

**AGENDA  
IRVINE RANCH WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING**

September 14, 2020

*Due to COVID-19, this meeting will be conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspend certain requirements of the Ralph M. Brown Act. Members of the public may not attend this meeting in person.*

Participation by members of the Board of Directors will be from remote locations. Public access and participation will only be available telephonically/electronically.

To virtually attend the meeting and to be able to view any presentations or additional materials provided at the meeting, please join online via Webex using the link and information below:

Via Web:

<https://irwd.my.webex.com/irwd.my/j.php?MTID=me10e0f9f34b9b7b9dc593dc8b1d45243>

Meeting Number (Access Code): 126 145 8568

Meeting Password: itCKu6Tpq73 (48258687 from phones and video systems)

After joining the meeting, in order to ensure all persons can participate and observe the meeting, please select the "Call in" option and use a telephone to access the audio for the meeting by using the call-in information and attendee identification number provided.

*As courtesy to the other participants, please mute your phone when you are not speaking.*

**PLEASE NOTE:** Participants joining the meeting will be placed into the WebEx lobby when the Board enters closed session. Participants who remain in the "lobby" will automatically be returned to the open session of the Board once the closed session has concluded. Participants who join the meeting while the Board is in closed session will receive a notice that the meeting has been locked. They will be able to join the meeting once the closed session has concluded.

**CALL TO ORDER**      5:00 p.m.

**ROLL CALL**              Directors Reinhart, LaMar, Swan, and Withers, and President Matheis

**PUBLIC COMMENT NOTICE**

If you wish to address the Board of Directors on any item, please submit a request to speak via the "chat" feature available when joining the meeting virtually. Remarks are limited to three minutes per speaker on each subject. You may also submit a public comment in advance of the meeting by emailing [comments@irwd.com](mailto:comments@irwd.com) before 12:00 p.m. on Monday, September 14, 2020.

**ALL VOTES SHALL BE TAKEN BY A ROLL CALL VOTE.**

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**COMMUNICATIONS TO THE BOARD**

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1. A. Written:

B. Oral:

2. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Recommendation: Determine the need to discuss and/or take immediate action on item(s).

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**CONSENT CALENDAR**

**Resolution No. 2020-18**

**Items 3-7**

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3. BOARD MEETING MINUTES

Recommendation: That the minutes of the August 24, 2020 Regular Board meeting be approved as presented.

4. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Mary Aileen Matheis, Peer Swan, Doug Reinhart, Steve LaMar, and John Withers, as described.

5. SAND CANYON PROFESSIONAL CENTER – PHASE II PROJECT UPDATE AND LISTING AGREEMENT EXTENSION

Recommendation: That the Board approve a new listing agreement for the lease of the Sand Canyon Professional Office Center Phase II with the brokerage team of Cushman & Wakefield and Colliers International under previously agreed-upon commission terms and expiring February 28, 2021.

6. LAKE FOREST WELL NO. 5 DESTRUCTION FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the Lake Forest Well No. 5 Destruction, authorize the General Manager to file a Notice of Completion, and authorize the payment of the retention 35 days after the date of recording the Notice of Completion for Project 11168.

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**CONSENT CALENDAR - Continued**

**Items 3-7**

7. RENEWAL OF GROUP MEDICAL, DENTAL, VISION AND TERM LIFE INSURANCE FOR CALENDAR YEAR 2021

Recommendation: That the Board authorize the continuation of IRWD's health insurance coverage with CalPERS with changes in District and employee contribution rates as outlined in Exhibit "A", authorize the continuation of the District's dental insurance coverage with ACWA/JPIA with no change in premium rates, authorize the continuation of the District's vision insurance coverage with EyeMed with no change in premium rates, authorize the continuation of the District's Term Life and Accidental Death and Dismemberment coverage with Reliance Standard with no change in premium rates, and authorize the continuation of voluntary Delta Dental and EyeMed buy-up plans for employee purchase.

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**ACTION CALENDAR**

8. 2020 LEGISLATIVE AND REGULATORY UPDATE

Recommendation: That the Board adopt a "support" position on H.R. 8041 (Harder) and S. 4530 (Feinstein).

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**OTHER BUSINESS**

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, and make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

9. General Manager's Report

10. Directors' Comments

11. Receive oral update(s) from District liaison(s) regarding communities within IRWD's service area and provide information on relevant community events.

12. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(d)(1): *Kessner, et al. v. City of Santa Clara, IRWD, et al.*, Santa Clara County Superior Court Case No. 20CV364054


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**OTHER BUSINESS - Continued**

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- 13. Open Session
- 14. Adjourn.

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Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the above-named Board in connection with a matter subject to discussion or consideration at an open meeting of the Board are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available electronically via the Webex meeting noted. Upon request, the District will provide for written agenda materials in appropriate alternative formats, and reasonable disability-related modification or accommodation to enable individuals with disabilities to participate in and provide comments at public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, or alternative format requested at least two days before the meeting. Requests should be emailed to [comments@irwd.com](mailto:comments@irwd.com). Requests made by mail must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

September 14, 2020  
Prepared and  
submitted by: L. Bonkowski  
Approved by: Paul A. Cook 

CONSENT CALENDAR

BOARD MEETING MINUTES

SUMMARY:

Provided are the minutes of the August 24, 2020 Regular Board meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE AUGUST 24, 2020 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – August 24, 2020 Minutes

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EXHIBIT "A"

MINUTES OF REGULAR MEETING – August 24, 2020

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:00 p.m. by President Matheis on August 24, 2020 via teleconference pursuant to the provisions of the Governor’s Executive Orders N-25-20 and N-29-20 due to COVID-19. Members of the public did not attend this meeting in person.

Directors Present: Reinhart, Swan, Withers, LaMar and Matheis.

Directors Absent: None.

Also Present: General Manager Cook, Executive Director of Technical Services Burton, Executive Director of Water Policy Weghorst, Executive Director of Finance and Administration Clary, Director of Treasury and Risk Management Jacobson, Executive Director of Operations Chambers, General Counsel Collins, Director of Public Affairs Beeman, Director of Human Resources Roney, Director of Water Quality and Regulatory Compliance Colston, Director of Recycling Operations Zepeda, Director of Maintenance Mykitta, Director of Administrative Services Malone, Director of Water Resources Sanchez, Government Relations Officer/Deputy General Counsel Compton, Secretary Bonkowski, and members of staff and the public.

WRITTEN: None.

ORAL COMMUNICATIONS: None.

CONSENT CALENDAR

On MOTION by Reinhart, seconded by Withers, and unanimously carried by a roll call vote (5-0) Withers, Matheis, Reinhart, Swan, and LaMar voting aye, and 0 noes, CONSENT CALENDAR ITEMS 3 THROUGH 9 WERE APPROVED AS FOLLOWS:

CONSENT CALENDAR (Continued)

3. BOARD MEETING MINUTES

Recommendation: That the minutes of the August 10, 2020 Regular Board meeting be approved as presented.

4. RATIFY/APPROVE BOARD OF DIRECTORS’ ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Mary Aileen Matheis, Douglas Reinhart, Peer Swan, and John Withers, as described.

CONSENT CALENDAR (Continued)

5. JULY 2020 TREASURY REPORT

Recommendation: That the Board receive and file the Treasurer's Investment Summary Report, the Summary of Fixed and Variable Rate Debt, and Disclosure Report of Reimbursements to Board members and staff, approve the July 2020 Summary of Payroll ACH payments in the total amount of \$39,211,304, and approve the July 2020 accounts payable Disbursement Summary of warrants 409798 through 410387, Workers' Compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$39,211,304.

6. NOMINATION OF MARY AILEEN MATHEIS AS THE THIRD VICE PRESIDENT OF ISDOC AND A MEMBER OF THE ISDOC EXECUTIVE COMMITTEE

Recommendation: That the Board adopt the following resolution by title:

RESOLUTION NO. 2020-17

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
IRVINE RANCH WATER DISTRICT, ORANGE COUNTY,  
CALIFORNIA NOMINATING MARY AILEEN MATHEIS FOR THE  
OFFICE OF THIRD VICE PRESIDENT OF THE INDEPENDENT  
SPECIAL DISTRICTS OF ORANGE COUNTY AND AS A  
MEMBER OF ITS EXECUTIVE COMMITTEE

7. SAND CANYON PROFESSIONAL CENTER PHASE II OFFICE BUILDING FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the Sand Canyon Professional Center Phase II, Project 06210, authorize the General Manager to file a Notice of Completion, and authorize the release of retention 35 days after filing of the Notice of Completion.

8. LAKE FOREST ZONE C RECYCLED WATER PIPELINE IN VISTA TERRACE AND ZONE B TO C PUMP STATION PIPING IMPROVEMENTS CONSTRUCTION AWARD

Recommendation: That the Board authorize the General Manager to execute a construction contract with Paulus Engineering, Inc. in the amount of \$599,168 for the Lake Forest Zone C Recycled Water Pipeline in Vista Terrace and Zone B to C Pump Station Piping Improvements, Project 11236.

9. FACILITIES SYSTEMS REPLACEMENT PROJECTS CONSTRUCTION AWARD AND BUDGET INCREASE

Recommendation: That the Board authorize a budget increase for Projects 11160 and 11161 in the amount of \$200,000 each, from \$200,000 to \$400,000, and for Project 11163 in the amount of \$100,000, from \$100,000 to \$200,000 for a total of \$500,000, and authorize the General Manager to execute a contract with Pivot Interiors, Inc. in the amount of \$463,755 for the Facilities Systems Replacement Projects contract and budget increase.



## ACTION CALENDAR

### ENTERPRISE ASSET MANAGEMENT MAXIMO MOBILE SOLUTION IMPLEMENTATION

Using a PowerPoint presentation, Director of Maintenance Mykitta provided an update on the Enterprise Asset Management update and next recommended steps. Mr. Mykitta reviewed Phase I, pre-implementation, and Phase 2, implementation steps. He provided an overview of EZ Max Mobile, is a state-of-the-art mobility integration software used by many industries, including utilities, and highlighted its many features and benefits.

Director Reinhart said that this item was reviewed and approved by the Engineering and Operations Committee on August 18, 2020. On MOTION by Reinhart, seconded by Matheis, and unanimously carried by a roll call vote (5-0) Withers, Matheis, Reinhart, Swan, and LaMar voting aye, and 0 noes, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTERPRO SOLUTIONS FOR THE MAXIMO MOBILE SOLUTION IN THE AMOUNT OF \$292,600 AND APPROVED THE ADDITION OF PROJECTS 11679 AND 11680, EACH IN THE AMOUNT OF \$240,300 FOR A TOTAL OF \$480,600, TO THE FY 2020-21 CAPITAL BUDGET FOR THE MAXIMO MOBILE IMPLEMENTATION PROJECT.

### ZONE A TO RATTLESNAKE RESERVOIR PUMP STATION BUDGET INCREASE, CONSULTANT SELECTION, AND CONSTRUCTION AWARD

Executive Director of Technical Services Burton reported that the District is proceeding with the replacement of the Zone A to Rattlesnake Reservoir Pump Station. Mr. Burton said that the existing pump station, which delivers recycled water from the Zone A system to the Rattlesnake Reservoir, was constructed in 1976 and is nearing the end of its useful life. He said that the pump station consists of three gas engine driven pumps and one electric motor driven pump. He said that the project will replace the pump station in its entirety with a new pump station equipped with all electric motor driven pumps.

Mr. Burton said that in addition to the pump station replacement, this project also includes demolition of the existing dechlorination facilities, construction of a new dechlorination facility, installation of a new permanent backup power generator for the new pump station, extended sewer facilities to eliminate onsite septic systems currently located at the caretaker house and the park restrooms, a new Rattlesnake Reservoir return pump station vault, new site electrical service, undergrounding of the overhead utility poles on site, various communications and control system improvements, and demolition of the Northwood Zone A to B pump station (which will be replaced by the Eastwood Zone A to B pump station currently under construction). Due to the critical nature of the facility, the new permanent backup power generator and associated diesel fuel storage are sized to provide emergency power to the entire Rattlesnake Complex for a 72-hour period without the need for refueling.

Mr. Burton said that Brown and Caldwell performed all elements of the preliminary and final design phases for the project including geotechnical, civil, mechanical, structural, architectural, electrical, and instrumentation and control. He said that staff requested Brown and Caldwell to submit a proposal for engineering support services during construction which will include scope for submittal reviews, responses to contractor requests for information, site visits, record drawings, energy control procedures, construction coordination and engineering support commensurate with the requirements of the project.

Mr. Burton said that the project was advertised for construction bidding to a select list of 13 mechanical contractors. The bid opening was held August 12, 2020 with bids received from Pacific Hydrotech Corporation, Stanek Constructors, Steve P. Rados, and Shimmick Construction. Pacific Hydrotech Corporation is the apparent low bidder with a bid amount of \$16,287,766.45. The engineer's estimate, prepared by Brown and Caldwell, is \$21,950,000. Staff reviewed Pacific Hydrotech Corporation's bid and has determined that it is responsive.

Director Reinhart said that the consultant selection recommendation was reviewed and approved by the Engineering and Operations Committee on June 16, 2020. On MOTION by Reinhart, seconded by Matheis, and unanimously carried by a roll call vote (5-0) Withers, Matheis, Reinhart, Swan, and LaMar voting aye, and 0 noes, THE BOARD AUTHORIZED A BUDGET INCREASE IN THE AMOUNT OF \$4,480,375.80, FROM \$17,527,624.20 TO \$22,008,000; AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL IN THE AMOUNT OF \$871,000 FOR ENGINEERING SUPPORT SERVICES DURING CONSTRUCTION; AND AUTHORIZED THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH PACIFIC HYDROTECH CORPORATION IN THE AMOUNT OF \$16,287,766.45 FOR THE ZONE A TO RATTLESNAKE RESERVOIR PUMP STATION, PROJECT 05476.

#### GENERAL MANAGER'S REPORT

General Manager Cook said he was very pleased to report that there were no new COVID-19 cases among any District employees.

Mr. Cook said that the District was recognized as a Water Resources "Utility of the Future" by the National Association of Clean Water Agencies for the District's recycled water systems.

#### DIRECTORS' COMMENTS

Director Swan reported on his attendance at the CASA conference, an OCBC Infrastructure Committee, MWDOC Board and Administrative and Finance Committee meeting, a WACO Planning Committee meeting, a Southern California Water Dialogue Steering Committee meeting, and an Urban Water Institute Discussion.

Director LaMar reported on his attendance at a National Water Resource Association Western Water Table Talk, an ACWA State Legislative Committee meeting, and an Urban Water Institute Discussion.

Director Withers reported on his attendance at an OCSD Board meeting (and noted that it is moving forward on a new headquarters facility), a National Water Research Institute Board of Directors' meeting, and several sessions during the CASA conference.

DIRECTORS' COMMENTS (Continued)

Director Reinhart reported on his attendance at an OCWA Water Issues Committee meeting, an OCWD Board and Administration and Finance Committee meetings, and an Urban Water Institute Discussion.

Director Matheis reported on her attendance at an Urban Water Institute Discussion and noted that she is a member of its Planning Committee this year and was very pleased with the webinar sessions. She further said that the webinars have been a good opportunity for people across the country and world to get together which has been very positive.

COMMUNITY UPDATES: None.

