases from upstream storage to meet water quality standards, and all outflow conditions being met.

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### [S.B. 1156 \(Hurtado\) – Groundwater Sustainability Agencies: financial disclosures.](#)

#### RECOMMENDATION: WATCH AND AMEND

#### OBJECTIVE: Improve Outreach and Education

##### Existing Law

Existing law, the Sustainable Groundwater Management Act (SGMA), requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources (DWR) to be managed under a groundwater sustainability plan (GSP) or coordinated GSPs, except as specified. Existing law requires a GSP to be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency (GSA). Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a GSA for that basin, as provided.

Existing provisions of the Political Reform Act of 1974 prohibit a public official from making, participating in making, or attempting to use their official position to influence a governmental decision in which they know or have reason to know that they have a financial interest, as defined. However, existing law permits a public official to make or participate in the making of a governmental decision, even if the public official knows or has reason to know that the official has a financial interest, if the official's participation is legally required for the action or decision to be made. Existing law makes a knowing or willful violation of the Political Reform Act a misdemeanor and subjects offenders to criminal penalties.

##### Summary

This bill would require members of the executive team, board of directors, and other groundwater management decision makers of GSAs to annually disclose any economic or financial interests pursuant to the Political Reform Act of 1974 that may reasonably be considered to affect their decision-making related to groundwater management. The disclosures shall include, but not be limited to, information on all of the following:

1. Investments, ownership, or financial interests in entities engaged in groundwater related activities or that may be impacted by groundwater related activities;
2. Receipts of gifts, loans, or other economic benefits due to the person's role in groundwater management; and,
3. Other economic or financial interests that may reasonably influence decision making pursuant to the Political Reform Act of 1974.

The bill would require the Fair Political Practices Commission (FPPC) to establish guidelines and procedures for the submission and review of those disclosures. The bill would authorize the FPPC to investigate and take appropriate enforcement actions for violations of the disclosure requirements.



### Status

S.B. 1156 was introduced on February 14, 2023, and has been referred to the Senate Committee on Natural Resources and Water.

### Importance to the Authority

The requirements of SB 1156 are intended to ensure greater accountability by those in leadership positions of GSAs. Many GSAs already adopt a conflict-of-interest policy, and individuals in positions of leadership must comply with the requirements of the California Political Reform Act and the regulations of the FPPC. The reporting requirements established by SB 1156 would be duplicative for individuals who hold positions on the Board of Directors of a GSA, as they are already required to file Form 700s. Additionally, staff are concerned with the term “groundwater management decision maker,” as it is overly broad and may require a large swath of individuals to file with the FPPC. Staff recommend amending the bill to clarify which roles and positions would fall under the definition of “groundwater management decision maker” and insert provisions that would ensure GSA leadership who already files with the FPPC isn’t burdened with duplicative reporting requirements.

### SB 1156

According to the author’s fact sheet, current law lacks appropriate transparency measures related to GSAs, which can exacerbate the risk of economic interests influencing decision-making processes. To address these deficiencies, SB 1156 creates policies and procedures promoting transparency, preventing conflicts of interest, and ensuring accountability within GSAs. As introduced, the bill would require members of the executive team, board of directors, and other groundwater management decision makers of GSAs to annually disclose any economic or financial interests as required by the Political Reform Act, that may reasonable be considered to affect their decision-making related to groundwater management.

### Duplicative reporting?

Every elected official and public employee who makes or influences governmental decisions, including the Board of Directors of a GSA, is required to submit a Statement of Economic Interest (Form 700). In theory, the “executive committee” is part of the Board and already files as well. Establishing new financial disclosure reporting requirements for groundwater management decision makers of GSAs will require some individuals to submit another statement of economic interests in addition to the statements they are already required to disclose for the agency(s) they’re employed by.

According to the FPPC, in the event someone holds two additional board positions in addition to a position with the county, for example, three statements of economic interests must be filed. However, an expanded statement may be completed, which shall disclose all reportable economic interests in all three jurisdictions on the expanded statement. The expanded statement shall be filed with all three agencies, as required by Regulation 18723.1(c). It appears that the requirement to submit an additional statement of economic interests wouldn’t be an onerous effort.

### Other Groundwater Management Decision Makers

The term “other groundwater management decision makers” in SB 1156 is very broad and could expand the list of individuals that would be required to file Form 700s. This definition could encompass a large variety of individuals that work for or consult with GSAs, including individuals appointed to standing committees, subcommittees, or ad hoc committees. The term “other groundwater management decision



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makers” should be more clearly defined to ensure GSAs are well informed on which individuals are required to disclose any economic or financial interests.

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## S.B. 1390 (Caballero) – Open meetings: local agencies: teleconferences.

### RECOMMENDATION: WATCH AND AMEND

#### OBJECTIVE: Core Objective

##### Summary

Existing law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be acquired by appropriation in the manner provided by law. Existing law requires the appropriation to be for some useful or beneficial purpose. Existing law provides, however, that the diversion of floodflows for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency has adopted a local plan of flood control or has considered flood risks part of its most recently adopted general plan. Existing law also requires the person or entity making the diversion to file with the State Water Resources Control Board a final report after the diversions cease, as provided. These requirements apply to diversions commenced before January 1, 2029.

This bill would extend the operation of these requirements to diversions commenced before January 1, 2034. The bill would revise, recast, and expand the conditions that are required to be met to include a requirement that a local or regional agency make a declaration that its proposed diversion is in accordance with one of certain enumerated plans relating to flood control or flood risk, as specified, or a county emergency operations plan. The bill would also require the final report to contain information, if applicable, describing the forecasting models used to determine a likely imminent escape of surface water and a description of the methodology used to determine the abatement of flood conditions.

