

-VIA ELECTRONIC MAIL-

October 22, 2020

MEMORANDUM

TO: Stacy Taylor, Mesa Water District

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

SUBJECT: October Report

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This year there was a total of 428 bills that reached Governor Newsom's desk for signature or veto (this includes budget trailer bills). Specifically, there were 137 Senate Bills (SB) and 291 Assembly Bills (AB). Of the total number of bills that reached the Governor's desk this year, 372 bills were signed by the Governor and 56 bills were vetoed. The veto rate for bills this year was 13%. In comparison to last year, Governor Newsom's first year in office, he signed 1,016 bills total and vetoed 201 bills. Last year's veto rate was 16.5%.

Additionally, to note, all legislators pared down their legislative packages this year significantly due to the COVID-19 pandemic. Many of those bills will be re-introduced at the start of the next legislative session, which begins with an organizational session on December 7<sup>th</sup>.

### **2020 Legislative Tracking**

**AB 196 (Gonzalez) Workers' compensation: COVID-19: essential occupations and industries.**

This bill would define "injury," for certain employees who are employed in an occupation or industry deemed essential in the Governor's Executive Order of March 19, 2020 (Executive Order N-33-20), except as specified, or who are subsequently deemed essential, to include coronavirus disease 2019 (COVID-19) that develops or manifests itself during a period of employment of those persons in the essential occupation or industry. The bill would apply to injuries occurring on or after March 1, 2020, would create a conclusive presumption, as specified, that the injury arose out of and in the course of the employment, and would extend that presumption following termination of service for a period of 90 days, commencing with the last date actually worked.

**Status: This bill was held on the Senate Floor and died on the last night of legislative session.**

**Position: Watch**

**AB 664 (Cooper) Workers' compensation: injury: communicable disease.**

This bill would define "injury," for certain state and local firefighting personnel, peace officers, certain hospital employees, and certain fire and rescue services coordinators who work for the Office of Emergency Services to include being exposed to or contracting, on or after January 1, 2020, a communicable disease, including coronavirus disease 2019 (COVID-19), that is the subject of a state or local declaration of a state of emergency that is issued on or after January 1, 2020. The bill would create a conclusive presumption, as specified, that the injury arose out of and in the course of the

employment. The bill would apply to injuries that occurred prior to the declaration of the state of emergency. The bill would also exempt these provisions from the apportionment requirements.

**Status: This bill was held on the Senate Floor and died on the last night of legislative session.**

**Position: Watch**

**AB 992 (Mullin) Open meetings: local agencies: social media.**

This bill would exempt the participation in an internet-based social media platform by members of a legislative body, provided that a majority of the members do not discuss among themselves, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency and the internet-based social media platform is open to the public.

**Status: The Governor signed this bill.**

**Position: Watch**

**AB 1253 (Rivas) Local agency formation commissions: grant program.** This bill requires the Strategic Growth Council (SGC), until July 1, 2025, to establish and administer a local agency formation commission (LAFCO) grant program to fund the dissolution of inactive special districts, prepare special studies and initiate other actions in disadvantaged communities.

**Status: This bill was given up to another member to use as a gut-and-amend. This original bill is dead.**

**Position: Oppose Unless Amended Coalition**

**AB 1484 (Grayson) Mitigation Fee Act: housing developments.**

This bill would prohibit a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project, unless specified requirements are satisfied by the local agency, including that the housing impact requirement be roughly proportional in both nature and extent to the impact created by the housing development project.

**Status: This bill stayed in the Senate Rules Committee and died.**

**Position: Watch**

**AB 2107 (Rodriguez) Local government: securitized limited obligation notes.**

This bill would extend that authorization to a special district to issue, securitized limited obligation notes for the acquisition or improvement of land, facilities, or equipment until December 31, 2024.

**Status: The Governor signed this bill.**

**Position: Watch**

**AB 2560 (Quirk) Water quality: notification and response levels: procedures.**

AB 2560 will provide greater transparency and clarify the notification level (NL) and response level (RL) process to provide all water agencies clear and consistent information as they can continue to provide safe, clean and affordable drinking water to their constituents. Specifically, AB 2560 requires the State Water Board to do the following: Post on its internet website that it has initiated the development of a NL or RL and additionally post a draft NL or RL when it's available; Submit a draft NL or RL for external peer review; and, take a formal action to finalize the NL or RL.

**Status: This Governor signed this bill.**

**Position: Support Coalition**

**SB 414 (Caballero) Small System Water Authority Act of 2019.**

This bill establishes the Small System Water Authority Act of 2019, which both authorizes the creation of small system water authorities and requires consolidation of failing water systems.

**Status: This bill was held on the Assembly Appropriations suspense file. This bill died.**

**Position: Support Coalition**

**SB 668 (Rubio) Fire hydrants: water suppliers: regulations.** This bill would require the State Water Resources Control Board, by December 1, 2021, to develop and adopt regulations for reporting and inspections regarding public water suppliers. The bill would also require that the regulations adopted by the board ensure water suppliers' compliance with local standards for fire safety.

**Status: This bill is on the Assembly Floor and was ordered to the "Inactive File." This bill died.**

**Position: Watch**

**SB 1044 (Allen) Firefighting equipment and foam: PFAS chemicals.**

This bill prohibits the manufacture, sale, distribution, and use of class B firefighting foam containing per- and polyfluoroalkyl substances (PFAS chemicals) by January 1, 2022, with some exceptions, and requires notification of the presence of PFAS in the protective equipment of firefighters.