CLOSED SESSION

General Counsel Collins said that the following Closed Session will be held:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED  
LITIGATION, (Gov. Code § 54956.9(d)(4)) – one case.

OPEN SESSION

Following the Closed Session, the meeting was reconvened with Directors Matheis, Swan, Reinhart, LaMar and Withers present. No action was reported.

ADJOURNMENT

President Matheis adjourned the meeting at 6:33 p.m.

APPROVED and SIGNED this 14<sup>TH</sup> day of September 2020.

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President, IRVINE RANCH WATER DISTRICT

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Secretary IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

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Claire Hervey Collins, General Counsel  
Hanson Bridgett LLP

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September 14, 2020  
Prepared and  
submitted by: K. Swan  
Approved by: Paul A. Cook



CONSENT CALENDAR

RATIFY/APPROVE BOARD OF DIRECTORS’  
ATTENDANCE AT MEETINGS AND EVENTS

SUMMARY:

Pursuant to Resolution 2006-29 adopted on August 28, 2006, the following events and meetings require approval by the Board of Directors:

Steven LaMar

September 17 CW3E Water Affiliates Group Founders Virtual Roundtable Meeting  
September 23 MWDOC Virtual Water Policy Forum: Bay Delta

Mary Aileen Matheis

August 25 Groundwater Banking Joint Powers Authority Board of Directors Meeting  
September 23 MWDOC Virtual Water Policy Forum: Bay Delta

Doug Reinhart

August 25 Groundwater Banking Joint Powers Authority Board of Directors Meeting  
September 23 MWDOC Virtual Water Policy Forum: Bay Delta  
September 30 Groundwater Banking JPA Finance Committee Meeting

Peer Swan

August 11 Orange County Business Council Infrastructure Committee  
August 25 Groundwater Banking Joint Powers Authority Board of Directors Meeting  
September 23 MWDOC Virtual Water Policy Forum: Bay Delta  
September 30 Groundwater Banking JPA Finance Committee Meeting

John Withers

August 12-13 California Association of Sanitation Agencies’ Virtual Conference  
September 23 MWDOC Virtual Water Policy Forum: Bay Delta

RECOMMENDATION:

THAT THE BOARD RATIFY/APPROVE THE MEETINGS AND EVENTS FOR STEVEN LAMAR, MARY AILEEN MATHEIS, DOUGLAS REINHART, PEER SWAN, AND JOHN WITHERS AS DESCRIBED HEREIN.

LIST OF EXHIBITS:

None.

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September 14, 2020  
Prepared by: R. Jacobson  
Submitted by: C. Clary  
Approved by: Paul A. Cook



## CONSENT CALENDAR

### SAND CANYON PROFESSIONAL CENTER – PHASE II LEASING UPDATE AND LISTING AGREEMENT EXTENSION

#### SUMMARY:

Staff and the District’s commercial real estate brokers recently provided the Finance and Personnel Committee with an update on marketing and leasing activities related to the new Sand Canyon Professional Center office property which was completed in August 2020. Staff recommends the Board approve a new listing agreement with the existing brokerage team, under the same terms as the previously executed listing agreement, with a time extension through February 28, 2021.

#### BACKGROUND:

Construction of the Sand Canyon Professional Center Phase II office building was completed in August 2020. The 70,000-square-foot for-lease building includes a rooftop patio area, central courtyard, bi-fold doors, covered parking spaces and other amenities.

IRWD’s commercial brokers, Cushman & Wakefield (Kevin Turner) and Colliers International (Mike Hartel), are marketing the building as creative office space featuring open ceilings, polished concrete flooring, and open architecture. In response to recent concerns from prospective tenants related to COVID-19 and future office requirements, the brokers are promoting the new building’s many related benefits including the bi-fold doors for fresh air access, rooftop meeting area, 14-foot finished ceiling height, and state of the art HVAC filtration system. At the September 1, 2020 Committee meeting, the District’s brokers provided an update on the commercial market, including impacts from COVID-19, as well as marketing efforts and leasing activities.

#### Listing Agreement Extension:

The Board previously approved the current listing agreement with Cushman & Wakefield and Colliers International expiring August 31, 2020. Staff recommends extending the agreement for six months to February 28, 2021. The general terms of the listing agreement are as follows:

*Brokers:* Kevin Turner (Cushman & Wakefield) and Michael Hartel (Colliers International)

*Proposed Extension Term:* February 28, 2021

*Termination:* Upon 30-Day Notice

*Commission Rates:*

Year 1 through Year 5: 4% to the procuring broker and 2.50% to the listing brokers

Year 6 through Year 10: 2% to the procuring broker and 1.25% to the listing brokers

The Proposed Listing Agreement is provided as Exhibit “A”.

FISCAL IMPACTS:

The total proposed lease commission rate is 6.5% of the gross lease revenue for years one through five, and 3.25% for years six through 10. The total commission will be determined based on the final lease terms.

ENVIRONMENTAL COMPLIANCE:

A Final Environmental Impact Report has been prepared, certified and the project approved by the County of Orange Environmental Management Agency in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended), codified at California Public Resources Code Sections 21000 et. seq., and the State CEQA Guidelines in the Code of Regulations, Title 14, Division 6, Chapter 3.

COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on September 1, 2020.

RECOMMENDATION:

THAT THE BOARD APPROVE A NEW LISTING AGREEMENT FOR THE LEASE OF THE SAND CANYON PROFESSIONAL OFFICE CENTER PHASE II WITH THE BROKERAGE TEAM OF CUSHMAN & WAKEFIELD AND COLLIERS INTERNATIONAL UNDER PREVIOUSLY AGREED-UPON COMMISSION TERMS AND EXPIRING FEBRUARY 28, 2021.

LIST OF EXHIBITS:

Exhibit “A” – Proposed Listing Agreement





# EXCLUSIVE RIGHT TO REPRESENT OWNER FOR SALE OR LEASE OF REAL PROPERTY

(Non-Residential)

## 1. BASIC PROVISIONS ("BASIC PROVISIONS").

1.1 **Parties:** This agency Agreement ("**Agreement**"), dated for reference purposes only September 1, 2019, is made by and between Irvine Ranch Water District, whose address is 15600 Sand Canyon, Irvine, CA 92618, telephone number (949) 453-5358, Fax No. (949) 453-0128 ("**Owner**"), and Cushman & Wakefield of California, Inc., whose address is 18111 Von Karman Avenue, Suite 1000, Irvine, CA 92612, telephone number (949) 474-4004, Fax No. (949) 474-0405 ("**Agent**").

1.2 **Property/Premises:** The real property, or a portion thereof, which is the subject of this Agreement is commonly known as (street address, city, state, zip) The Source H2O, Building B (TBD), located in the County of Orange, and generally described as (describe briefly the nature of the property): an approximate 71,000 square foot, ready to be constructed, planned office project ("**Property**"). (See also Paragraph 3).

1.3 **Term of Agreement:** The term of this Agreement shall commence on August 31, 2020 and expire at 5:00 p.m. on February 28, 2021, except as it may be extended ("**Term**"). (See also paragraph 4)

1.4 **Transaction:** The nature of the transaction concerning the Property for which Agent is employed ("**Transaction**") is (check the appropriate box(es)):

(a)  A sale for the following sale price and terms: \_\_\_\_\_ and other additional standard terms reasonably similar to those contained in the "STANDARD OFFER, AGREEMENT AND ESCROW INSTRUCTIONS FOR THE PURCHASE OF REAL ESTATE" published BY AIR CRE ("**AIR**"), or for such other price and terms agreeable to Owner;

(b)  A lease or other tenancy for the following rent and terms: \_\_\_\_\_ and other additional standard terms reasonably similar to those contained in the appropriate AIR lease form or for such other rent and terms agreeable to Owner.

## 2. EXCLUSIVE EMPLOYMENT AND RIGHTS.

2.1 Owner hereby employs Agent as Owner's sole and exclusive agent to represent Owner in the Transaction and to find buyers or lessees/tenants ("**lessees**"), as the case may be, for the Property. Agent shall use reasonably diligent efforts to find such buyers or lessees. All negotiations and discussions for a Transaction shall be conducted by Agent on behalf of Owner. Owner shall promptly disclose and refer to Agent all written or oral inquiries or contacts received by Owner from any source regarding a possible Transaction.

2.2 Owner authorizes Agent to:

- (a) Place advertising signs on the Property;
- (b) Place a lock box on the Property if vacant;
- (c) Accept deposits from potential buyers or lessees; and
- (d) Distribute information regarding the Property to participants in THE MULTIPLE ("**MULTIPLE**") of the AIR and/or any other appropriate

local commercial multiple listing service, to other brokers, and to potential buyers or lessees of the Property. Owner shall identify as "confidential" any information provided to Agent that Owner considers confidential and does not want disclosed. All other information provided by Owner may be disclosed as Agent may deem appropriate or necessary. After consummation of a Transaction, Agent may publicize the terms of such Transaction.

2.3 Agent shall comply with the Rules of Professional Conduct of the AIR, if a member or if not, the Rules of Professional Conduct of the Society of Industrial and Office Realtors, and shall submit the Property to the MULTIPLE. Agent shall cooperate with participants in the MULTIPLE and may, at Agent's election, cooperate with other real estate brokers (collectively "**Cooperating Broker**").

2.4 If the Transaction is a sale and Agent finds a prospective buyer for the Property, or if the Transaction is a lease and Agent finds a prospective lessee for the Property, Owner hereby authorizes Agent also to represent and act as the agent for such buyer or lessee, and Owner consents to such dual agency. If a Cooperating Broker finds such a buyer or lessee, then Agent shall act as agent for Owner only, the Cooperating Broker shall act as agent for the buyer or lessee only, and the Cooperating Broker shall not be Owner's agent, even though the Cooperating Broker may share in the commission paid by Owner to Agent. A Cooperating Broker shall not be an agent or subagent of Owner or Agent.

2.5 Owner agrees that Agent may, during the ordinary and normal course of marketing the Property, respond to inquiries on the Property by showing and providing information on the Property, as well as on other competing properties, to prospective buyers and lessees and that such activities may result in the payment of a commission to Agent by a third party.

## 3. PROPERTY.

3.1 The term "Property" shall include all of the following which are currently located on the Property and owned by Owner: permanent improvements, electrical distribution systems (power panels, buss ducting, conduits, disconnects, lighting fixtures, etc.), ~~telephone distribution systems (lines, jacks and connections), space heaters,~~ air conditioning equipment, air lines, carpets, window coverings, wall coverings, partitions, doors, suspended ceilings, built-ins such as cabinets, and \_\_\_\_\_ (if there are no additional items write "NONE"). If the Transaction is a sale,

\_\_\_\_\_  
INITIALS

\_\_\_\_\_  
INITIALS

## Exhibit A

the term "Property" shall additionally include, to the extent owned by Owner, oil and mineral rights, leases and other agreements which will continue in effect after Owner's transfer of title to the Property.

3.2 Within five business days after the commencement of the Term hereof, Owner shall provide Agent with the following:

~~(a) A duly completed and fully executed Property Information Sheet on the most current form published by the AIR;~~

(b) Copies of all leases, subleases, rental agreements, option rights, rights of first refusal, rights of first offer, or other documents containing any other limitations on Owner's right, ability and capacity to consummate a Transaction, and

(c) If available to Owner, copies of building plans, and if the Transaction is a sale, title reports, boundary surveys, and existing notes and trust deeds which will continue to affect the Property after consummation of a sale.

3.3 Agent shall have no responsibility for maintenance, repair, replacement, operation, or security of the Property, all of which shall be Owner's sole responsibility. Unless caused by Agent's gross negligence, Agent shall not be liable for any loss, damage, or injury to the person or property of Owner, any lessees of the Property, any buyer, prospective buyer, lessee, or prospective lessee, including, but not limited to, those which may occur as a result of Agent's use of a lock box.

**4. EXTENSION OF TERM.** If the Transaction is a sale, and a sale is not consummated for any reason after Owner accepts an offer to purchase the Property ("**Sale Agreement**"), then the expiration date of the Term of this Agreement shall be extended by the number of days that elapsed between the date Owner entered into the Sale Agreement and the later of the date on which the Sale Agreement is terminated or the date Owner is able to convey title to a new buyer free and clear of any claims by the prior buyer of the Property; provided, however, in no event shall the Term be so extended beyond one year from the date the Term would have otherwise expired.

### 5. COMMISSION.

5.1 Owner shall pay Agent a commission  in the amount of \_\_\_\_\_  in accordance with the commission schedule attached hereto ("**Agreed Commission**"), for a Transaction, whether such Transaction is consummated as a result of the efforts of Agent, Owner, or some other person or entity. Agent shall also be entitled to the Agreed Commission if any of the Owner's representations and warranties described in paragraph 8 are shown to be false. Such Agreed Commission is payable:

(a) If the Transaction is a sale, (i) the Property is sold; (ii) Owner breaches or repudiates any Sale Agreement, escrow instructions or other documents executed by Owner regarding the sale of the Property; (iii) the Property or any interest therein is voluntarily or involuntarily sold, conveyed, contributed or transferred; (iv) the Property or any interest therein is taken under the power of Eminent Domain or sold under threat of condemnation, or (v) if Owner is a partnership, joint venture, limited liability company, corporation, trust or other entity, and any interest in Owner is voluntarily or involuntarily sold, contributed, conveyed or transferred to another person or entity that, as of the date hereof, does not have any ownership interest in Owner;

(b) If the Transaction is a lease and a lease of the Property, or a portion thereof is executed; or

(c) If Owner (i) removes or withdraws the Property from a Transaction or the market; (ii) acts as if the Property is not available for a Transaction; (iii) treats the Property as not available for a Transaction; (iv) breaches, terminates, cancels or repudiates this Agreement; (v) renders the Property unmarketable; or (vi) changes the status of the Property's title, leases, agreements, physical condition or other aspects thereof, which such change adversely impacts the value, use, desirability or marketability of the Property.

(d) If earnest money or similar deposits made by a prospective purchaser or tenant are forfeited Agent shall be entitled to one-half (½) thereof, but not to exceed the total amount of the commission that would have been payable had the sale or lease transaction been consummated.

5.2 If the Transaction is a sale, the purchase agreement and/or escrow instructions to be entered into by and between Owner and a buyer of the Property shall provide that:

(a) Owner irrevocably instructs the escrow holder to pay from Owner's proceeds accruing to the account of Owner at the close of escrow the Agreed Commission to Agent;

(b) A contingency to the consummation of the sale shall be the payment of the Agreed Commission to Agent at or prior to close of the escrow; and

(c) No change shall be made by Owner or buyer with respect to the time of, amount of, or the conditions to payment of the Agreed Commission, without Agent's written consent.

**6. ALTERNATIVE TRANSACTION.** If the Transaction changes to any other transaction, including, but not limited to, a sale, exchange, option to buy, right of first refusal, ground lease, lease, sublease or assignment of lease (collectively "**Alternative Transaction**"), then Agent shall automatically be Owner's sole and exclusive Agent for such Alternative Transaction and represent Owner in such Alternative Transaction, under the terms and conditions of this Agreement. If, during the Term hereof, an Alternative Transaction is entered into, then Owner shall pay Agent the Agreed Commission.