##### Status

S.B. 1390 was introduced on February 16, 2024, and has been referred to the Senate Committee on Natural Resources and Water.

##### Importance to the Authority

The legislation would amend the requirement for a permit for diversion of flood flows from the State Water Resources Control Board for a person, agency or utility, as long as diversions are near or at flood stage, as defined by the California Nevada River Forecast Center or the State Water Resources Control Board. The provisions of the bill would expedite the ability of diversions to groundwater recharge to occur in or around streams at or near flood stage, but does not provide any language to address potential diversions that could impact CVP operations.

##### Suggested Amendments

Staff intends to pursue amendments that would protect CVP operations, including the Delta being in excess conditions without conditions, and clarifying amendments associated with protection of the existing water rights holders.

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## Guidelines for Taking Positions on Legislation

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A number of controversial bills are introduced each year in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

### Policy

By Agenda Item 7, dated December 7, 2023, the Board adopted the Fiscal Year 2025 Objectives.

### Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives. The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). The Water Authority's staff and consultants testify and advocate with legislators and staff through meetings and member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator. Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with adopted legislative or policy objectives, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

### Amendment Development Process

If the Water Authority takes an Oppose Unless Amended or Support if Amended position, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

### Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.



# **BILL TEXT**

118TH CONGRESS  
2D SESSION

# S. 3830

To authorize the Low-Income Household Water Assistance Program, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2024

Mr. PADILLA introduced the following bill; which was read twice and referred  
to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To authorize the Low-Income Household Water Assistance  
Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Low-Income House-  
5 hold Water Assistance Program Establishment Act”.

6 **SEC. 2. LOW-INCOME HOUSEHOLD WATER ASSISTANCE**  
7 **PROGRAM.**

8 (a) DEFINITIONS.—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) HOUSEHOLD.—The term “household”  
5           means any individual or group of individuals who  
6           are living together as 1 economic unit.

7           (3) LOW-INCOME HOUSEHOLD.—The term  
8           “low-income household” means a household—

9                   (A) in which 1 or more individuals are re-  
10                  ceiving—

11                           (i) assistance under the State pro-  
12                           gram funded under part A of title IV of  
13                           the Social Security Act (42 U.S.C. 601 et  
14                           seq.);

15                           (ii) supplemental security income pay-  
16                           ments under title XVI of the Social Secu-  
17                           rity Act (42 U.S.C. 1381 et seq.);

18                           (iii) supplemental nutrition assistance  
19                           program benefits under the Food and Nu-  
20                           trition Act of 2008 (7 U.S.C. 2011 et  
21                           seq.);

22                           (iv) payments under—

23                                   (I) section 1315, 1521, 1541, or  
24                                   1542 of title 38, United States Code;

25                                   or

1 (II) section 306 of the Veterans'  
2 and Survivors' Pension Improvement  
3 Act of 1978 (38 U.S.C. 1521 note;  
4 Public Law 95-588); or

5 (v) assistance under the Low-Income  
6 Home Energy Assistance Act of 1981; or

7 (B) that has a household income that, as  
8 determined by the State or Indian tribe, does  
9 not exceed the greater of—

10 (i) an amount equal to 150 percent of  
11 the poverty level;

12 (ii) an amount equal to 60 percent of  
13 the State median income for that State or  
14 the State in which the Indian tribe is pri-  
15 marily located; or

16 (iii) an amount equal to 60 percent of  
17 the area median income for the area in  
18 which the household is located.

19 (4) POVERTY LEVEL.—The term “poverty  
20 level” means the poverty line determined pursuant  
21 to section 673 of the Community Services Block  
22 Grant Act (42 U.S.C. 9902).

23 (5) PUBLIC WATER SYSTEM.—The term “public  
24 water system” has the meaning given the term in

1 section 1401 of the Safe Drinking Water Act (42  
2 U.S.C. 300f).

3 (6) QUALIFIED NONPROFIT ORGANIZATION.—  
4 The term “qualified nonprofit organization” includes  
5 a nonprofit organization described in section  
6 680(a)(3)(B) of the Community Services Block  
7 Grant Act (42 U.S.C. 9921(a)(3)(B)).

8 (7) SECRETARY.—The term “Secretary” means  
9 the Secretary of Health and Human Services.

10 (8) STATE.—The term “State” means any of  
11 the 50 States, the District of Columbia, the Com-  
12 monwealth of Puerto Rico, Guam, the United States  
13 Virgin Islands, American Samoa, and the Common-  
14 wealth of the Northern Mariana Islands.

15 (9) TREATMENT WORKS.—The term “treatment  
16 works” has the meaning given the term in section  
17 212 of the Federal Water Pollution Control Act (33  
18 U.S.C. 1292).

19 (b) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Secretary, in consulta-  
21 tion with the Administrator, shall establish the Low-  
22 Income Household Water Assistance Program to  
23 award grants, in accordance with paragraph (3), to  
24 eligible entities described in paragraph (2) to provide  
25 funds to owners and operators of public water sys-

1       tems or treatment works to assist low-income house-  
2       holds in paying arrearages and other rates charged  
3       to such households for drinking water or wastewater  
4       services.

5           (2) ELIGIBLE ENTITIES.—An eligible entity de-  
6       scribed in this paragraph is a State, or Indian tribe,  
7       that is eligible to receive or previously received a  
8       grant under the Low-Income Home Energy Assist-  
9       ance Act of 1981 (42 U.S.C. 8621 et seq.).