**Status: The Governor signed this bill.**

**Position: Watch**

**SB 1099 (Dodd) Emergency backup generators: critical facilities: exemption.**

This bill would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, without having the usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. The bill would also prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators.

**Status: This bill was referred to the Assembly Natural Resources Committee. This bill is being held by the committee for the remainder of the year. This bill died.**

**Position: Support**

**SB 1159 (Hill) Workers' compensation: COVID-19: critical workers.**

This bill would, until an unspecified date, define "injury" for a critical worker, as described, to include illness or death that results from exposure to coronavirus disease 2019 (COVID-19) under specified circumstances. The bill would create a disputable presumption, as specified, that an injury that develops or manifests itself while a critical worker is employed arose out of and in the course of the employment.

**Status: The Governor signed this bill.**

**Position: Watch**

**SB 1185 (Moorlach) Natural gas-powered generators: operation during deenergization events.**

This bill would allow businesses and homeowners to install, maintain and use a back-up natural gas generator onsite for use in the event of a public safety power shut-off (PSPS) event. Specifically, this bill would prohibit an air district or the California Air Resources Board (CARB) from adopting or maintaining regulations that limit the use of a federally compliant natural gas-powered generator during a PSPS event. The bill additionally stipulates that any use of a natural gas generator during a PSPS event would not count toward any time limitation included in the permit issued for that generator.

**Status: This bill was referred to the Assembly Natural Resources Committee. This bill is being held by the committee for the remainder of the year. This bill died.**

**Position: Watch**

**SB 1386 (Moorlach) Local government: assessments, fees, and charges: water: hydrants.**

This bill finds and declares that fire hydrants are a part of water service for the purposes of Proposition 218 (1996). This bill reinforces our authority under the existing law to use property-related service charges for funding water services related to fire protection. This bill reflects the recent court case, Glendale Coalition for Better Government v. City of Glendale (2018) and concluded that these costs are, in fact, a property-based service.

**Status: The Governor signed this bill**

**Position: Watch**

### Regulatory

- Governor Newsom signed an additional Executive Order (EO) on climate change. The order directs state agencies, which include the California Environmental Protection Agency, the Natural Resources Agency, the California Air Resources Board, and the California Department of Food and Agriculture to deploy several strategies to store carbon in the state's natural and working lands and remove it from the atmosphere. The order also sets a first-in-the-nation goal to conserve 30 percent of the state's land and coastal water by 2030 – an attempt to fight species loss and ecosystem destruction. The text of the EO can be found [here](#).
- The Governor made the following Appointments to the California Water Commission:
  - **Samantha F.V. Arthur, 35, of Sacramento, has been appointed to the California Water Commission.** Arthur has been Working Lands Program Director at Audubon California since 2019, where she has held multiple positions since 2014, including Conservation Project Director and Conservation Project Manager. She was a Strategic Planning and Policy Intern at the California Association of Resource Conservation Districts from 2013 to 2014 and a Land Protection Specialist at Big Sur Land Trust from 2010 to 2012.
  - **Alexandre B. Makler, 52, of Berkeley, has been appointed to the California Water Commission.** Makler has been Senior Vice President, West Region of Calpine Corporation since 2014, where he has held multiple positions since 1999, including Vice President of Strategic Origination and Development and Vice President/Assistant General Counsel. He was an Associate at Pillsbury Winthrop from 1998 to 1999 and at Curtis, Mallet-Prevost, Colt & Mosle from 1995 to 1998.
- The Governor made the following Appointment to the Santa Ana Regional Water Quality Control Board:
  - Letitia Clark, 38, of Tustin, has been appointed Clark has been District Director of Public Affairs and Government Relations at the South Orange County Community College District since 2018 and a Member of the Tustin City Council since 2016. She was District

Director of Public Affairs, Marketing and Government Relations at the Coast Community College District from 2015 to 2018 and Executive Director and Community Relations Director at the American Academy of Pediatrics, Orange County from 2013 to 2015.

### **Election Watch – Key Races**

November 3<sup>rd</sup> will have key races and ballot propositions of importance to Mesa Water District. Below we have outlined those races that we will be monitoring closely and will provide a report on the final outcomes after election day.

#### **CA State Senate:**

##### **State Senator District 37**

Dave Min  
John M. W. Moorlach

#### **CA State Assembly:**

##### **State Assembly Member District 68**

Melissa Fox  
Steven "Steve" Choi

##### **State Assembly Member District 72**

Diedre Nguyen  
Janet Nguyen

##### **State Assembly Member District 74**

Cottie Petrie-Norris  
Diane Dixon

#### **Proposition(s):**

##### **Prop. 15 "Split Roll" Property Tax**

Increase property taxes on land and properties worth more than \$3 million. Commercial and industrial land and buildings to be taxed based on how much they could be sold for instead of their original purchase price. Phases in starting in 2022 and does not start before 2025 for properties used by California businesses that meet certain rules and have 50 or fewer employees. Ag land with improvements will be subject to reassessment. The "split roll" measure could generate between \$6.5 billion and \$11.5 billion a year for schools and local governments.

### **Important Dates and Deadlines for 2020**

#### **Fall Deadlines:**

- November 3<sup>rd</sup> – General Election.
- November 30<sup>th</sup> – Adjournment sine die at midnight.
- December 7<sup>th</sup> – 2021-22 Regular Session convenes for Organizational Session at 12 noon.