### 7. EXCLUDED AND REGISTERED PERSONS.

7.1 Owner shall, within 5 business days after the date hereof, provide Agent, in writing, with the names of those persons or entities registered with Owner by any other broker under any prior agreement concerning the Property ("**Excluded Persons**", see paragraph 7.5). Owner shall also specify for each Excluded Person the type of transaction the consummation of which during the Term of this Agreement entitles such other broker to any compensation ("**Excluded Transaction**"). Agent may within 10 days of receiving such written list, either (a) accept the Excluded Persons and Excluded Transactions, (b) cancel this Agreement, or (c) attempt to renegotiate this portion of the Agreement with Owner. Once accepted by Agent, the written list shall automatically become an exhibit to this Agreement. If Owner timely provides Agent with the names of the Excluded Persons and specifies the Excluded Transaction for each Excluded Person, then the Agreed Commission paid to Agent with respect to consummation of such an Excluded Transaction with an Excluded Person shall be limited as follows: if such Excluded Transaction is concluded within the first 30 days of the commencement of the Term hereof, then Agent shall be paid a commission equal to the reasonable out-of-pocket expenses incurred by Agent in

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## Exhibit A

the marketing of the Property during said 30 days; or if such Excluded Transaction is concluded during the remainder of the Term hereof, then Agent shall be entitled to a commission equal to one-half of the Agreed Commission. If the specified information concerning Excluded Persons and Transactions is not provided as set forth herein, then it shall be conclusively deemed that there are no Excluded Persons.

7.2 Agent shall, within 5 business days after the expiration of the Term hereof, provide Owner, in writing, with the name of those persons or entities with whom Agent either directly or through another broker had negotiated during the Term hereof ("**Registered Persons**", see paragraph 7.5), and specify the type of transaction of the Property for which such negotiations were conducted ("**Registered Transaction**"). Those persons or entities who submitted written offers or letters of intent shall, however, automatically be deemed to be Registered Persons for the type of transaction which was the subject of such offer or letter of intent. If Agent fails to timely notify Owner of the existence of any other Registered Persons, then it shall be conclusively deemed that there are no other Registered Persons. A person or entity shall not be a Registered Person if Agent fails to timely specify a Registered Transaction for such person or entity. The parties are aware that the registration of certain individuals and/or entities might create a Dual Agency, and Owner hereby consents to any such Dual Agency.

7.3 If, within 180 days after the expiration of the Term hereof, Owner enters into a contract with a Registered Person for consummation of a Registered Transaction, then Owner shall, upon consummation of such Registered Transaction, pay Agent the Agreed Commission for the Registered Transaction.

7.4 If, within 180 days after the expiration of the Term hereof, Owner enters into another owner-agency or listing agreement with a broker other than Agent for any transaction concerning the Property, then Owner shall provide to Owner's new broker the names of the Registered Persons and the Registered Transaction for each Registered Person, and provide in such new agreement that the new broker shall not be entitled to receive any of the compensation payable to Agent hereunder for consummation of a Registered Transaction with a Registered Person.

7.5 In order to qualify to be an Excluded Person or a Registered Person the individual or entity must have: toured the Property, submitted a letter of interest or intent, and/or made an offer to buy or lease the Property. ~~In addition, Excluded Persons may only be registered by a broker who previously had a valid listing agreement covering the Property, and such broker may only register individuals and entities actually procured by such listing broker.~~

### 8. OWNER'S REPRESENTATIONS.

Owner represents and warrants that:

- (a) Each person executing this Agreement on behalf of Owner has the full right, power and authority to execute this Agreement as or on behalf of Owner;
- (b) Owner owns the Property and/or has the full right, power and authority to execute this Agreement and to consummate a Transaction as provided herein, and to perform Owner's obligations hereunder;
- (c) Neither Owner nor the Property is the subject of a bankruptcy, insolvency, probate or conservatorship proceeding;
- (d) Owner has no notice or knowledge that any lessee or sublessee of the Property, if any, is the subject of a bankruptcy or insolvency proceeding;
- (e) There are no effective, valid or enforceable option rights, rights of first refusal, rights of first offer or any other restrictions, impediments or limitations on Owner's right, ability and capacity to consummate a Transaction, except as disclosed in writing pursuant to Paragraph 3.2(b).
- (f) That as of the date of this Agreement the asking sales price is not less than the total of all monetary encumbrances on the Property.

9. **OWNER'S ACKNOWLEDGMENTS.** Owner acknowledges that it has been advised by Agent to consult and retain experts to advise and represent it concerning the legal and tax effects of this Agreement and consummation of a Transaction or Alternative Transaction, as well as the condition and/or legality of the Property, including, but not limited to, the Property's improvements, equipment, soil, tenancies, title and environmental aspects. Agent shall have no obligation to investigate any such matters unless expressly otherwise agreed to in writing by Owner and Agent. Owner further acknowledges that in determining the financial soundness of any prospective buyer, lessee or security offered, Owner will rely solely upon Owner's own investigation, notwithstanding Agent's assistance in gathering such information.

### 10. MISCELLANEOUS.

10.1 This Agreement shall not be construed either for or against Owner or Agent, but shall be interpreted, construed and enforced in accordance with the mutual intent of the parties ascertainable from the language of this Agreement.

10.2 All payments by Owner to Agent shall be made in lawful United States currency. If Owner fails to pay to Agent any amount when due under this Agreement, then such amount shall bear interest at the rate of 15% per annum or the maximum rate allowed by law, whichever is less.

10.3 In the event of litigation or arbitration between Owner and Agent arising under or relating to this Agreement or the Property, the prevailing party shall be paid its attorney's fees and costs by the losing party. The term, "Prevailing Party" shall include, without limitation, one who substantially obtains or defeats the relief sought, as the case may be, whether by compromise, settlement, judgment, or the abandonment by the other party of its claim or defense. The attorney's fees award shall not be computed in accordance with any court fee schedule, but shall be in an amount to fully reimburse all attorney's fees reasonably incurred in good faith.

10.4 Owner agrees to indemnify, defend (with counsel reasonably acceptable to Agent), and hold Agent harmless from and against any claim or liability asserted against Agent as a result of the failure of Owner to make a full and complete disclosure pursuant to law and paragraph 3.2(a) or as a result of the fact that any of the representations made by Owner (see paragraph 8) were not true at the time that this Agreement was signed.

10.5 Owner hereby releases and relieves Agent, and waives Owner's entire right of recovery against Agent, for direct or consequential loss or damage arising out of or incident to the perils covered by insurance carried by Owner, whether or not due to the negligence of Agent.

10.6 In the event that the Transaction is not an outright sale, Owner agrees that if Agent is not paid the Agreed Commission provided for herein within thirty days of the date due, that Agent shall have a lien in the amount of such commission, and may record a notice of such lien, against the Property.

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## Exhibit A

10.7 Owner agrees that no lawsuit or other legal proceeding involving any breach of duty, error or omission relating to the services to be performed by Agent pursuant to this Agreement may be brought against Agent more than one year after the expiration of the Term of this Agreement (see paragraph 1.3) and that the liability (including court costs and attorney's fees) of Agent with respect to any such lawsuit and/or legal proceeding shall not exceed any fee received by Agent pursuant to this Agreement; provided, however, that the foregoing limitation on liability shall not be applicable to any gross negligence or willful misconduct of Agent.

### 11. ARBITRATION OF DISPUTES.

11.1 ANY CONTROVERSY ARISING UNDER OR RELATING TO THIS AGREEMENT SHALL BE DETERMINED BY BINDING ARBITRATION TO BE CONDUCTED BY:  THE AMERICAN ARBITRATION ASSOCIATION OR  \_\_\_\_\_ USING THE COMMERCIAL RULES ESTABLISHED BY SUCH ORGANIZATION OR IF NONE THE AMERICAN ARBITRATION ASSOCIATION'S COMMERCIAL RULES. ARBITRATION HEARINGS SHALL BE HELD IN THE COUNTY WHERE THE PROPERTY IS LOCATED.

11.2 NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

11.3 WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE "ARBITRATION OF DISPUTES" PROVISION TO NEUTRAL ARBITRATION.

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Owner's Initials

\_\_\_\_\_  
Agent's Initials

11.4 THE PROVISIONS OF THE ABOVE ARBITRATION CLAUSE SHALL NOT BE BINDING ON EITHER PARTY UNLESS BOTH PARTIES HAVE PLACED THEIR INITIALS UNDER PARAGRAPH 11.3.

12. **Additional Provisions:** Additional provisions of this Agreement are set forth in the following blank lines or in an addendum attached hereto and made a part hereof consisting of paragraphs None through None (if there are no additional provisions write "NONE"):

13. **Disclosures Regarding The Nature of a Real Estate Agency Relationship.** When entering into an agreement with a real estate agent an Owner should from the outset understand what type of agency relationship or representation it has with the agent or agents in the transaction.

(i) *Owner's Agent.* An Owner's agent may act as an agent for the Owner only. An Owner's agent or subagent has the following affirmative obligations: To the Owner: A fiduciary duty of utmost care, integrity, honesty, and loyalty in dealings. To a potential buyer/lessee and the Owner: a. Diligent exercise of reasonable skills and care in performance of the agent's duties. b. A duty of honest and fair dealing and good faith. c. A duty to disclose all facts known to the agent materially affecting the value or desirability of the property that are not known to, or within the diligent attention and observation of, the Parties. An agent is not obligated to reveal to either Party any confidential information obtained from the other Party which does not involve the affirmative duties set forth above.

(ii) *Agent Representing Both Parties.* A real estate agent, either acting directly or through one or more associate licenses, can legally be the agent of both Parties in a transaction, but only with the knowledge and consent of the Parties. In a dual agency situation, the agent has the following affirmative obligations to both Parties: a. A fiduciary duty of utmost care, integrity, honesty and loyalty in the dealings with either Party. b. Other duties to the Owner as stated above in subparagraph (i). When representing both Parties, an agent may not without the express permission of the respective Party, disclose to the other Party that the Owner will accept rent/purchase price in an amount less than that indicated in the listing or that the buyer/lessee is willing to pay a higher rent/purchase price than that offered.

The above duties of the Agent do not relieve Owner from the responsibility to protect its own interests. Owner should carefully read all agreements to assure that they adequately express its understanding of the transaction.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

#### OWNER

Irvine Ranch Water District

By: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

#### AGENT

Cushman & Wakefield of California, Inc.

By: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Agent BRE License #: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

AIR CRE. 500 North Brand Blvd, Suite 900, Glendale, CA 91203, Tel 213-687-8777, Email [contracts@aircre.com](mailto:contracts@aircre.com)

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# Exhibit A

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OA-8.00, Revised 01-03-2017

Exhibit A

**Proposed Commission Structure – Exhibit “A”**

**BUILDING LEASING**

Marketing Team: Kevin Turner and John Gallivan (Cushman & Wakefield) and Michael Hartel and Nick Velasquez (Colliers International)

<b>New Lease – Marketing Team represents both sides of the lease:</b>	
Years 1-5	(5%) = Five percent of NNN Base Rental for years 1-5.
Years 6-10	(2.5%) = Two and one-half percent of NNN Base Rental for years 6-10.

<b>New Lease – Tenant is represented by a broker other than the Marketing Team:</b>	
Years 1-5	(4.0%) = Four percent of NNN Base Rental for years 1-5 to the procuring Broker. (2.50%) = Two and one-half percent of NNN Base Rental for years 1-5 to Marketing Team.
Years 6-10	(2.0%) = Two percent of NNN Base Rental for years 6-10 to the procuring Broker. (1.25%) = One and one-quarter percent of NNN Base Rental for years 6-10 to Marketing Team.


AGREED & ACCEPTED

**IRVINE RANCH WATER DISTRICT**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**CUSHMAN & WAKEFIELD OF CALIFORNIA, INC.**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

September 14, 2020  
Prepared by: T. Lynch/J. McGehee/R. Mori  
Submitted by: K. Burton  
Approved by: Paul A. Cook 

CONSENT CALENDAR

LAKE FOREST WELL NO. 5 DESTRUCTION FINAL ACCEPTANCE

SUMMARY:

The Lake Forest Well No. 5 Destruction project is complete. IRWD’s contractor Best Drilling and Pump, Inc. completed the required work and all punch list items. The project has received final inspection and acceptance of construction is recommended.

BACKGROUND:

IRWD recently completed an evaluation to improve operational flexibility and water quality in the Lake Forest Zone C Recycled Water System, which receives its water supply from two sources including Los Alisos Water Recycling Plant and Santa Margarita Water District’s Upper Oso Reservoir. The evaluation determined that the most feasible solution included installing a floating cover over the existing Zone B East Reservoir and disconnecting the Lake Forest Zone C Recycled Water System from the Upper Oso Reservoir. The installation of the floating cover is complete, and IRWD is now proceeding with disconnecting the Lake Forest Zone C Recycled Water System from the Upper Oso Reservoir. To accomplish this, a new pump station is proposed to be constructed on the same site as IRWD’s existing Lake Forest Well No. 5, which is located on Lake Forest Drive. The proposed pump station will create a “closed-loop system” in Zone C as the Upper Oso Reservoir will be hydraulically isolated from the system. Before the pump station can be constructed, the existing Lake Forest Well No. 5 needed to be demolished. This project included the demolition of Well No. 5 in preparation for construction of the Lake Forest Zone B to C pump station.

Staff completed the design in April 2020, and Best Drilling and Pump, Inc. was awarded the construction contract on June 9, 2020. Best Drilling and Pump completed construction of all improvements on August 28, 2020. There were no construction change orders to report on this project.

Project Title:	Lake Forest Well No. 5 Destruction
Project No.:	11168
Design Engineer:	Stantec
Construction Management by:	IRWD Staff
Contractor:	Best Drilling and Pump, Inc.
Original Contract Cost:	\$119,500

Final Contract Cost: \$119,500

Original Contract Days: 90

Final Contract Days: 90

Final Change Order Approved On: Not Applicable

FISCAL IMPACTS:

Project 11168 is included in the FY 2020-21 Capital Budget. The existing budget is sufficient to fund the final payment for the project.

ENVIRONMENTAL COMPLIANCE:

This project is exempt from the California Environmental Quality Act (CEQA) as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15301 which provides exemption for minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. A Notice of Exemption for the project was filed with the County of Orange on February 28, 2020.

COMMITTEE STATUS:

This item was not reviewed by a Committee.

RECOMMENDATION:

THAT THE BOARD ACCEPT CONSTRUCTION OF THE LAKE FOREST WELL NO. 5 DESTRUCTION, AUTHORIZE THE GENERAL MANAGER TO FILE A NOTICE OF COMPLETION, AND AUTHORIZE THE PAYMENT OF THE RETENTION 35 DAYS AFTER THE DATE OF RECORDING THE NOTICE OF COMPLETION FOR PROJECT 11168.

LIST OF EXHIBITS:

None.



September 14, 2020  
Prepared by: G. Montejano  
Submitted by: J. Roney  
Approved by: Paul A. Cook

## CONSENT CALENDAR

### RENEWAL OF GROUP MEDICAL, DENTAL, VISION AND TERM LIFE INSURANCE FOR CALENDAR YEAR 2021

#### SUMMARY:

CalPERS Health Benefits Services has notified participating agencies of premium rates for the 2021 plan year beginning January 1, 2021. ACWA/JPIA has negotiated rates for dental insurance coverage with Delta Dental for the plan year beginning January 1, 2021, which results in no change in the premiums for IRWD's current dental plan. EyeMed will extend a fourth year rate guarantee, which results in no change in premiums for IRWD's current vision plan. Reliance Standard will extend a fifth year rate guarantee, which results in no change in premiums for IRWD's current Term Life and Accidental Death and Dismemberment (AD&D) plan.