10          (3) FORMULA.—In awarding grants under this  
11       subsection to eligible entities, the Secretary shall—

12           (A) allot amounts made available for  
13       grants under this subsection to an eligible enti-  
14       ty that is a State or Indian tribe based on—

15           (i) the percentage of households in the  
16       State, or under the jurisdiction of the In-  
17       dian tribe, with income equal to or less  
18       than 150 percent of the poverty level; or

19           (ii) the percentage of households in  
20       the State, or under the jurisdiction of the  
21       Indian tribe, that spend more than 30 per-  
22       cent of monthly income on housing; and

23           (B) reserve up to 3 percent of amounts  
24       made available for grants under this subsection  
25       to eligible entities that are Indian tribes.

1           (c) RURAL, UNDERSERVED, AND INDIAN TRIBE AC-  
2 CESS GRANTS.—The Secretary shall provide grants to  
3 qualified nonprofit organizations to assist owners or oper-  
4 ators of public water systems or treatment works, in rural  
5 or underserved areas or in the jurisdiction of an Indian  
6 tribe, in accessing funds through the Low-Income House-  
7 hold Water Assistance Program.

8           (d) APPLICATIONS.—Each eligible entity seeking a  
9 grant under subsection (b) shall submit an application to  
10 the Secretary at such time, in such manner, and con-  
11 taining such information as the Secretary shall require.

12           (e) LIMITATIONS.—A recipient of a grant under sub-  
13 section (b) or (c)—

14                 (1) shall not use the funds from the grant to  
15                 supplant any other funds for any program that as-  
16                 sists low-income households in maintaining access to  
17                 affordable drinking water or wastewater services;  
18                 and

19                 (2) may use the funds from the grant to supple-  
20                 ment or otherwise enhance any such program that  
21                 satisfies the requirements under this section.

22           (f) TECHNICAL ASSISTANCE FOR ELIGIBILITY RE-  
23 QUIREMENTS.—The Secretary shall provide technical as-  
24 sistance to eligible entities receiving a grant under sub-  
25 section (b) for such eligible entities to establish data shar-

1 ing agreements to streamline categorical eligibility re-  
2 quirements for low-income households.

3 (g) TRANSFER TO THE ENVIRONMENTAL PROTEC-  
4 TION AGENCY.—

5 (1) IN GENERAL.—On the date on which the  
6 final report described in section 50109(d) of the In-  
7 frastructure Investment and Jobs Act (42 U.S.C.  
8 300j–19a note; Public Law 117–58; 135 Stat. 1148)  
9 is submitted to Congress under such section, the  
10 Secretary, in coordination with the Administrator,  
11 shall transfer the Low-Income Household Water As-  
12 sistance Program established under this section to  
13 the Environmental Protection Agency for adminis-  
14 tration of such program by the Administrator in ac-  
15 cordance with this section.

16 (2) ADMINISTRATION.—

17 (A) IN GENERAL.—Beginning on the date  
18 described in paragraph (1)—

19 (i) the Administrator shall carry out  
20 all functions of the Secretary under this  
21 section; and

22 (ii) for purposes of administering the  
23 program established under this section,  
24 each reference in subsections (b)(3), (c),



1 (d), and (f) to the Secretary shall be  
2 deemed a reference to the Administrator.

3 (B) GRANTS PREVIOUSLY AWARDED.—

4 Notwithstanding paragraph (1) and subpara-  
5 graph (A), the Secretary shall continue, after  
6 the transfer under paragraph (1), administering  
7 each grant awarded under this section prior to  
8 such transfer until the expiration of the term of  
9 such grant.

10 (3) UNOBLIGATED BALANCES.—On the date de-  
11 scribed in paragraph (1) and subject to section 1531  
12 of title 31, United States Code, the Secretary shall  
13 initiate transfer of all unobligated balances of appro-  
14 priations, authorizations, allocations, or other funds  
15 available to the Low-Income Household Water As-  
16 sistance Program established under this section (ex-  
17 cept for any such balances related to grants awarded  
18 prior to the transfer under paragraph (1)) to the  
19 Administrator. The amounts of any such unobligated  
20 balances so transferred shall be used only for the  
21 purposes for which the amounts were originally au-  
22 thorized and appropriated.

1       (h) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

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**ASSEMBLY BILL**

**No. 2302**

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**Introduced by Assembly Member Addis**  
(Coauthor: Senator Laird)

February 12, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2302, as introduced, Addis. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open

to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Existing law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year.

This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets. The bill, for the purpose of counting meetings attended by teleconference, would define a “meeting” as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

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

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. Section 54953 of the Government Code, as
- 2 amended by Section 1 of Chapter 534 of the Statutes of 2023, is
- 3 amended to read:
- 4 54953. (a) All meetings of the legislative body of a local
- 5 agency shall be open and public, and all persons shall be permitted
- 6 to attend any meeting of the legislative body of a local agency,
- 7 except as otherwise provided in this chapter.
- 8 (b) (1) Notwithstanding any other provision of law, the
- 9 legislative body of a local agency may use teleconferencing for
- 10 the benefit of the public and the legislative body of a local agency
- 11 in connection with any meeting or proceeding authorized by law.
- 12 The teleconferenced meeting or proceeding shall comply with all

1 otherwise applicable requirements of this chapter and all otherwise  
2 applicable provisions of law relating to a specific type of meeting  
3 or proceeding.

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

9 (A) All votes taken during a teleconferenced meeting shall be  
10 by rollcall.

11 (B) The teleconferenced meetings shall be conducted in a  
12 manner that protects the statutory and constitutional rights of the  
13 parties or the public appearing before the legislative body of a  
14 local agency.

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

17 (D) The legislative body shall allow members of the public to  
18 access the meeting and the agenda shall provide an opportunity  
19 for members of the public to address the legislative body directly  
20 pursuant to Section 54954.3.

21 (3) If the legislative body of a local agency elects to use  
22 teleconferencing, it shall post agendas at all teleconference  
23 locations. Each teleconference location shall be identified in the  
24 notice and agenda of the meeting or proceeding, and each  
25 teleconference location shall be accessible to the public. During  
26 the teleconference, at least a quorum of the members of the  
27 legislative body shall participate from locations within the  
28 boundaries of the territory over which the local agency exercises  
29 jurisdiction, except as provided in subdivisions (d) and (e).

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

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

35 (3) Prior to taking final action, the legislative body shall orally  
36 report a summary of a recommendation for a final action on the  
37 salaries, salary schedules, or compensation paid in the form of  
38 fringe benefits of a local agency executive, as defined in  
39 subdivision (d) of Section 3511.1, during the open meeting in  
40 which the final action is to be taken. This paragraph shall not affect

1 the public’s right under the California Public Records Act (Division  
2 10 (commencing with Section 7920.000) of Title 1) to inspect or  
3 copy records created or received in the process of developing the  
4 recommendation.

5 (d) (1) Notwithstanding the provisions relating to a quorum in  
6 paragraph (3) of subdivision (b), if a health authority conducts a  
7 teleconference meeting, members who are outside the jurisdiction  
8 of the authority may be counted toward the establishment of a  
9 quorum when participating in the teleconference if at least 50  
10 percent of the number of members that would establish a quorum  
11 are present within the boundaries of the territory over which the  
12 authority exercises jurisdiction, and the health authority provides  
13 a teleconference number, and associated access codes, if any, that  
14 allows any person to call in to participate in the meeting and the  
15 number and access codes are identified in the notice and agenda  
16 of the meeting.

17 (2) Nothing in this subdivision shall be construed as  
18 discouraging health authority members from regularly meeting at  
19 a common physical site within the jurisdiction of the authority or  
20 from using teleconference locations within or near the jurisdiction  
21 of the authority. A teleconference meeting for which a quorum is  
22 established pursuant to this subdivision shall be subject to all other  
23 requirements of this section.

24 (3) For purposes of this subdivision, a health authority means  
25 any entity created pursuant to Sections 14018.7, 14087.31,  
26 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
27 and Institutions Code, any joint powers authority created pursuant  
28 to Article 1 (commencing with Section 6500) of Chapter 5 of  
29 Division 7 for the purpose of contracting pursuant to Section  
30 14087.3 of the Welfare and Institutions Code, and any advisory  
31 committee to a county-sponsored health plan licensed pursuant to  
32 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
33 Health and Safety Code if the advisory committee has 12 or more  
34 members.

35 (e) (1) The legislative body of a local agency may use  
36 teleconferencing without complying with the requirements of  
37 paragraph (3) of subdivision (b) if the legislative body complies  
38 with the requirements of paragraph (2) of this subdivision in either  
39 of the following circumstances:

1 (A) The legislative body holds a meeting during a proclaimed  
2 state of emergency for the purpose of determining, by majority  
3 vote, whether as a result of the emergency, meeting in person  
4 would present imminent risks to the health or safety of attendees.

5 (B) The legislative body holds a meeting during a proclaimed  
6 state of emergency and has determined, by majority vote, pursuant  
7 to subparagraph (A), that, as a result of the emergency, meeting  
8 in person would present imminent risks to the health or safety of  
9 attendees.

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

12 (A) In each instance in which notice of the time of the  
13 teleconferenced meeting is otherwise given or the agenda for the  
14 meeting is otherwise posted, the legislative body shall also give  
15 notice of the means by which members of the public may access  
16 the meeting and offer public comment. The agenda shall identify  
17 and include an opportunity for all persons to attend via a call-in  
18 option or an internet-based service option.

19 (B) In the event of a disruption that prevents the legislative body  
20 from broadcasting the meeting to members of the public using the  
21 call-in option or internet-based service option, or in the event of  
22 a disruption within the local agency's control that prevents  
23 members of the public from offering public comments using the  
24 call-in option or internet-based service option, the legislative body  
25 shall take no further action on items appearing on the meeting  
26 agenda until public access to the meeting via the call-in option or  
27 internet-based service option is restored. Actions taken on agenda  
28 items during a disruption that prevents the legislative body from  
29 broadcasting the meeting may be challenged pursuant to Section  
30 54960.1.

31 (C) The legislative body shall not require public comments to  
32 be submitted in advance of the meeting and must provide an  
33 opportunity for the public to address the legislative body and offer  
34 comment in real time.

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

1 (E) (i) A legislative body that provides a timed public comment  
2 period for each agenda item shall not close the public comment  
3 period for the agenda item, or the opportunity to register, pursuant  
4 to subparagraph (D), to provide public comment until that timed  
5 public comment period has elapsed.

6 (ii) A legislative body that does not provide a timed public  
7 comment period, but takes public comment separately on each  
8 agenda item, shall allow a reasonable amount of time per agenda  
9 item to allow public members the opportunity to provide public  
10 comment, including time for members of the public to register  
11 pursuant to subparagraph (D), or otherwise be recognized for the  
12 purpose of providing public comment.

13 (iii) A legislative body that provides a timed general public  
14 comment period that does not correspond to a specific agenda item  
15 shall not close the public comment period or the opportunity to  
16 register, pursuant to subparagraph (D), until the timed general  
17 public comment period has elapsed.

18 (3) If a state of emergency remains active, in order to continue  
19 to teleconference without compliance with paragraph (3) of  
20 subdivision (b), the legislative body shall, not later than 45 days  
21 after teleconferencing for the first time pursuant to subparagraph  
22 (A) or (B) of paragraph (1), and every 45 days thereafter, make  
23 the following findings by majority vote:

24 (A) The legislative body has reconsidered the circumstances of  
25 the state of emergency.