ACWA/JPIA and EyeMed will continue to offer IRWD voluntary buy-up plans for both dental and vision insurance respectively, with no change in premium for the 2021 plan year. The buy-up program was approved by the Board in 2020 to provide employees an option to purchase a higher level of dental and/or vision insurance coverage on a voluntary basis. Employees pay the cost of the buy-up plan through payroll deductions.

Staff recommends the Board:

- Continue IRWD's health insurance coverage with CalPERS for the calendar year 2021 with changes in District and employee contribution rates as outlined in Exhibit "A";
- Extend IRWD's existing contracts with ACWA/JPIA for Delta Dental DPO Plan A and EyeMed for vision insurance for coverage in calendar year 2021;
- Continue to offer the voluntary buy-up Delta Dental plan from ACWA/JPIA for employee purchase for the 2021 plan year; and
- Continue to offer the voluntary buy-up vision insurance plan from EyeMed for employee purchase for the 2021 plan year.

#### BACKGROUND:

##### CalPERS Medical Insurance Renewal Information:

IRWD currently utilizes the CalPERS medical insurance program to provide medical insurance coverage for District employees. Each year, in advance of the annual insurance benefit open enrollment period, the District receives the premium rates for each health insurance plan for the upcoming calendar year. The health care rate and plan changes for 2021 include an overall average premium increase of 4.32%. For the 2021 calendar year, CalPERS has notified the District of premium rate changes for each of the specific plans from which IRWD employees may choose.

This year CalPERS announced that due to the impact of COVID-19, CalPERS had a stronger negotiation power on behalf of its 1.5 million health program members. Factors in projecting COVID-19's impact included the savings due to delayed and differed care this year, which CalPERS was able to use to reduce rate increases for 2021.

Dental Coverage:

IRWD's current employee dental insurance coverage is provided by Delta Dental Plan of California through ACWA/JPIA. IRWD currently contracts through ACWA/JPIA for the DPO Plan A with child and adult orthodontic coverage as an add-on, as well as a Delta Dental voluntary employee-purchase buy-up plan as an additional dental insurance option for District staff. The ACWA/JPIA negotiated rates with Delta Dental for the calendar year 2021, resulting in no change to premiums for the 2021 year for the DPO Plan A with child and adult orthodontic coverage or for the voluntary employee-purchase buy-up plan.

IRWD's 2021 monthly premium rates for the DPO Plan A with child and adult orthodontic coverage as an add-on will be \$35.36 for "employee only" coverage, \$69.99 for "employee plus+1" coverage and \$128.10 for "family" coverage. These premium rates include the ACWA/JPIA administration fee of \$2.24 per enrollee per month. The cost of the buy-up plan to the employee is the difference between the premium cost the District pays for dental insurance and the cost of the buy-up plan premiums.

Vision Coverage:

IRWD's current employee vision insurance coverage is provided by EyeMed. IRWD negotiated rates with EyeMed for calendar year 2021, resulting in no change to the premiums for the 2021 plan year for the standard District-provided vision insurance plan and the voluntary employee-purchase buy-up plan.

The District's 2021 monthly premium rates for vision insurance will be \$8.69 for "employee only" coverage, \$16.52 for "employee plus+1" coverage and \$24.23 for "family" coverage. The cost of the buy-up plan to the employee is the difference between the premium cost the District pays for vision insurance and the cost of the buy-up plan premiums.

Term Life and AD&D Insurance Coverage:

IRWD's current employee Term Life and AD&D insurance coverage is provided by Reliance Standard. IRWD negotiated rates with Reliance Standard in 2017 which included a rate guarantee through December 2019. Reliance Standard has agreed to continue the rate guarantee for the 2021 plan year. Premium rates for the 2021 plan year remain unchanged from the 2017 rates.

Open Enrollment Process for 2021:

The CalPERS 2021 health insurance open enrollment period is scheduled for September 21, 2020 through October 16, 2020. Due to COVID-19 social distancing protocols, Human Resources staff will introduce a Virtual Wellness and Open Enrollment Expo this year. Health insurance plan representatives have been invited to participate in the District's first Virtual Wellness and Open Enrollment Expo, which will run from September 28, 2020 through October 4, 2020.

Employer Health Insurance Contribution Rates:

IRWD has a long-standing practice of calculating the employer and employee contribution rates for health insurance premiums based on rates of the Preferred Provider Organization (PPO) plan offered which had the highest enrollment in the prior renewal year. The rates for this plan are then used to calculate the maximum District contribution rates for all plans offered.

In 2020 (for the year prior to this 2021 renewal), the PPO plan offered with the highest enrollment was the PERS Choice-PPO – Other Southern California Region (OSC) plan. The premium for this plan will increase 2.1% for the 2021 renewal, resulting in an increase to the District's maximum contribution rates to align with the higher 2021 PERS Choice-PPO plan premiums.

CalPERS Administrative Fees and Reserves:

On July 2, 2020, the CalPERS administrative fee decreased from 0.27% to 0.24% for the fiscal year from July 1, 2020 to June 30, 2021. The administrative fee is calculated on total active and retiree gross health premiums and billed to contracting agencies monthly. CalPERS can also charge up to 4% for a contingency reserve fund; however, a contingency fee has not been assessed since 1985. For 2021, IRWD has not been notified of any contingency reserve fees.

FISCAL IMPACTS:

Continuation of the CalPERS medical insurance plans will result in total projected expenses for Fiscal Year (FY) 2020-21 of \$6,931,139, approximately 107.0% of the \$6,477,700 budget for this item. Actual District medical insurance expenses for FY 2019-20 were \$5,572,791, which represents a 5.4% (\$315,959) increase over 2019-20 budget for this item due to a smaller vacancy factor than what was projected for the FY 2019-20 fiscal year.

Renewal of the ACWA/JPIA for Delta Dental DPO Plan A will result in no change in premium rates. Annual dental insurance premium rates for FY 2020-21 will be approximately \$484,605, which is 99.3% of the budgeted \$488,000.

Renewal of the EyeMed vision plan will result in no change in premium rates. Annual vision insurance premium rates for FY 2020-21 will be approximately \$94,805, which is 112.1% of the budgeted \$84,600.

Renewal of Reliance Standard Term Life and AD&D plan will result in no change in premium rates. Annual Term Life and AD&D insurance premium rates for FY 2020-21 will be approximately \$338,339, which is 2.7% over the budgeted \$329,500.

ENVIRONMENTAL COMPLIANCE:

This item is not a project as defined in the California Environmental Quality Act Code of Regulations, Title 14, Chapter 3, Section 15378.

COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on September 1, 2020.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE CONTINUATION OF IRWD'S HEALTH INSURANCE COVERAGE WITH CALPERS WITH CHANGES IN DISTRICT AND EMPLOYEE CONTRIBUTION RATES AS OUTLINED IN EXHIBIT "A", AUTHORIZE THE CONTINUATION OF THE DISTRICT'S DENTAL INSURANCE COVERAGE WITH ACWA/JPIA WITH NO CHANGE IN PREMIUM RATES, AUTHORIZE THE CONTINUATION OF THE DISTRICT'S VISION INSURANCE COVERAGE WITH EYEMED WITH NO CHANGE IN PREMIUM RATES, AUTHORIZE THE CONTINUATION OF THE DISTRICT'S TERM LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE WITH RELIANCE STANDARD WITH NO CHANGE IN PREMIUM RATES, AND AUTHORIZE THE CONTINUATION OF VOLUNTARY DELTA DENTAL AND EYEMED BUY-UP PLANS FOR EMPLOYEE PURCHASE.

LIST OF EXHIBITS:

Exhibit "A" – CalPERS Medical Premium and IRWD Contribution Rates

## EXHIBIT "A"

### CalPERS Medical Premium and District Contribution Rates

	Current Enrollment	2020 Premium Rates	\$ Employee Contribution	% Employee Contribution	\$ IRWD Contribution	2021 Premium Rates	2021 Premium Increase %	\$ Employee Contribution	% Employee Contribution	\$ IRWD Contribution
<b>Blue Shield of California Access+ - Region 2</b>										
Employee Only	5	\$909.87	\$247.22	27%	\$662.65	\$938.96	3.2%	\$234.09	25%	\$704.87
Employee + 1 Dependent	1	\$1,819.74	\$494.44	27%	\$1,325.30	\$1,877.92	3.2%	\$468.18	25%	\$1,409.74
Employee + Family	8	<u>\$2,365.66</u>	<u>\$642.76</u>	27%	<u>\$1,722.90</u>	<u>\$2,441.30</u>	3.2%	<u>\$609.64</u>	25%	<u>\$1,832.66</u>
	14	\$25,294	\$6,873		\$18,422	\$28,103		\$6,508		\$19,595
<b>Blue Shield Trio - Region 2</b>										
Employee Only	0	\$0.00	\$0.00	N/A	\$0.00	\$722.56	N/A	\$17.69	2%	\$704.87
Employee + 1 Dependent	0	\$0.00	\$0.00	N/A	\$0.00	\$1,445.12	N/A	\$35.38	2%	\$1,409.74
Employee + Family	0	<u>\$0.00</u>	<u>\$0.00</u>	N/A	<u>\$0.00</u>	<u>\$1,878.66</u>	N/A	<u>\$46.00</u>	2%	<u>\$1,832.66</u>
	0	\$0	\$0		\$0	\$0		\$0		\$0
<b>Anthem Select HMO - Region 2</b>										
Employee Only	6	\$654.04	\$0.00	0%	\$654.04	\$674.69	3.2%	\$0.00	0%	\$674.69
Employee + 1 Dependent	1	\$1,308.08	\$0.00	0%	\$1,308.08	\$1,349.38	3.2%	\$0.00	0%	\$1,349.38
Employee + Family	5	<u>\$1,700.50</u>	<u>\$0.00</u>	0%	<u>\$1,700.50</u>	<u>\$1,754.19</u>	3.2%	<u>\$0.00</u>	0%	<u>\$1,754.19</u>
	12	\$13,735	\$0		\$13,735	\$14,168		\$0		\$14,168
<b>Anthem Traditional HMO - Region 2</b>										
Employee Only	0	\$934.95	\$272.30	29%	\$662.65	\$1,046.04	11.9%	\$341.17	33%	\$704.87
Employee + 1 Dependent	1	\$1,869.90	\$544.60	29%	\$1,325.30	\$2,092.08	11.9%	\$682.34	33%	\$1,409.74
Employee + Family	0	<u>\$2,430.87</u>	<u>\$707.97</u>	29%	<u>\$1,722.90</u>	<u>\$2,719.70</u>	11.9%	<u>\$887.04</u>	33%	<u>\$1,832.66</u>
	1	\$1,870	\$545		\$1,325	\$2,092		\$682		\$1,410
<b>Health Net Salud y Mas - Region 2</b>										
Employee Only	0	\$435.14	\$0.00	0%	\$435.14	\$458.66	5.4%	\$0.00	0%	\$458.66
Employee + 1 Dependent	0	\$870.28	\$0.00	0%	\$870.28	\$917.32	5.4%	\$0.00	0%	\$917.32
Employee + Family	0	<u>\$1,131.36</u>	<u>\$0.00</u>	0%	<u>\$1,131.36</u>	<u>\$1,192.52</u>	6.4%	<u>\$0.00</u>	0%	<u>\$1,192.52</u>
	0	\$0	\$0		\$0	\$0		\$0		\$0
<b>Health Net SmartCare - Region 2</b>										
Employee Only	0	\$719.26	\$56.61	8%	\$662.65	\$769.11	6.9%	\$64.24	8%	\$704.87
Employee + 1 Dependent	0	\$1,438.52	\$113.22	8%	\$1,325.30	\$1,538.22	6.9%	\$128.48	8%	\$1,409.74
Employee + Family	0	<u>\$1,870.08</u>	<u>\$147.18</u>	8%	<u>\$1,722.90</u>	<u>\$1,999.69</u>	6.9%	<u>\$167.03</u>	8%	<u>\$1,832.66</u>
	0	\$0	\$0		\$0	\$0		\$0		\$0
<b>Kaiser Health Plan of California - Region 2</b>										
Employee Only	31	\$645.24	\$0.00	0%	\$645.24	\$669.77	3.8%	\$0.00	0%	\$669.77
Employee + 1 Dependent	34	\$1,290.48	\$0.00	0%	\$1,290.48	\$1,339.54	3.8%	\$0.00	0%	\$1,339.54
Employee + Family	82	<u>\$1,677.62</u>	<u>\$0.00</u>	0%	<u>\$1,677.62</u>	<u>\$1,741.40</u>	3.8%	<u>\$0.00</u>	0%	<u>\$1,741.40</u>
	147	\$201,444	\$0		\$201,444	\$209,102		\$0		\$209,102
<b>PERS Select - Region 2</b>										
Employee Only	12	\$451.54	\$0.00	0%	\$451.54	\$476.92	5.6%	\$0.00	0%	\$476.92
Employee + 1 Dependent	3	\$903.08	\$0.00	0%	\$903.08	\$953.84	5.6%	\$0.00	0%	\$953.84
Employee + Family	15	<u>\$1,174.00</u>	<u>\$0.00</u>	0%	<u>\$1,174.00</u>	<u>\$1,239.99</u>	5.6%	<u>\$0.00</u>	0%	<u>\$1,239.99</u>
	30	\$25,738	\$0		\$25,738	\$27,184		\$0		\$27,184
<b>PERS Choice - Region 2</b>										
Employee Only	11	\$736.28	\$73.63	10%	\$662.65	\$783.19	6.4%	\$78.32	10%	\$704.87
Employee + 1 Dependent	22	\$1,472.56	\$147.26	10%	\$1,325.30	\$1,566.38	6.4%	\$156.64	10%	\$1,409.74
Employee + Family	28	<u>\$1,914.33</u>	<u>\$191.43</u>	10%	<u>\$1,722.90</u>	<u>\$2,036.29</u>	6.4%	<u>\$203.63</u>	10%	<u>\$1,832.66</u>
	61	\$94,097	\$9,410		\$84,687	\$100,092		\$10,009		\$90,082
<b>PERS Care - Region 2</b>										
Employee Only	3	\$986.66	\$324.01	33%	\$662.65	\$1,115.68	13.1%	\$410.81	37%	\$704.87
Employee + 1 Dependent	2	\$1,973.32	\$648.02	33%	\$1,325.30	\$2,231.36	13.1%	\$821.62	37%	\$1,409.74
Employee + Family	1	<u>\$2,565.32</u>	<u>\$842.42</u>	33%	<u>\$1,722.90</u>	<u>\$2,900.77</u>	13.1%	<u>\$1,068.11</u>	37%	<u>\$1,832.66</u>
	6	\$9,472	\$3,110		\$6,361	\$10,711		\$3,944		\$6,767
<b>Sharp - Region 2</b>										
Employee Only	1	\$606.02	\$0.00	0%	\$606.02	\$632.27	4.3%	\$0.00	0%	\$632.27
Employee + 1 Dependent	0	\$1,212.04	\$0.00	0%	\$1,212.04	\$1,264.54	4.3%	\$0.00	0%	\$1,264.54
Employee + Family	0	<u>\$1,575.65</u>	<u>\$0.00</u>	0%	<u>\$1,575.65</u>	<u>\$1,643.90</u>	4.3%	<u>\$0.00</u>	0%	<u>\$1,643.90</u>
	1	\$606	\$0		\$606	\$632		\$0		\$632
<b>UnitedHealthcare - Region 2</b>										
Employee Only	4	\$671.60	\$8.95	1%	\$662.65	\$723.84	7.8%	\$18.97	3%	\$704.87
Employee + 1 Dependent	7	\$1,343.20	\$17.90	1%	\$1,325.30	\$1,447.68	7.8%	\$37.94	3%	\$1,409.74
Employee + Family	13	<u>\$1,746.16</u>	<u>\$23.26</u>	1%	<u>\$1,722.90</u>	<u>\$1,881.98</u>	7.8%	<u>\$49.32</u>	3%	<u>\$1,832.66</u>
	24	\$34,789	\$463		\$34,325	\$37,495		\$983		\$36,512
<b>Region 2 Total</b>	<b>296</b>	<b>\$4,884,527</b>	<b>\$244,810</b>		<b>\$4,639,716</b>	<b>\$5,130,952</b>	<b>5.0%</b>	<b>\$265,507</b>		<b>\$4,865,445</b>