26 (B) The state of emergency continues to directly impact the  
27 ability of the members to meet safely in person.

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

31 (f) (1) The legislative body of a local agency may use  
32 teleconferencing without complying with paragraph (3) of  
33 subdivision (b) if, during the teleconference meeting, at least a  
34 quorum of the members of the legislative body participates in  
35 person from a singular physical location clearly identified on the  
36 agenda, which location shall be open to the public and situated  
37 within the boundaries of the territory over which the local agency  
38 exercises jurisdiction and the legislative body complies with all  
39 of the following:



1 (A) The legislative body shall provide at least one of the  
2 following as a means by which the public may remotely hear and  
3 visually observe the meeting, and remotely address the legislative  
4 body:

5 (i) A two-way audiovisual platform.

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

8 (B) In each instance in which notice of the time of the  
9 teleconferenced meeting is otherwise given or the agenda for the  
10 meeting is otherwise posted, the legislative body shall also give  
11 notice of the means by which members of the public may access  
12 the meeting and offer public comment.

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

17 (D) In the event of a disruption that prevents the legislative body  
18 from broadcasting the meeting to members of the public using the  
19 call-in option or internet-based service option, or in the event of  
20 a disruption within the local agency's control that prevents  
21 members of the public from offering public comments using the  
22 call-in option or internet-based service option, the legislative body  
23 shall take no further action on items appearing on the meeting  
24 agenda until public access to the meeting via the call-in option or  
25 internet-based service option is restored. Actions taken on agenda  
26 items during a disruption that prevents the legislative body from  
27 broadcasting the meeting may be challenged pursuant to Section  
28 54960.1.

29 (E) The legislative body shall not require public comments to  
30 be submitted in advance of the meeting and must provide an  
31 opportunity for the public to address the legislative body and offer  
32 comment in real time.

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

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

4 (A) One of the following circumstances applies:

5 (i) The member notifies the legislative body at the earliest  
6 opportunity possible, including at the start of a regular meeting,  
7 of their need to participate remotely for just cause, including a  
8 general description of the circumstances relating to their need to  
9 appear remotely at the given meeting. The provisions of this clause  
10 shall not be used by any member of the legislative body for more  
11 than two meetings per calendar year.

12 (ii) The member requests the legislative body to allow them to  
13 participate in the meeting remotely due to emergency circumstances  
14 and the legislative body takes action to approve the request. The  
15 legislative body shall request a general description of the  
16 circumstances relating to their need to appear remotely at the given  
17 meeting. A general description of an item generally need not exceed  
18 20 words and shall not require the member to disclose any medical  
19 diagnosis or disability, or any personal medical information that  
20 is already exempt under existing law, such as the Confidentiality  
21 of Medical Information Act (Chapter 1 (commencing with Section  
22 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
23 of this clause, the following requirements apply:

24 (I) A member shall make a request to participate remotely at a  
25 meeting pursuant to this clause as soon as possible. The member  
26 shall make a separate request for each meeting in which they seek  
27 to participate remotely.

28 (II) The legislative body may take action on a request to  
29 participate remotely at the earliest opportunity. If the request does  
30 not allow sufficient time to place proposed action on such a request  
31 on the posted agenda for the meeting for which the request is made,  
32 the legislative body may take action at the beginning of the meeting  
33 in accordance with paragraph (4) of subdivision (b) of Section  
34 54954.2.

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

1 (C) The member shall participate through both audio and visual  
2 technology.

3 (3) (A) The provisions of this subdivision shall not serve as a  
4 means for any member of a legislative body to participate in  
5 meetings of the legislative body solely by teleconference from a  
6 remote location for ~~a period of more than three consecutive months~~  
7 ~~or 20 percent of the regular meetings for the local agency within~~  
8 ~~a calendar year, or more than two meetings if the legislative body~~  
9 ~~regularly meets fewer than 10 times per calendar year.~~ *more than*  
10 *the following number of meetings, as applicable:*

11 (i) *Two meetings per year, if the legislative body regularly meets*  
12 *once per month or less.*

13 (ii) *Five meetings per year, if the legislative body regularly*  
14 *meets twice per month.*

15 (iii) *Seven meetings per year, if the legislative body regularly*  
16 *meets three or more times per month.*

17 (B) *For the purpose of counting meetings attended by*  
18 *teleconference under this paragraph, a “meeting” shall be defined*  
19 *as any number of meetings of the legislative body of a local agency*  
20 *that begin on the same calendar day.*

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

30 (h) The legislative body shall conduct meetings subject to this  
31 chapter consistent with applicable civil rights and  
32 nondiscrimination laws.

33 (i) (1) Nothing in this section shall prohibit a legislative body  
34 from providing the public with additional teleconference locations.

35 (2) Nothing in this section shall prohibit a legislative body from  
36 providing the public with additional physical locations in which  
37 the public may observe and address the legislative body by  
38 electronic means.

39 (j) For the purposes of this section, the following definitions  
40 shall apply:

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

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

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

8 (k) This section shall remain in effect only until January 1, 2026,  
9 and as of that date is repealed.

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

19 This act is necessary to ensure minimum standards for remote  
20 participation by a member of a legislative body in teleconference  
21 meetings.

**ASSEMBLY BILL**

**No. 2060**

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**Introduced by Assembly Member Soria  
(Coauthor: Assembly Member Alanis)**

February 1, 2024

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An act to amend Section 1610 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2060, as introduced, Soria. Lake and streambed alteration agreements: exemptions.