EXHIBIT "A"

CalPers Medical Premium and District Contribution Rates

	Current Enrollment	2020 Premium Rates	\$ Employee Contribution	% Employee Contribution	\$ IRWD Contribution	2021 Premium Rates	2021 Premium Increase %	\$ Employee Contribution	% Employee Contribution	\$ IRWD Contribution
<b>Blue Shield of California Access+ - Region 3</b>										
Employee Only	1	\$613.17	\$150.52	19%	\$662.65	\$834.88	2.7%	\$130.01	16%	\$704.87
Employee + 1 Dependent	0	\$1,626.34	\$301.04	19%	\$1,325.30	\$1,669.76	2.7%	\$260.02	16%	\$1,409.74
Employee + Family	1	<u>\$2,114.24</u>	<u>\$391.34</u>	19%	<u>\$1,722.90</u>	<u>\$2,170.69</u>	2.7%	<u>\$338.03</u>	16%	<u>\$1,832.66</u>
	2	\$2,927	\$542		\$2,386	\$3,006		\$468		\$2,538
<b>Blue Shield Trio - Region 3</b>										
Employee Only	1	\$624.93	\$0.00	0%	\$624.93	\$660.49	5.7%	\$0.00	0%	\$660.49
Employee + 1 Dependent	0	\$1,249.86	\$0.00	0%	\$1,249.86	\$1,320.98	5.7%	\$0.00	0%	\$1,320.98
Employee + Family	2	<u>\$1,624.82</u>	<u>\$0.00</u>	0%	<u>\$1,624.82</u>	<u>\$1,717.27</u>	5.7%	<u>\$0.00</u>	0%	<u>\$1,717.27</u>
	3	\$3,875	\$0		\$3,875	\$4,095		\$0		\$4,095
<b>Anthem Select HMO - Region 3</b>										
Employee Only	0	\$619.93	\$0.00	0%	\$619.93	\$639.10	3.1%	\$0.00	0%	\$639.10
Employee + 1 Dependent	0	\$1,239.86	\$0.00	0%	\$1,239.86	\$1,278.20	3.1%	\$0.00	0%	\$1,278.20
Employee + Family	8	<u>\$1,611.82</u>	<u>\$0.00</u>	0%	<u>\$1,611.82</u>	<u>\$1,661.66</u>	3.1%	<u>\$0.00</u>	0%	<u>\$1,661.66</u>
	8	\$12,895	\$0		\$12,895	\$13,293		\$0		\$13,293
<b>Anthem Traditional HMO - Region 3</b>										
Employee Only	0	\$902.63	\$239.98	27%	\$662.65	\$984.21	9.0%	\$279.34	28%	\$704.87
Employee + 1 Dependent	0	\$1,805.26	\$479.96	27%	\$1,325.30	\$1,968.42	9.0%	\$558.68	28%	\$1,409.74
Employee + Family	0	<u>\$2,346.84</u>	<u>\$623.94</u>	27%	<u>\$1,722.90</u>	<u>\$2,558.95</u>	9.0%	<u>\$726.29</u>	28%	<u>\$1,832.66</u>
	0	\$0	\$0		\$0	\$0		\$0		\$0
<b>Health Net Salud y Mas - Region 3</b>										
Employee Only	0	\$392.31	\$0.00	0%	\$392.31	\$412.88	5.2%	\$0.00	0%	\$412.88
Employee + 1 Dependent	0	\$784.62	\$0.00	0%	\$784.62	\$825.76	5.2%	\$0.00	0%	\$825.76
Employee + Family	0	<u>\$1,020.01</u>	<u>\$0.00</u>	0%	<u>\$1,020.01</u>	<u>\$1,073.49</u>	5.2%	<u>\$0.00</u>	0%	<u>\$1,073.49</u>
	0	\$0	\$0		\$0	\$0		\$0		\$0
<b>Health Net SmartCare - Region 3</b>										
Employee Only	1	\$648.42	\$0.00	0%	\$648.42	\$691.48	6.6%	\$0.00	0%	\$691.48
Employee + 1 Dependent	1	\$1,296.84	\$0.00	0%	\$1,296.84	\$1,382.96	6.6%	\$0.00	0%	\$1,382.96
Employee + Family	3	<u>\$1,685.89</u>	<u>\$0.00</u>	0%	<u>\$1,685.89</u>	<u>\$1,797.85</u>	6.6%	<u>\$0.00</u>	0%	<u>\$1,797.85</u>
	5	\$7,003	\$0		\$7,003	\$7,468		\$0		\$7,468
<b>Kaiser Health Plan of California - Region 3</b>										
Employee Only	15	\$664.39	\$1.74	0%	\$662.65	\$669.84	0.8%	\$0.00	0%	\$669.84
Employee + 1 Dependent	2	\$1,328.78	\$3.48	0%	\$1,325.30	\$1,339.69	0.8%	\$0.00	0%	\$1,339.69
Employee + Family	22	<u>\$1,727.41</u>	<u>\$4.51</u>	0%	<u>\$1,722.90</u>	<u>\$1,741.60</u>	0.8%	<u>\$0.00</u>	0%	<u>\$1,741.60</u>
	39	\$50,626	\$132		\$50,494	\$51,042		\$0		\$51,042
<b>PERS Select - Region 3</b>										
Employee Only	0	\$435.74	\$0.00	0%	\$435.74	\$459.94	5.6%	\$0.00	0%	\$459.94
Employee + 1 Dependent	0	\$871.48	\$0.00	0%	\$871.48	\$919.88	5.6%	\$0.00	0%	\$919.88
Employee + Family	3	<u>\$1,132.92</u>	<u>\$0.00</u>	0%	<u>\$1,132.92</u>	<u>\$1,195.84</u>	5.6%	<u>\$0.00</u>	0%	<u>\$1,195.84</u>
	3	\$3,399	\$0		\$3,399	\$3,588		\$0		\$3,588
<b>PERS Choice - Region 3</b>										
Employee Only	3	\$710.29	\$47.64	7%	\$662.65	\$761.23	7.2%	\$56.36	7%	\$704.87
Employee + 1 Dependent	3	\$1,420.58	\$95.28	7%	\$1,325.30	\$1,522.46	7.2%	\$112.72	7%	\$1,409.74
Employee + Family	5	<u>\$1,846.75</u>	<u>\$123.85</u>	7%	<u>\$1,722.90</u>	<u>\$1,979.20</u>	7.2%	<u>\$146.54</u>	7%	<u>\$1,832.66</u>
	11	\$15,626	\$1,048		\$14,578	\$16,747		\$1,240		\$15,507
<b>PERS Care - Region 3</b>										
Employee Only	0	\$931.12	\$268.47	29%	\$662.65	\$1,036.07	11.3%	\$331.20	32%	\$704.87
Employee + 1 Dependent	0	\$1,862.24	\$536.94	29%	\$1,325.30	\$2,072.14	11.3%	\$662.40	32%	\$1,409.74
Employee + Family	0	<u>\$2,420.91</u>	<u>\$698.01</u>	29%	<u>\$1,722.90</u>	<u>\$2,693.78</u>	11.3%	<u>\$661.12</u>	32%	<u>\$1,832.66</u>
	0	\$0	\$0		\$0	\$0		\$0		\$0
<b>UnitedHealthcare - Region 3</b>										
Employee Only	2	\$668.31	\$5.66	1%	\$662.65	\$720.89	7.9%	\$16.02	2%	\$704.87
Employee + 1 Dependent	0	\$1,336.62	\$11.32	1%	\$1,325.30	\$1,441.78	7.9%	\$32.04	2%	\$1,409.74
Employee + Family	3	<u>\$1,737.61</u>	<u>\$14.71</u>	1%	<u>\$1,722.90</u>	<u>\$1,874.31</u>	7.9%	<u>\$41.65</u>	2%	<u>\$1,832.66</u>
	5	\$6,549	\$55		\$6,494	\$7,065		\$167		\$6,908
<b>Medical Annual Total</b>	<b>372</b>	<b>\$6,119,332</b>	<b>\$266,142</b>		<b>\$5,853,191</b>	<b>\$7,406,592</b>	<b>4.7%</b>	<b>\$297,706</b>		<b>\$6,118,706</b>

September 14, 2020  
Prepared and  
submitted by: C. Compton  
Approved by: Paul A. Cook



## ACTION CALENDAR

### 2020 LEGISLATIVE AND REGULATORY UPDATE

#### SUMMARY:

This report provides an update on the 2019-2020 legislative session and IRWD priorities. As legislation and regulations develop, staff will provide updates and recommendations to the Water Resources Policy and Communications Committee and the Board, as appropriate.

Staff recommends the Board consider the following actions/positions:

- *H.R. 8041 (Harder) – Snow Water Supply Forecasting Program: “Support”, and*
- *S.4530 (Feinstein) – Snow Water Supply Forecasting Program: “Support”.*

#### BACKGROUND:

When the California State Assembly and Senate returned from summer recess, both houses had one month to finish its work for the regular 2019-2020 legislation session. With the impacts of COVID-19, the policy and fiscal committee deadlines were adjusted again. Policy committees had until August 14 to hear bills in the Assembly and August 18 to hear bills in the Senate. Fiscal committees in both houses had until August 21 to meet and report bills to the floor. The deadline for amending bills in both houses was set as August 25, but the deadline was waived for some bills. Constitutionally, the last day to amend bills was August 28.

The last day for each house to pass bills without an urgency clause this legislative year was August 31, which was the day the Final Recess begins. The Governor has until September 30 to sign or veto legislation passed by the Legislature this session. The 2021-2022 Regular Legislative Session will begin on December 7, 2020.

A copy of the 2020 Legislative Matrix is provided as Exhibit “A”. Links to the bills discussed below are included within each discussion, unless a separate exhibit is noted.

#### 2020 State Legislative Update:

As has been traditionally done after the legislative session has recessed, staff has provided an update on the bills still active at the end of the legislative session and that were of interest to the District. A status report on each bill is provided below:

<b>Bill</b>	<b>IRWD Position</b>	<b>Status</b> <i>(as of September 8, 2020)</i>
<a href="#">AB 69 (Ting)</a> <i>Help Homeowners Add New Housing Program: Accessory Dwelling Unit (ADUs) Financing</i>	Watch	“Gutted and amended” on July 28 to remove the land use provisions and replace them with a financing program for ADUs. Senate amendments concurred in. To engrossing and enrollment.
<a href="#">AB 134 (Bloom)</a> <i>Safe Drinking Water Restoration</i>	Watch	Failed the Policy Committee Deadline
<a href="#">AB 292 (Quirk)</a> <i>Recycled water: Raw Water and Groundwater Augmentation</i>	Support	Senate Floor Inactive File
<a href="#">AB 828 (Ting)</a> <i>Temporary Moratorium on Foreclosures and Unlawful Detainer Actions: COVID-19</i>	Watch	Failed the Policy Committee Deadline
<a href="#">AB 1484 (Grayson)</a> <i>Mitigation Fee Act: Housing Developments</i>	Oppose Unless Amended	Senate Rules Committee
<a href="#">AB 1672 (Bloom)</a> <i>Non-Flushable Disposable Wipes</i>	Support	Held on the Senate Appropriations Committee Suspense File
<a href="#">AB 2560 (Quirk)</a> <i>Notification Levels and Response Levels Procedures</i>	Support	Senate amendments concurred in. To engrossing and enrollment.
<a href="#">AB 2968 (Rodriguez)</a> <i>County Emergency Plans</i>	Seek Amendments	Presented to the Governor on September 4, 2020.
<a href="#">AB 3030 (Kalra)</a> <i>Resource Conservation: Land and Ocean Conservation Goals</i>	Oppose	Held on the Senate Appropriations Committee Suspense File
<a href="#">AB 3088 (Chiu/Limón)</a> <i>Rental Payment Default: COVID-19</i>	Watch	Signed by the Governor and Chapter on August 31, 2020.
<a href="#">SB 204 (Dodd)</a> <i>State Water Project Contracts</i>	Watch	Failed the Policy Committee Deadline



<p><b>SB 414 (Caballero)</b> <i>Small System Water Authority Act of 2019</i></p>	<p>Support</p>	<p>Held on the Assembly Appropriations Committee Suspense File</p>
<p><b>SB 474 (Stern)</b> <i>State Responsibility Area: Development Prohibition</i></p>	<p>Seek Amendments</p>	<p>Failed the Policy Committee Deadline</p>
<p><b>SB 1386 (Moorlach)</b> <i>Fire Hydrants</i></p>	<p>Sponsor/Support</p>	<p>Senate amendments concurred in. To engrossing and enrollment.</p>

Other 2020 State Legislative Updates:

In addition to any updates on new developments, staff will discuss the following bills/topics:

- Workers’ compensation legislation related to COVID-19;
- Other rent relief and mortgage forbearance legislation related to COVID-19;
- Other State-proposed COVID-19 related legislation; and
- Wildlife fire and climate change/economic stimulation related legislation.

2020 State Regulatory Update:

*Cap and Trade Auction Revenues:*

On August 18, 2020, the California Air Resources Board (CARB) and the Canadian province of Quebec held a greenhouse gas (GHG) allowance auction that was much anticipated and closely watched since the last auction held in May 2020 raised far less than previous auctions. While the May auction generated \$25 million, with only 37% of California’s allowances sold, the most recent auction generated \$500 million, with 88% of California’s allowances sold.

The May auction revenue numbers has caused concern among stakeholders and policymakers that programs funded by the Greenhouse Gas Reduction Fund (GGRF) would face substantial funding reductions going forward. Staff has been monitoring the Cap and Trade Program auctions because the Safe and Affordable Drinking Water Fund, which was created by SB 200 (Monning, D-Carmel) of 2019 to fund safe drinking water programs, is funded with GGRF revenues. In developing the FY 2020-21 Fund Expenditure Plan, which the State Water Resources Control Board adopted on July 7, 2020, the State Board and others recognized that funding amounts specified in the plan were contingent on the GHG allowance auctions. The recent auction relieves short-term concerns that the funding for the Safe and Affordable Drinking Water Fund would fall far short of the expected \$130 million.

*Other 2020 Regulations:*

The following is a list of some of the State regulations and agency reports staff is monitoring, tracking or planning to engage in over the next three to 12 months. As the next drafts of the regulations or report are released for public review and comment, staff will engage, as appropriate.

The pending regulations and reports actively being tracked include the:

- California Air Resources Board's Advanced Clean Trucks Regulations;
- California Plumbing Code updates;
- Department of Water Resources (DWR) and the State Board's implementation of the ["Making Water Conservation a California Way of Life"](#) legislation;
- State Board's development of a "Cross Connection Policy Handbook;"
- State Board's Electronic Annual Report;
- State Board's Safe and Affordable Funding for Equity and Resilience (SFER) Drinking Water Program;
- State Board's [water loss performance standards regulations](#); and
- State Board's "Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California" and draft "Toxicity Provisions."

2020 Federal Legislative Update

*H.R. 8041 (Harder) and S. 4530 (Feinstein):*

On August 13, Senator Dianne Feinstein (D-California) and Congressman Josh Harder (R-CA/Modesto) introduced [H.R. 8041](#) and [S.4530](#), the Snow Water Supply Forecasting Program Authorization Act. This legislation would establish an airborne snow observatory (ASO) program within the United States Department of Interior.

The ASO program was originally developed by NASA and uses airplane-mounted light detection (LiDAR) instrumentation, in conjunction with an imaging spectrometer, to make precise measurements of snow depth and water content. The data was then provided to water managers to inform water allocation decisions. It provided seasonal runoff forecasts which were 96% to 99% accurate as compared to forecasts using other measurement techniques which have a range of accuracy between 50% and 90%. The program was discontinued by NASA's management in 2019. H.R. 8041 and S. 4530 seek to reestablish the program in the Department of Interior.

Staff recommends the Board adopt a "support" position on H.R. 8041 and S. 4530. A copy of the text of the bills is provided in Exhibit "B".

2021 Legislative Planning:

*ACWA Call for Legislative Proposals:*

Each year the Association of California Water Agencies (ACWA) solicits legislative proposals from its members and considers submitted proposals at its Planning Meeting each fall. The ACWA State Legislative Committee evaluates the proposals and determines whether to sponsor or support the submitted legislative concepts. In order to have a proposal considered for next year, ACWA requires the proposal to be submitted by October 2, 2020.

*CMUA's Call for Legislative Proposals:*

Each year the California Municipal Utilities Association (CMUA) solicits legislative proposals from its members and considers submitted proposals at its Strategic Planning Meeting each fall. The CMUA Legislative Committee evaluates the proposals and determines whether to sponsor or support the submitted legislative concepts. In order to have a proposal considered for next year, CMUA requires the proposal to be submitted by September 25, 2020.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on September 3, 2020.

RECOMMENDATION:

THAT THE BOARD ADOPT A "SUPPORT" POSITION ON H.R. 8041 (HARDER) AND S. 4530 (FEINSTEIN).

LIST OF EXHIBITS:

Exhibit "A" – IRWD Legislative Matrix  
Exhibit "B" – Text of H.R. 8041 and S. 4530

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**EXHIBIT “A”**  
**IRWD 2020 LEGISLATIVE MATRIX**  
**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b>AB 69</b> Ting (D)	Help Homeowners Add New Housing Program	WATCH	Requires the Treasurer to develop the Help Homeowners Add New Housing Program with the purpose of assisting homeowners in qualifying for loans to construct additional housing units on their property, including accessory dwelling units and junior accessory dwelling units. Requires the program to be developed to provide partial loan guarantees and other credit enhancements for homeowners in order to induce private lenders to issue loans for the construction of additional dwelling units.	09/05/2020 - Enrolled.
<b>AB 134</b> Bloom (D)	Safe Drinking Water Restoration	WATCH	Requires each regional engineer to arrange for a prescribed comprehensive assessment of each failed water system in the region of the drinking water regional office to be completed. Requires the board, upon adoption of an assessment of funding need, to convey to each regional engineer a list of at-risk water systems in that region and additional information. Requires the board by a specified date of each year to review the assessment of funding need and to prioritize the public water systems.	06/13/2019 - To SENATE Committees on ENVIRONMENTAL QUALITY and NATURAL RESOURCES AND WATER.
<b>AB 196</b> Gonzalez (D)	Workers' Compensation: Coronavirus		Defines injury for certain employees who are employed in an occupation or industry deemed essential except as specified, or who are subsequently deemed essential, to include coronavirus disease that develops or manifests itself during a period of employment of those persons in the essential occupation or industry. Creates a disputable presumption that the injury arose out of and in the course of the employment. Shortens the investigatory timeframe.	09/01/2020 - In SENATE. From third reading. To Inactive File.
<b>AB 202</b> Mathis (R)	Endangered Species: Conservation: Safe Harbor Program		Extends the operation of the California State Safe Harbor Agreement Program Act indefinitely, which encourages landowners to manage their lands voluntarily, by means of state safe harbor agreements approved by the Department of Fish and Wildlife, to benefit endangered, threatened, or candidate species.	04/24/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 235</u></b> Mayes (R)	Endangered Species: Petitions: Takings		Requires the Fish and Game Commission to accept a petition for consideration concurrent with a taking if the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted and if a preponderance of the evidence presented in the petition shows there is no direct threat to the species that would lead to its decline.	07/02/2020 - Re-referred to SENATE Committee on NATURAL RESOURCES AND WATER.
<b><u>AB 254</u></b> Quirk-Silva (D)	Warewashing Machines: Water Reuse		Authorizes water from a warewashing machine at a retail food business to be reused on the same warewashing machine, for prerinse purposes only, if an attendant is onsite to control the reuse of the water for prerinse purposes and a written disclosure notice is posted.	07/09/2019 - In SENATE Committee on HEALTH: Not heard.
<b><u>AB 292</u></b> Quirk (D)	Recycled Water: Raw Water and Groundwater Augmentation	SUPPORT	Eliminates the definition of direct potable reuse and instead substitutes the term groundwater augmentation for indirect potable reuse for groundwater recharge in definitions. Requires the State Water Resources Control Board to adopt uniform water recycling criteria for raw water augmentation.	08/30/2019 - In SENATE. From third reading. To Inactive File.
<b><u>AB 352</u></b> Garcia E (D)	Wildfire Prevention, Safe Drinking Water	SUPPORT IF AMENDED	Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildlife prevention, safe drinking water, drought preparation, and flood protection program.	08/14/2019 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;08/14/2019 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<b><u>AB 402</u></b> Quirk (D)	Water Resources Control Board: Local Primacy Delegation	OPPOSE UNLESS AMENDED	Authorizes the State Water Resources Control Board to delegate partial responsibility for the Safe Drinking Water Act's enforcement by means of a local primacy delegation agreement. Includes enforcement costs as costs covered by the annual Drinking Water Surveillance Program grant. Authorizes any local primacy agency, with the approval of the State Water	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			Resources Control Board, to elect to participate in a funding stabilization program.	
<b><u>AB 418</u></b> Kalra (D)	Evidentiary Privileges: Union Agent-Worker Privilege		Establishes a privilege between a union agent and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified.	08/30/2020 - In SENATE. From third reading. To Inactive File.
<b><u>AB 464</u></b> Garcia (D)	State Global Warming Solutions Act		Defines district under the State Global Warming Solutions Act to mean an air pollution control or an air quality management district. Specifies that the contribution of natural sources under the Act includes contribution from catastrophic wildfires. Requires the State Air Resources Board to quantify and publish annually data on emissions of greenhouse gases, criteria air pollutants, and toxic air contaminants from catastrophic wildfires on its internet website.	07/09/2020 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;07/09/2020 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<b><u>AB 685</u></b> Reyes (D)	COVID 19: Imminent Hazard to Employees: Exposure		Authorizes the Division of Occupational Safety and Health, when, in its opinion, a place of employment, operation, or process, or any part thereof, exposes workers to the risk of infection with severe acute respiratory syndrome, also known as coronavirus, so as to constitute an imminent hazard to employees, to prohibit the performance of that operation or process, or entry into that place of employment.	09/05/2020 - Enrolled.
<b><u>AB 722</u></b> Bigelow (R)	Water: Dams: Fees		Limits the total annual fee for a dam operated by certain irrigation districts to no more than 20% of the fees assessed pursuant to the schedule of fees.	06/25/2019 - In SENATE Committee on NATURAL RESOURCES AND WATER: Heard, remains in Committee.
<b><u>AB 727</u></b> Flora (R)	Dams and Reservoirs: Exclusions		Specifies that a structure owned or operated by a public entity may have the principal purpose of impounding water for	05/16/2019 - To SENATE Committee on NATURAL RESOURCES AND WATER.

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			agricultural use for the purposes of an exclusion from being considered a dam, provided the structure is a certain height.	
<b><u>AB 740</u></b> Burke (D)	Electricity: Microgrids		Requires the Public Utilities Commission to ensure that the standards established to facilitate the commercialization of microgrids for distribution customers of large electrical corporations do not impose a size cap on microgrid projects with specified characteristics. Requires the governing board of a local publicly owned electric utility to do the same.	07/02/2020 - In SENATE. Senate Rule 29.10 suspended.;07/02/2020 - Re-referred to SENATE Committee on RULES.;07/02/2020 - Re-referred to SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
<b><u>AB 787</u></b> Gipson (D)	Elections: Vote Registration		Requires a county or a city and county that operates a jail facility to allow organizations to conduct in-person voter registration activities, including, but not limited to, the provision of vote-by-mail applications, in each county jail facility. Requires a county or city and county to establish policies and criteria governing the admittance of individuals from those organizations into jail facilities, including procedures for notifying an individual of the basis for denial.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 828</u></b> Ting (D)	Moratorium on Foreclosures and Unlawful Detainer Action	WATCH	Prohibits a party from submitting to a county recorder any instrument, paper, or notice that constitutes a notice of default, a notice of sale, or a trustee's deed upon sale for residential real property during the above-specified declared state of emergency relating to the coronavirus. Establishes a procedure, known as an unlawful detainer action.	07/28/2020 - From SENATE Committee on JUDICIARY with author's amendments.;07/28/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<b><u>AB 831</u></b> Grayson (D)	Planning and Zoning: Housing: Development Applications		Provides that if an application for a public improvement is submitted to a local government, the local government shall consider the application based upon any objective standards specified in any state or local laws that were in effect when the original development application was submitted, and to conduct its review and approval in the same manner as it would evaluate the public improvement if required by a project that is not eligible to receive a ministerial or streamlined approval.	09/08/2020 - Enrolled.



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<b><u>AB 933</u></b> Petrie-Norris (D)	Ecosystem Resilience: Watershed Protection		Requires the Department of Conservation, to the extent funds are available, to establish and administer the Ecosystem Resilience Program to fund watershed coordinator positions, and other necessary costs, throughout the state for the purpose of achieving specified goals, including the goal to develop and implement watershed improvement plans, and other plans to enhance the natural functions of a watershed, aligned with multiple statewide and regional objectives across distinct bioregions.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 953</u></b> Ting (D)	Land Use: Accessory Dwelling Units		Deems a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days. Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met.	06/23/2020 - To SENATE Committee on GOVERNANCE AND FINANCE.
<b><u>AB 955</u></b> Gipson (D)	Water Replenishment Districts: Water System Needs		Authorizes a water replenishment district, pursuant to an agreement with the State Water Resources Control Board, to offer to conduct a needs assessment program for water systems serving disadvantaged communities within the district. Makes a water system's participation in the program voluntary.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 992</u></b> Mullin (D)	Open Meetings: Local Agencies: Social Media		Allows a member to engage in separate conversations or communications outside of a meeting authorized by the Ralph M. Brown Act with any other person using an internet based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.	09/01/2020 - *****To GOVERNOR.

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<b><u>AB 1035</u></b> Ramos (D)	COVID 19 Emergency: Small Businesses		Exempts a small business with a certain number of employees from liability for an injury or illness to a person due to coronavirus based on a claim that the person contracted coronavirus while at that small business, or due to the actions of that small business. Requires the small business, for this exemption to apply, to have implemented and abided by all applicable state and local health laws, regulations, and protocols.	06/25/2020 - From SENATE Committee on JUDICIARY with author's amendments.;06/25/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<b><u>AB 1063</u></b> Petrie-Norris (D)	Planning and Zoning Law: Site Substitutes		Requires the Department of Housing and Community Development, in making an evaluation of a proposed or adopted housing element, to allow a city or county to identify adequate sites by a variety of methods. Authorizes the Department to allow a city or county to substitute the provision of certain units for up to half of the city's or county's obligation to identify adequate sites for any income category under certain conditions.	07/02/2020 - In SENATE. Senate Rule 29.10 suspended.;07/02/2020 - Re-referred to SENATE Committee on RULES.;07/02/2020 - Re-referred to SENATE Committee on HOUSING.
<b><u>AB 1217</u></b> Mullin (D)	Electioneering and Issue Lobbying Communications		Requires a person who, makes payments of \$10,000 dollars or more for "electioneering communications" or "issue lobbying communications" to make specified disclosures in connection with those communications.	08/14/2019 - From SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS with author's amendments.;08/14/2019 - In SENATE. Read second time and amended. Re-referred to Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<b><u>AB 1415</u></b> Friedman (D)	Department of Water Resources: Reporting		Requires the department to impose a civil penalty on an entity that fails to file with the department a specified report or plan by the deadline required for that particular report or plan. Authorizes the department to reduce or waive the civil penalty under certain circumstances.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.