Existing law prohibits a person, a state or local governmental agency, or a public utility from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless prescribed requirements are met, including written notification to the Department of Fish and Wildlife regarding the activity. Existing law requires the department to determine whether the activity may substantially adversely affect an existing fish and wildlife resource and, if so, to provide a draft lake or streambed alteration agreement to the person, agency, or utility. Existing law prescribes various requirements for lake and streambed alteration agreements. Existing law also establishes various exemptions from these provisions, including, until January 1, 2029, the diversion of floodflows for groundwater recharge, as provided.

This bill would indefinitely exempt from these provisions the temporary operation of existing infrastructure or temporary pumps being

used to divert flood stage flows, as identified by the California Nevada River Forecast Center or the State Water Resources Control Board, or near-flood stage flows, as defined, to groundwater recharge as long as certain conditions are met.

The bill would also make conforming changes.

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

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

1 SECTION 1. Section 1610 of the Fish and Game Code is  
2 amended to read:

3 1610. (a) Except as provided in subdivision (b), this chapter  
4 does not apply to any of the following:

5 (1) Immediate emergency work necessary to protect life or  
6 property.

7 (2) Immediate emergency repairs to public service facilities  
8 necessary to maintain service as a result of a disaster in an area in  
9 which a state of emergency has been proclaimed by the Governor  
10 pursuant to Chapter 7 (commencing with Section 8550) of Division  
11 1 of Title 2 of the Government Code.

12 (3) Emergency projects undertaken, carried out, or approved  
13 by a state or local governmental agency to maintain, repair, or  
14 restore an existing highway, as defined in Section 360 of the  
15 Vehicle Code, within the existing right-of-way of the highway,  
16 that has been damaged as a result of fire, flood, storm, earthquake,  
17 land subsidence, gradual earth movement, or landslide, within one  
18 year of the damage. Work needed in the vicinity above and below  
19 a highway may be conducted outside of the existing right-of-way  
20 if it is needed to stop ongoing or recurring mudslides, landslides,  
21 or erosion that pose an immediate threat to the highway, or to  
22 restore those roadways damaged by mudslides, landslides, or  
23 erosion to their predamage condition and functionality. This  
24 paragraph does not exempt from this chapter any project  
25 undertaken, carried out, or approved by a state or local  
26 governmental agency to expand or widen a highway damaged by  
27 fire, flood, storm, earthquake, land subsidence, gradual earth  
28 movement, or landslide. The exception provided in this paragraph  
29 does not apply to a highway designated as an official state scenic

1 highway pursuant to Section 262 of the Streets and Highways  
2 Code.

3 (4) *The temporary operation of existing infrastructure or*  
4 *temporary pumps being used to divert flood stage flows, as*  
5 *identified by the California Nevada River Forecast Center or the*  
6 *State Water Resources Control Board, or near-flood stage flows,*  
7 *which are defined to mean that flood stage flows are forecast*  
8 *within 10 days, to groundwater recharge as long as all of the*  
9 *following conditions are met:*

10 (A) *The diversions cease when the flows are no longer flood*  
11 *stage, near-flood stage, or within the State Water Resources*  
12 *Control Board permitted flows.*

13 (B) *Diverted water is not diverted or applied to any of the*  
14 *following:*

15 (i) *Dairy land application areas.*

16 (ii) *Any agricultural field where pesticide or fertilizer*  
17 *application has occurred in the last 30 days.*

18 (iii) *Any area that could cause damage to critical levees,*  
19 *infrastructure, wastewater and water systems, drinking water wells*  
20 *or drinking water supplies, or exacerbate the threat of flood and*  
21 *other health and safety concerns.*

22 (iv) *Any area that has not been in active irrigated agricultural*  
23 *cultivation within the past three years, including grazing lands,*  
24 *annual grasslands, and natural habitats. This limitation does not*  
25 *apply to facilities already constructed for the purpose of*  
26 *groundwater recharge or managed wetlands.*

27 (C) *The diversion utilizes all of the following:*

28 (i) *Existing diversion infrastructure or temporary pumps.*

29 (ii) *Existing groundwater recharge locations, where available.*

30 (iii) *No new permanent infrastructure or permanent*  
31 *construction.*

32 (iv) *Simple screens installed on pump intakes to minimize the*  
33 *impact of diversion to salmon and other aquatic life.*

34 (D) *Applicable fees are paid, pursuant to Section 1609.*

35 (E) *The temporary diversion is permitted by the State Water*  
36 *Resources Control Board under a temporary water rights permit.*

37 (b) *The entity performing the emergency work or other*  
38 *necessary work described in subdivision (a) shall notify the*  
39 *department of the work, in writing, within 14 days of beginning*  
40 *the work. Any work described in the emergency notification that*



1 does not meet the criteria for the emergency work *or other*  
2 *necessary work* described in subdivision (a) is a violation of this  
3 chapter if the entity did not first notify the department in  
4 accordance with Section 1602 or 1611.

5 (c) This chapter does not apply to activities undertaken pursuant  
6 to Section 1242.1 of the Water Code.

**Introduced by Senator Hurtado**February 14, 2024

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An act to add Section 10724.1 to the Water Code, relating to groundwater.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1156, as introduced, Hurtado. Groundwater sustainability agencies: financial disclosures.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Existing law requires a groundwater sustainability plan to be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency. Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin, as provided.

Existing provisions of the Political Reform Act of 1974 prohibit a public official from making, participating in making, or attempting to use their official position to influence a governmental decision in which they know or have reason to know that they have a financial interest, as defined. However, existing law permits a public official to make or participate in the making of a governmental decision, even if the public official knows or has reason to know that the official has a financial interest, if the official's participation is legally required for the action or decision to be made. Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

This bill would require members of the executive team, board of directors, and other groundwater management decision makers of groundwater sustainability agencies to annually disclose any economic or financial interests pursuant to the Political Reform Act of 1974 that may reasonably be considered to affect their decision-making related to groundwater management, as provided. Because it would expand the scope of a crime, this bill would impose a state-mandated local program. The bill would require the Fair Political Practices Commission to establish guidelines and procedures for the submission and review of those disclosures. The bill would authorize the commission to investigate and take appropriate enforcement actions for violations of the disclosure requirements.

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 bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. The Legislature finds and declares it is essential  
2 to establish mechanisms that promote transparency, prevent  
3 conflicts of interest, and ensure accountability within groundwater  
4 sustainability agencies to safeguard the sustainable management  
5 of groundwater resources.

6 SEC. 2. Section 10724.1 is added to the Water Code, to read:

7 10724.1. (a) (1) Members of the executive team, the board of  
8 directors, and other groundwater management decision makers of  
9 groundwater sustainability agencies shall annually disclose any  
10 economic or financial interests as required pursuant to Article 2  
11 (commencing with Section 87200) of Chapter 7 of Title 9 of the  
12 Government Code that may reasonably be considered to affect  
13 their decision-making related to groundwater management.

14 (2) The disclosures shall be submitted to the Fair Political  
15 Practices Commission in a format specified by the commission.

16 (b) The disclosure shall include, but not be limited to,  
17 information on all of the following:

1 (1) Investments, ownership, or financial interests in entities  
2 engaged in groundwater related activities or that may be impacted  
3 by groundwater related activities.

4 (2) Receipts of gifts, loans, or other economic benefits due to  
5 the person’s role in groundwater management.

6 (3) Other economic or financial interests that may reasonably  
7 influence decision-making pursuant to Article 1 (commencing  
8 with Section 87100) of, and Article 2 (commencing with Section  
9 87200) of, Chapter 7 of Title 9 of the Government Code.

10 (c) (1) The Fair Political Practices Commission shall establish  
11 guidelines and procedures for the submission and review of  
12 disclosures required pursuant to this section.

13 (2) The commission may investigate and take appropriate  
14 enforcement actions for violations of the disclosure requirements.

15 (d) Failure to comply with the disclosure requirements pursuant  
16 to this section may result in penalties pursuant to Chapter 11  
17 (commencing with Section 91000) of Title 9 of the Government  
18 Code.

19 SEC. 3. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.

**Introduced by Senator Caballero**  
(Coauthor: Assembly Member Soria)

February 16, 2024

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An act to amend Section 1242.1 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1390, as introduced, Caballero. Groundwater recharge: floodflows: diversion.

Existing law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be acquired by appropriation in the manner provided by law. Existing law requires the appropriation to be for some useful or beneficial purpose. Existing law provides, however, that the diversion of floodflows for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency has adopted a local plan of flood control or has considered flood risks part of its most recently adopted general plan. Existing law also requires the person or entity making the diversion to file with the State Water Resources Control Board a final report after the diversions cease, as provided. These requirements apply to diversions commenced before January 1, 2029.

This bill would extend the operation of these requirements to diversions commenced before January 1, 2034. The bill would revise, recast, and expand the conditions that are required to be met to include a requirement that a local or regional agency make a declaration that its proposed diversion is in accordance with one of certain enumerated plans relating to flood control or flood risk, as specified, or a county emergency operations plan. The bill would also require the final report

to contain information, if applicable, describing the forecasting models used to determine a likely imminent escape of surface water and a description of the methodology used to determine the abatement of flood conditions.

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

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

1 SECTION 1. Section 1242.1 of the Water Code is amended to  
2 read:

3 1242.1. The diversion of floodflows for groundwater recharge  
4 shall not require an appropriative water right if all of the following  
5 conditions are met:

6 ~~(a) (1) A local or regional agency that has adopted a local plan~~  
7 ~~of flood control pursuant to Section 8201 or has considered flood~~  
8 ~~risk as part of its most recently adopted general plan has given~~  
9 ~~notice via its internet website, electronic distribution list,~~  
10 ~~emergency notification service, or another means of public notice,~~  
11 ~~that flows downstream of the point of diversion are at imminent~~  
12 ~~risk of flooding and inundation of land, roads, or structures.~~

13 *(a) (1) A local or regional agency has taken the following*  
14 *actions:*

15 *(A) Made a declaration that its proposed diversion is in*  
16 *accordance with one of the following:*

17 *(i) An adopted local plan of flood control pursuant to Section*  
18 *8201.*

19 *(ii) An applicable general plan that considers flood risk.*

20 *(iii) A county emergency operations plan.*

21 *(iv) A publicly available regional flood plan certified by the*  
22 *department.*

23 *(B) Has given notice via its internet website, electronic*  
24 *distribution list, emergency notification service, or another means*  
25 *of public notice, that flows downstream of the point of diversion*  
26 *are at imminent risk of flooding and inundation of land, roads, or*  
27 *structures.*

28 *(2) As used in this section, “floodflow” means any of the*  
29 *following:*

1 (A) Where a waterbody is subject to a defined flood stage, flows  
2 in excess of flood stage where actions are necessary to avoid threats  
3 to human health and safety.

4 (B) (i) Except as provided in clause (ii), where a waterbody is  
5 not subject to a defined flood stage, surface water escaped from  
6 or is likely to imminently escape from a channel or waterbody  
7 causing or threatening to cause inundation of residential or  
8 commercial structures, or roads needed for emergency response.  
9 Likely imminent escape from a channel or waterbody shall be  
10 demonstrated by measured *or projected* flows in excess of the  
11 maximum design capacity of a flood control project, where such  
12 a project is present and the maximum design capacity is readily  
13 available information.