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<b><u>AB 1436</u></b> Chiu (D)	Tenancy: Rental Payment Default: Mortgages: COVID 19		Authorizes a mortgage servicer or lienholder to limit a requested forbearance. Authorizes the mortgage servicer or lienholder to count any forbearance already provided to the borrower between a specified start date and the date of a mobilehome borrower's initial request against the time limit. Requires a mortgage servicer to provide an initial forbearance period and grant additional extension periods upon the request of the borrower.	08/20/2020 - From SENATE Committee on APPROPRIATIONS: Do pass.;08/20/2020 - In SENATE Committee on APPROPRIATIONS: Reconsideration granted.;08/20/2020 - From SENATE Committee on APPROPRIATIONS: Do pass to Committee on RULES
<b><u>AB 1484</u></b> Grayson (D)	Mitigation Fee Act: Housing Developments	OPPOSE UNLESS AMENDED	Prohibits a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project, as defined, 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.	09/09/2019 - In SENATE. Read second time. To third reading.;09/09/2019 - In SENATE. Senate Rule 29.10(b) suspended.;09/09/2019 - Re-referred to SENATE Committee on RULES.
<b><u>AB 1552</u></b> Ramos (D)	Commercial Insurance: Coverage for COVID 19		Creates specified rebuttable presumptions affecting the burden of proof in a case in which the insured alleges that the business interruption was due to the COVID 19 pandemic and occurred during the period of the state of emergency declared by the Governor due to the COVID 19 pandemic.	07/02/2020 - Re-referred to SENATE Committee on INSURANCE.
<b><u>AB 1567</u></b> Aguiar-Curry (D)	Organic Waste: Scoping Plan		Requires the Strategic Growth Council , in consultation with stakeholders and relevant permitting agencies, to prepare and submit to the Legislature a report that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets. Requires the scoping plan to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.	06/23/2020 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<b><u>AB 1672</u></b> Bloom (D)	Solid Waste: Premoistened Nonwoven Disposable Wipes	SUPPORT	Requires certain premoistened nonwoven disposal wipes manufactured on or after a specified date to be labeled clearly and conspicuously with the phrase Do Not Flush and a related symbol. Prohibits a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

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			of those wipes. Establishes a civil penalty per violation. Establishes the Consumer Education and Outreach Program.	
<b><u>AB 1703</u></b> Bloom (D)	Sale of Residential Rental Properties		Requires the owner of a to take various actions before offering the residential real property for sale to any purchaser. Exempts certain transfers of a residential real property from its provisions, including, among others, a transfer between spouses, domestic partners, parent and child, siblings, grandparent and grandchild, a transfer pursuant to a court order, and a transfer by eminent domain.	07/14/2020 - From SENATE Committee on JUDICIARY with author's amendments.;07/14/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.
<b><u>AB 1720</u></b> Carrillo (D)	Long-duration Energy Storage: Procurement		Prohibits the San Diego County Water Authority from prequalifying or shortlisting or awarding a contract to perform any portion of a long-duration energy storage project, except as provided.	08/03/2020 - In SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Not heard.
<b><u>AB 1751</u></b> Chiu (D)	Water and Sewer System Corporations		Authorizes a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a public water system or certain state small water system, or to implement rates for the subsumed water system.	08/30/2019 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 1808</u></b> Cervantes (D)	Public Contracts: Goods and Services		Requires bidding on public works contracts, would authorize a state or local agency to use the above-described procedures for the purchase, or purchase and installation, of carpet, resilient flooring, or synthetic turf if the installation work is not performed in connection with new construction and the contractor complies with specified requirements relating to wages and labor.	06/19/2019 - Re-referred to SENATE Committees on GOVERNANCE AND FINANCE and GOVERNMENTAL ORGANIZATION.
<b><u>AB 1850</u></b> Gonzalez (D)	Worker Classification		Deletes the provision that relates to the exemptions of bona fide business to business contracting relationship in relation to individual workers. Revises the criteria of the relationship	07/02/2020 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.

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			between a referral agency and a service provider, including requiring the referral agency to check the validity of one license in a location where the service provider performs work a minimum time per calendar year. Provides professional services exemptions to specified industries.	
<b><u>AB 1928</u></b> Kiley (R)	Employment Standards: Independent Contractors		Repeals existing provisions for determining when workers are employees or independent contractors, and instead requires a determination of whether a person is an employee or an independent contractor to be based on the specific multifactor test set forth in the Borello case, including whether the person to whom the service is rendered has the right to control the manner and means of accomplishing the result desired, and other identified factors.	02/14/2020 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<b><u>AB 1947</u></b> Kalra (D)	Employment Violation Complaints: Requirements: Time		Extends the period of time within which people who believe they have been discharged or otherwise discriminated against in violation of the Labor Code may file complaints to within one year after the occurrence of the violations.	08/27/2020 - *****To GOVERNOR.
<b><u>AB 2060</u></b> Holden (D)	Drinking Water: Pipes and Fittings: Lead Content		Defines lead free for purposes of conveying or dispensing water for human consumption, to mean does not leach more than one microgram of lead under certain tests and meeting a specified certification when used with respect to certain endpoint devices. Imposes a progressively increasing minimum percentage for a manufacturer that sells or offers for sale in the state products subject to the definition of lead free. Requires the consumer facing product packaging to indicate compliance.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 2107</u></b> Rodriguez (D)	Local Government: Securitized Obligation Notes		Extends the authorization for a special district to issue securitized limited obligation notes for the acquisition or improvement of land, facilities, or equipment.	09/04/2020 - *****To GOVERNOR.

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<b><u>AB 2151</u></b> Gallagher (R)	Political Reform Act: Online Filing Disclosure		Requires a local government agency to post on its internet website, within seventy two hours of the applicable filing deadline, a copy of any specified statement, report, or other document filed with that agency in paper format.	09/04/2020 - *****To GOVERNOR.
<b><u>AB 2178</u></b> Levine (D)	Emergency Services		Includes a deenergization, defined as a planned public safety power shutoff, within those conditions constituting a state of emergency and a local emergency under the Emergency Services Act.	07/08/2020 - From SENATE Committee on GOVERNMENTAL ORGANIZATION with author's amendments.;07/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION.
<b><u>AB 2210</u></b> Aguiar-Curry (D)	Contractors: Violations: Disciplinary Actions		Authorizes disciplinary action against a contractor for violations of specified regulations regarding tree work, including maintenance or removal, without regard to whether death or serious injury to an employee resulted. Requires the Registrar appointed by the Contractors' State License Board to initiate disciplinary action against a contractor upon transmission to the Board of copies of any citations or other actions taken by the Division of Occupational Safety and Health.	09/04/2020 - *****To GOVERNOR.
<b><u>AB 2213</u></b> Limon (D)	Office of Emergency Services: Planning Guidance		Requires the OES and California Volunteers, in coordination with Voluntary Organizations Active in Disaster, to develop planning guidance to identify volunteers and donation management resources that could assist in responding to or recovering from disasters. Authorizes a city to enter into an agreement to access the contact information of resident account holders through the records of a public utility. Expands the types of public utilities that can enter into these agreements by defining public utility.	09/02/2020 - Enrolled.
<b><u>AB 2231</u></b> Kalra (D)	Public Works		Provides that a public subsidy is de minimis if it is less than a specified amount and percentage of the total project cost.	09/01/2020 - *****To GOVERNOR.

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			Specifies that these provisions do not apply to a project that was advertised for bid, or a contract that was awarded, before a specified date.	
<b><u>AB 2257</u></b> Gonzalez (D)	Worker Classification		Exempts certain occupations in connection with creating, marketing, promoting, or distributing sound recordings or musical compositions from the application of the ABC test for worker classification. Creates an exemption for business to business relationships between two or more sole proprietors. Provides that a hiring entity need only satisfy all of the conditions of one of the exemption provisions to qualify for the exemption from the ABC Test.	09/04/2020 - *****To GOVERNOR.;09/04/2020 - Signed by GOVERNOR.;09/04/2020 - Chaptered by Secretary of State. Chapter No. 2020-38
<b><u>AB 2296</u></b> Quirk (D)	State Water Resources Control Board: Delegation		Authorizes the State Water Resources Control Board to delegate partial responsibility for the Safe Drinking Water Act's administration and enforcement by means of a local primacy delegation agreement. Authorizes the Board, for counties that have not been delegated primary responsibility as of a specified date, to offer an opportunity for the county to apply for partial or primary responsibility, if the Board determines that it needs assistance.	09/04/2020 - *****To GOVERNOR.
<b><u>AB 2311</u></b> Low (D)	Public Contracts: Skilled and Trained Workforce		Requires a public entity, when the use of a skilled and trained workforce to complete a contract or project is required pursuant to existing law, to include in all bid documents and construction contracts a notice that the project is subject to the skilled and trained workforce requirement. Provides, if a public entity fails to provide the notice, that the public entity shall not be excused from the requirement to obtain the enforceable commitment.	09/01/2020 - Enrolled.
<b><u>AB 2323</u></b> Friedman (D)	California Environmental Quality Act: Exemptions		Requires that a project is undertaken and is consistent with either a specific plan prepared pursuant to specific provisions of law or a community plan for which an EIR has been certified within the preceding fifteen years in order to be exempt. Requires the	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

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			project site to have been previously developed or to be a vacant site meeting certain requirements.	
<b><u>AB 2333</u></b> Quirk (D)	Waste: Releases: Remedial Action: Local Oversight		Authorizes a responsible party to request the local officer to oversee the remedial action only if the release is not being overseen by the Department of Toxic Substances or regional water quality control board. Authorizes the local officer to agree to oversee the remedial action only if the local officer determines that the same conditions referenced have been met.	07/08/2020 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;07/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<b><u>AB 2371</u></b> Friedman (D)	Climate Change: Office and Planning and Research		Requires the Office of Planning and Research to convene a climate science advisory team of distinguished scientists to advise on climate planning and adaptation efforts in the state and to provide input to improve climate adaptation and hazard mitigation planning across state agencies.	07/08/2020 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;07/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
<b><u>AB 2467</u></b> Levine (D)	Political Reform Act: Misuse of Funds		Amends the Political Reform Act. Prohibits a state or local government agency from expending public money for a public communication that clearly identifies a candidate or ballot measure.	05/04/2020 - From ASSEMBLY Committee on ELECTIONS AND REDISTRICTING with author's amendments.;05/04/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ELECTIONS AND REDISTRICTING.
<b><u>AB 2473</u></b> Cooper (D)	Public Investment Funds		Exempts from disclosure under California Public Records Act specified records regarding an internally managed private loan made directly by a public investment fund, including quarterly and annual financial statements of the borrower or its constituent owners, unless the information has already been publicly released by the keeper of the information. Makes nonsubstantive changes to certain other provisions. Defines terms.	08/05/2020 - In SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT: Not heard.
<b><u>AB 2504</u></b> Nazarian (D)	Capital Access Loan Program		Expands the definition of a qualified residential property owner for purposes of the seismic retrofitting program under the Capital	05/04/2020 - From ASSEMBLY Committee on BANKING AND



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			Access Loan Program to include a homeowners' association that owns a residential building that is a qualified building, and is authorized to seismically retrofit such a building. Authorizes moneys in the California Seismic Safety Capitol Access Loan Program Fund to be used by the Pollution Control Financing Authority for incentives to borrowers.	FINANCE with author's amendments.;05/04/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on BANKING AND FINANCE.
<b><u>AB 2519</u></b> Wood (D)	Conservation Projects: Grants: Advance Payments		Requires, to the extent not in conflict with any other law, the Natural Resources Agency, the conservancy, the department, and the board, when awarding grants for conservation projects, as defined, to provide an advance payment of up to a certain percent of the total grant award if requested by a grant recipient. Requires the granting entities specified above to provide a report to the Legislature on or before specified date.	07/02/2020 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<b><u>AB 2560</u></b> Quirk (D)	Water Quality: Notification Levels and Response Levels	SUPPORT	Amends the Safe Drinking Water Act. Requires a public water system to provide prescribed notices within a certain number of days after it is informed of a confirmed detection of a contaminant found in drinking water in excess of a maximum contaminant level. Requires the State Water Resources Board to comply with specified public notice and comment procedures when establishing or revising a notification level or response level, with an exception.	09/01/2020 - Enrolled.
<b><u>AB 2621</u></b> Mullin (D)	Climate Adaptation Action Plans		Authorizes eligible agencies to establish and participate in a regional climate network to prepare a regional climate adaptation action plan for certain region. Requires the Office of Planning and Research to develop guidelines establishing how a regional climate network may develop a regional climate adaptation action plan, including certain information, analyses and contents to be included in a plan, and certain considerations and procedures for a regional climate network.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 2765</u></b> O'Donnell (D)	Public Works: Prevailing Wages		Expands the definition of public works, for the purposes of provisions relating to the prevailing rate of per diem wages, to also include any construction, alteration, demolition, installation, or repair work done under private contract on a project for a charter school, as defined, when the project is paid for, in whole or in part, with the proceeds of conduit revenue bonds that were issued after a specified date.	09/01/2020 - Enrolled.
<b><u>AB 2800</u></b> Quirk (D)	Climate Safe Infrastructure Working Group		Extends provisions relating to the Climate Safe Infrastructure Working Group, whose purpose it is to exam how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, including oversight, investment, design, and construction. Requires state agencies to take into account the economic damages associated with such impacts. Adds a specified five year infrastructure plan to the information that the Working Group is required to consider and build upon.	09/08/2020 - Enrolled.
<b><u>AB 2843</u></b> Chu (D)	Local Employer Affordable Housing Fees		Requires a city, county, or city and county to collect an additional annual fee from any applicant for a local business license in an amount depending on the number of employees employed by the business, as specified.	03/05/2020 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.
<b><u>AB 2849</u></b> Chau (D)	Proposition 65: Enforcement		Amends the Safe Drinking Water and Toxic Enforcement Act. Revises the definition of person in the course of doing business to include a person employing fewer than ten employees on terms and conditions as that person states in writing to a person giving notice of a violation and the Attorney General.	06/23/2020 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<b><u>AB 2887</u></b> Bonta (D)	Statewide Emergencies: Mitigation		Adds provisions relating to states of emergency, including the coronavirus pandemic. Provides for school meal distribution. Provides a moratorium on rent collection from small businesses. Requires zero interest rate loans for small businesses and nonprofit organizations. Provides paid sick leave for all employees regardless of term of employment. Prohibits the	05/08/2020 - In ASSEMBLY. Suspend Assembly Rule 96.;05/08/2020 - Re-referred to ASSEMBLY Committee on BUDGET.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			termination of utility service for certain nonpayment after the declaration of a state of emergency.	
<b><u>AB 2967</u></b> O'Donnell (D)	Public Employees Retirement System: Contracting		Deletes provisions of the Public Employees' Retirement Law that generally authorize a public agency contracting with the Public Employees' Retirement System to make all or part of its employees members of the system. Prohibits exclusions of groups of employees from being made by amendment of a public agency contract with PERS.	09/01/2020 - Enrolled.
<b><u>AB 2968</u></b> Rodriguez (D)	Country Emergency Plans: Best Practices	SEEK AMENDMENTS	Requires the Office of Emergency Services to establish best practices for counties developing and updating a county emergency plan. Requires the Office to establish a review process for a county to request the Office to review a county's emergency plan.	09/04/2020 - *****To GOVERNOR.
<b><u>AB 2992</u></b> Weber (D)	Employment Practices: Leave Time		Prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse for taking time off from work to obtain or attempt to obtain relief, as prescribed. Prohibits an employer from taking action against an employee, when an unscheduled absence occurs, if the employee victim of crime or abuse provides certification that they were receiving services for certain injuries, or if the documentation is from a victim advocate.	09/01/2020 - Enrolled.
<b><u>AB 2999</u></b> Low (D)	Employees: Bereavement Leave		Enacts the Bereavement Leave Act. Requires an employer with a specified number of employees to grant an employee up to ten business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions. Requires an employer with fewer a specified number of employees to grant 3 business days of leave, in accordance with these provisions.	07/14/2020 - From SENATE Committee on JUDICIARY with author's amendments.;07/14/2020 - In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 3030</u></b> Kalra (D)	Resource Conservation: Land and Ocean Conservation	OPPOSE	Declares it to be the goals of the state to protect thirty percent of land areas and waters, to help advance the protection thirty percent of the nation's oceans, and to support regional, national, and international efforts to protect at least thirty percent of the world's land areas and waters and thirty percent of the world's ocean. Declares it a further goal of the state to improve access to nature for all people in the state.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>AB 3074</u></b> Friedman (D)	Fire Prevention: Wildfire Risk: Defensible Space		Relates to defensible space. Requires each local agency having jurisdiction of property upon which conditions that are regulated by specified defensible space provisions apply and, contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose, the Department of Forestry and Fire Protection to make reasonable efforts to provide notice to affected residents of defensible space requirements before imposing penalties for a violation.	09/08/2020 - Enrolled.
<b><u>AB 3088</u></b> Chiu (D)	Tenancy: Rental and Mortgage Payments: COVID 19	WATCH	Creates the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act to apply specified protections to a first lien mortgage or deed of trust that is secured by residential real property that is occupied by a tenant, contains no more than four dwelling units, and meets certain criteria. Enacts the COVID 19 Small Landlord ad Homeowner Relief Act which would require a mortgage servicer to provided a specified written notice to a homeowner in relation to forbearance during the pandemic.	08/31/2020 - Enrolled.;08/31/2020 - *****To GOVERNOR.;08/31/2020 - Signed by GOVERNOR.;08/31/2020 - Chaptered by Secretary of State. Chapter No. 2020-37
<b><u>AB 3164</u></b> Friedman (D)	Fire Prevention: Wildland Urban Interface		Requires the Department of Forestry and Fire Protection to develop a wildland urban interface wildfire risk model to determine the risk for a community or parcel within a local responsibility area or state responsibility. Requires the Department to establish, and consult with, an advisory workgroup with specified members, to develop the model. Requires the Department to update the model and guidelines when fire hazard severity zones are revised.	09/01/2020 - Enrolled.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>AB 3216</u></b> Kalra (D)	Unemployment: Rehiring and Retention: Emergency		Requires an employer to offer its laid off employees specified information about job positions that become available for which the laid off employees are qualified, and to offer positions to those employees based on a preference system. Defines the term laid off employee. Authorizes an employee to enforce violations by filing an action with the Division of Labor Standards.	09/08/2020 - Enrolled.
<b><u>AB 3256</u></b> Garcia E (D)	Bond Act	SUPPORT IF AMENDED	Enacts the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act, which, if approved by the voters, would authorize the issuance of bonds in a specified amount to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.	06/04/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES.
<b><u>AB 3267</u></b> Smith C (D)	Office of Emergency Services: State Emergency Plan		Requires the Office of Emergency Services to coordinate with representatives of the access and functional needs population when the office updates the State Emergency Plan. Requires the Office to complete an after action report within a certain number of days after each declared disaster.	09/04/2020 - *****To GOVERNOR.
<b><u>AB 3279</u></b> Friedman (D)	California Environmental Quality Act		Repeals certain obsolete and duplicative provisions from the California Environmental Quality Act. Authorizes a public agency in certain proceedings to deny a request of a plaintiff or petitioner to prepare the record of proceedings, in which case the public agency or the real party in interest must bear the costs of preparation and certification of the record of proceedings and prohibits the recovery of those costs from the plaintiff or petitioner.	08/20/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>ACA 3</u></b> Mathis (R)	Clean Water for All Act	WATCH	Requires not less than a certain percent of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act. Relates to water supply,	04/30/2019 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.;04/30/2019 - In ASSEMBLY