14 (ii) This subparagraph does not apply to flows that inundate  
15 wetlands, working lands, or floodplains, events that constitute a  
16 “design flood,” groundwater seepage, or waters confined to a  
17 “designated floodway.”

18 (C) Where flows would inundate *or are projected to inundate*  
19 ordinarily dry areas in the bed of a terminal lake to a depth that  
20 floods dairies and other ongoing agricultural activities, or areas  
21 with substantial residential, commercial, or industrial development.

22 (3) As used in this subdivision, “imminent” means a high degree  
23 of confidence that a condition will begin ~~in the immediate~~ *or is*  
24 *projected to begin in the near future.*

25 (b) The diversions cease when the flood conditions described  
26 in the public notice provided pursuant to subdivision (a) have  
27 abated to the point there is no longer a risk of flooding and  
28 inundation of land, roads, or structures downstream of the point  
29 of ~~diversion.~~ *diversions, as determined by the local or regional*  
30 *agency making the diversion.*

31 (c) Any water diverted is not diverted to, and will not be applied  
32 to, any of the following:

33 (1) Any barns, ponds, or lands where manure or waste from an  
34 animal facility that generates waste from the feeding and housing  
35 of animals for more than 45 days per year in a confined area that  
36 is not vegetated are applied.

37 (2) Any agricultural field that has been identified as an outlier  
38 with respect to nitrogen application by any of the following:

39 (A) The board.

40 (B) The appropriate regional board.

1 (C) An agricultural coalition charged with implementation of  
2 the Irrigated Lands Regulatory Program.

3 (3) Any area that could cause damage to critical levees,  
4 infrastructure, wastewater and drinking water systems, drinking  
5 water wells or drinking water supplies, or exacerbate the threat of  
6 flood and other health and safety concerns.

7 (4) Any area that has not been in active irrigated agricultural  
8 cultivation within the past three years, including grazing lands,  
9 annual grasslands, and natural habitats. This limitation does not  
10 apply to facilities already constructed for the purpose of  
11 groundwater recharge or managed wetlands.

12 (d) With respect to diversions from water tributaries to the  
13 Sacramento-San Joaquin Delta (Delta), water rights holders are  
14 not making releases of stored water or reoperating facilities to  
15 provide flow for the purposes of meeting water quality control  
16 plan or endangered species requirements in the Delta at the time  
17 of the diversion.

18 (e) The diversion of floodflows for groundwater recharge uses  
19 the following as part of the diversion:

20 (1) Either existing diversion infrastructure or temporary pumps.

21 (2) Existing groundwater recharge locations, where available.

22 (3) No new permanent infrastructure or permanent construction.

23 (4) For diversions directly from rivers or streams, protective  
24 screens on temporary pump intakes to minimize the impacts of  
25 diversion to fish and other aquatic life. ~~Such~~ *Those* screens shall  
26 be constructed of any rigid material, perforated, woven, or slotted,  
27 that provides water passage while physically excluding fish. The  
28 screen face shall be parallel to the flow and adjacent to the water's  
29 edge. The upstream and downstream transitions to the screen  
30 structure shall be designed and constructed to minimize eddies  
31 upstream of, in front of, and downstream of the screen, while  
32 minimizing entrainment to the degree feasible. Prior to  
33 implementing this paragraph, the Department of Fish and Wildlife  
34 shall conduct at least one public workshop to review recommended  
35 design parameters and ranges of scenarios for deployment and use  
36 of protective screens. These recommendations and any other  
37 guidelines provided by the Department of Fish and Wildlife on  
38 the implementation of this paragraph shall not be subject to the  
39 Administrative Procedure Act (Chapter 3.5 (commencing with



1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
2 Code).

3 (f) The person or entity making the diversion for groundwater  
4 recharge does not claim any water right based on that diversion  
5 and recharge.

6 (g) (1) The person or entity making the diversion for  
7 groundwater recharge files all of the following with the board and  
8 with any applicable groundwater sustainability agency, as defined  
9 in Section 10721, for the basin:

10 (A) A notice that provides the information specified in  
11 ~~Subparagraphs (A) through~~ *subparagraphs (A) to (C)*, inclusive,  
12 of paragraph (2), 48 hours before whenever feasible, and in no  
13 event later than 48 hours after initially commencing diversion of  
14 floodflows for groundwater recharge.

15 (B) A preliminary report no later than 14 days after initially  
16 commencing diversion of floodflows for groundwater recharge.

17 (C) A final report no later than 15 days after diversions cease.  
18 *The final report shall contain information, if applicable, describing*  
19 *the forecasting models used to determine a likely imminent escape*  
20 *of surface water pursuant to subdivision (a). The final report shall*  
21 *also include a description of the methodology used to determine*  
22 *the abatement of flood conditions.*

23 (2) The preliminary and final reports shall do all of the  
24 following:

25 (A) Identify the person or entity making the diversion for  
26 groundwater recharge.

27 (B) Provide the Global Positioning System (GPS) coordinates  
28 for the point of diversion, a map identifying the approximate area  
29 inundated by the floodflows, and the corresponding assessor parcel  
30 numbers.

31 (C) Identify the time when diversions of floodflows to  
32 groundwater recharge commenced, and, for final reports, when  
33 diversions ceased.

34 (D) Provide an estimate, as of the report's date, of the amount  
35 of floodflows diverted for groundwater recharge.

36 (h) This section shall only apply to diversions commenced  
37 before January 1, ~~2029~~ 2034.

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