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			delivery, and quality projects administered by the Department of Water Resources and water quality projects administered by the State Water Resources Control Board.	Committee on WATER, PARKS AND WILDLIFE: Reconsideration granted.
<b><u>ACA 10</u></b> Bonta (D)	Personal Rights: Right To Housing		Declares that the fundamental human right to housing exists in this state. Declares that this right is exclusively enforceable by a public right of action. Specifies that it is the shared obligation of state and local jurisdictions to respect, protect, and fulfill this right through progressively implemented measures, consistent with available resources, within an aggressive but reasonable time frame.	05/11/2020 - From ASSEMBLY Committee on ELECTIONS AND REDISTRICTING with author's amendments.;05/11/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on ELECTIONS AND REDISTRICTING.
<b><u>ACR 179</u></b> Voepel (R)	Special Districts Week	SUPPORT	Proclaims the week of May 17, 2020, to May 23, 2020, to be Special Districts Week.	03/12/2020 - To ASSEMBLY Committee on RULES.
<b><u>SB 9</u></b> Durazo (D)	Surplus Property: Sale Procedures		Expands the definition of exempt surplus land to include, thereby exempting from certain surplus land disposal procedures, surplus land for which a local agency has entered into an exclusive negotiation agreement before a specified date for a housing development that complies with specified affordability requirements. Provides that the surplus land disposal procedures as they existed on a specified date apply if a local agency has issued a competitive request for development proposals.	09/02/2020 - In SENATE. From Unfinished Business. To Inactive File.
<b><u>SB 43</u></b> Allen (D)	Carbon Intensity and Pricing: Retail Products		Requires the state board, no later than January 1, 2022, to submit a report to the Legislature on the findings from a study, as specified, to determine the feasibility and practicality of assessing the carbon intensity of all retail products subject to the tax imposed pursuant to the Sales and Use Tax Law, so that the total carbon equivalent emissions associated with such retail products can be quantified.	07/08/2019 - In ASSEMBLY Committee on REVENUE AND TAXATION: Failed passage.;07/08/2019 - In ASSEMBLY Committee on REVENUE AND TAXATION: Reconsideration granted.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b>SB 45</b> Allen (D)	Wildfire Prevention, Drinking Water, Drought, and Flood	SUPPORT IF AMENDED	Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act, which, if approved by the voters, would authorize the issuance of bonds to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	01/29/2020 - In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY.
<b>SB 55</b> Jackson (D)	CEQA: Housing and Land Use		Exempts from the requirements of the California Environmental Quality Act emergency shelters or supportive housing projects meeting certain requirements. Establishes additional requirements for agency responses to petitions under CEQA. Requires the submission of a proposed municipal ordinance to the voters for approval if it is determined to constitute an approval of a project within the meaning of CEQA.	07/27/2020 - From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.;07/27/2020 - In ASSEMBLY. Suspend Assembly Rule 96.;07/27/2020 - Re-referr
<b>SB 69</b> Wiener (D)	Ocean Resiliency Act		Requires the Department of Fish and Wildlife to develop and implement a plan, in collaboration with specified scientists, experts, and representatives, as part of its fish hatchery operations for the improvement of the survival of hatchery-produced salmon, and the increased contribution of the hatchery program to commercial and recreational salmon fisheries.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b>SB 166</b> Wiener (D)	Process Water Treatment Systems: Breweries		Requires the State Water Resources Control Board, in consultation with the State Department of Public Health, Food and Drug Branch, to adopt regulations for microbiological, chemical, and physical water quality and treatment requirements for voluntary onsite treatment and reuse of process water in breweries. Requires the Food and Drug Branch to consult with the State Board before requiring termination of a process water treatment system.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b>SB 204</b> Dodd (D)	State Water Project: Contracts	WATCH	Requires the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before	06/06/2019 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors.	
<b>SB 216</b> Galgiani (D)	Carl Moyer Memorial Air Quality Standards Attainment		Adds as an eligible project under the Carl Moyer Memorial Air Quality Standards Attainment Program, a used heavy-duty truck exchange. Requires the state board to hold a public workshop on the heavy-duty truck exchange and develop a plan to help air pollution control and air quality management districts add a heavy-duty truck exchange as an eligible project under the program.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b>SB 226</b> Nielsen (R)	Watershed Restoration: Wildfires: Grant Program		Requires the Natural Resources Agency to develop and implement a watershed restoration grant program for purposes of awarding grants to private property land owners to assist them with watershed restoration on watersheds that have been affected by wildfire. Requires the agency to provide technical resources to the private property land owners seeking assistance with watershed restoration.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b>SB 287</b> Nielsen (R)	Commission on State Mandates: Test Claims: Filing Date		Relates to the filing date on test claims for the Commission on State Mandates. Specifies that for purposes of filing a test claim based on the date of incurring increased costs, "within 12 months" means by June 30 of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b>SB 414</b> Caballero (D)	Small System Water Authority Act of 2019	SUPPORT	Creates the Small System Water Authority Act of 2019 and states legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems.	08/20/2020 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.



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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 474</u></b> Stern (D)	Very High Fire Hazard Severity Zone	SEEK AMENDMENTS	Prohibits the creation or approval of a new development in a very high fire hazard severity zone or a state responsibility area.	06/29/2020 - Re-referred to ASSEMBLY Committee on LOCAL GOVERNMENT.
<b><u>SB 535</u></b> Moorlach (R)	Greenhouse Gases: Wildfires and Forest Fires		Requires the report to include information, if feasible, regarding the greenhouse gas, criteria air pollutant, and short-lived climate pollutant emissions from wildfires and forest fires, an assessment of the increased severity of wildfires and forest fires from the impacts of climate change, and a calculation of the increase in the emissions of criteria air pollutants, greenhouse gases, and short-lived climate pollutants based on the increased severity of wildfires and forest fires assessed.	08/30/2019 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>SB 559</u></b> Hurtado (D)	Department of Water Resources: Friant Kern Canal		Requires the Department of Water Resources to report to the Legislature, no later than a specified date, on federal funding approved by the US Congress to the Friant Water Authority or other government agency to restore the capacity of the Friant Kern Canal. Requires the Department to include a proposal for the state to pay a share of the project costs and how the money will be spent.	09/04/2020 - Enrolled.
<b><u>SB 668</u></b> Rubio (D)	Fire Hydrants: Water Suppliers: Regulations		Imposes requirements upon an urban water supplier to review and revise its disaster preparedness plan. Requires the Office of Emergency Services to establish emergency response and recovery plans in coordination with urban water suppliers. Requires an urban water supplier to review and revise its disaster preparedness plan every five years.	08/25/2020 - In ASSEMBLY. Assembly Rule 78 suspended.;08/25/2020 - In ASSEMBLY. From Inactive File. To third reading.;08/25/2020 - In ASSEMBLY. Read third time and amended. To third reading.
<b><u>SB 749</u></b> Durazo (D)	State Public Records Act: Trade Secrets		Provides that specified records of a private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, under specified conditions.	08/25/2020 - In ASSEMBLY. From Inactive File. To third reading.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			Excludes certain contracts between a public agency and private employer entered into before a specified date.	
<b><u>SB 774</u></b> Stern (D)	Electricity: Microgrids		Requires each electrical corporation to collaborate with certain entities in its service territory to identify locations where sources of back-up electricity may provide increased electrical distribution grid resiliency. Authorizes electrical corporations to file applications with the Public Utilities Commission to invest in, and deploy, microgrids to increase that resiliency and prohibits the Commission from approving microgrid applications that use a certain cost-recovery mechanism.	06/06/2019 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<b><u>SB 794</u></b> Jackson (D)	Emergency Services: Telecommunications		Expands provisions authorizing a city to enter into an agreement to access contact information of resident account holders through the records of a public utility. Permits the telephone numbers and email addresses of elderly or disabled social services clients to be disclosed to emergency personnel. Specifically identifies a public safety power shutoff as a public safety emergency.	08/03/2020 - In ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION: Failed passage.;08/03/2020 - In ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION: Reconsideration granted.
<b><u>SB 795</u></b> Beall (D)	Economic Development: Housing: Climate Change		Makes funds available in each fiscal year for the purpose of providing emergency economic recovery and development, climate change, and disaster response. Requires the Controller to allocate a portion of those funds among various housing programs administered by the Department of Housing and Community Development, to the Climate, Sea Level, and Natural Disaster Program, and to the Community Economic Development Program.	08/20/2020 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>SB 801</u></b> Glazer (D)	Electrical Corporations: Wildfire Mitigation Plans		Requires an electrical corporation to deploy backup electrical resources for the operation of qualifying medical devices or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance, if the customer meets specified conditions. Requires an electrical corporation to develop its program to provide backup electrical resources or	07/27/2020 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			financial assistance in consultation with community disability rights groups or other local disability rights advocates.	amended. Re-referred to Committee on UTILITIES AND ENERGY.
<b><u>SB 862</u></b> Dodd (D)	Planned Power Outage: Public Safety		Includes a deenergization event within a sudden and severe energy shortage constituting a state of emergency and a local emergency. Requires an electrical corporation to coordinate with local governments in its service territory to identify sites within those jurisdictions where community resource centers can be established and operated during a deenergization event and the level of services that will be available at those centers.	06/29/2020 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<b><u>SB 865</u></b> Hill (D)	Excavations: Subsurface Installations		Provides that the Underground Facilities Safe Excavation Board is also known as the Dig Safe Board. Requires an excavator to notify the regional notification center within a specified number of hours of discovering or causing damage. Subjects any operator or excavator who violates the Dig Safe Act to a civil penalty.	09/04/2020 - Enrolled.
<b><u>SB 939</u></b> Wiener (D)	Emergencies: Coronavirus: Evictions		Prohibits a commercial landlord from serving a specified notice of eviction on a commercial tenant under a certain number of days after the state of emergency proclaimed by the Governor on March 4, 2020, is lifted and if specified criteria apply. Defines eligible COVID 19 impacted commercial tenant. Provides that specified notices of eviction served on commercial tenants are void under specified circumstances.	06/18/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.
<b><u>SB 943</u></b> Chang (R)	Paid Family Leave: Coronavirus		Authorizes wage replacement benefits to specified workers who take time off work to care for a child or other family member, including a child with disabilities, for whom the employee is responsible for providing care, if that person's school or place of care has been closed, or the care provider of that person is unavailable, due to the coronavirus outbreak.	06/18/2020 - In SENATE Committee on APPROPRIATIONS: Held in committee.

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<b><u>SB 952</u></b> Nielsen (R)	Sales and Use Tax: Exemptions: Backup Electrical		Provides an exemption from sales and use tax laws with respect to the sale of, or the storage, use, or consumption of, a backup electrical generator, if that backup electrical generator is purchased for use exclusively in powering a critical facility by a city, county, city and county, special district, or other political subdivision during deenergization events and the purchaser provides to the seller a written statement with regard to these facts.	06/29/2020 - To ASSEMBLY Committee on REVENUE AND TAXATION.
<b><u>SB 974</u></b> Hurtado (D)	Environmental Quality Act: Water Systems		Exempts from CEQA certain projects consisting solely of the installation, repair, or reconstruction of water infrastructure that primarily benefit a small disadvantaged community water system or a state small water system by improving those systems' water quality, water supply, or water supply reliability, by encouraging water conservation, among other things.	09/04/2020 - Enrolled.
<b><u>SB 998</u></b> Moorlach (R)	Local Government: Investments		Amends the Joint Exercise of Powers Act. Authorizes a joint powers authority to establish the terms and conditions pursuant to which agencies may participate and invest in pool shares. Specifies that a federally recognized Indian tribe is eligible to participate in a joint powers authority formed for this purpose. Sets forth prohibitions in relation to investment assets.	09/05/2020 - Enrolled.
<b><u>SB 1044</u></b> Allen (D)	Firefighting Equipment and Foam: PFAS Chemicals		Requires any person, including a manufacturer, that sells firefighter personal protective equipment to any person to provide a written notice to the purchaser at the time of sale, if the firefighter personal protective equipment contains perfluoroalkyl and polyfluoroalkyl substances. Prohibits a manufacturer of Class B firefighting foam from manufacturing or knowingly selling, offering for sale, distributing for sale, or distributing for use, Class B firefighting foam containing intentionally added PFAS.	09/05/2020 - Enrolled.

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>SB 1099</u></b> Dodd (D)	Emergency Backup Generators: Critical Facilities	SUPPORT	Requires an air district without a specified rule on emergency backup generators that adopts such a rule to include in the provisions that allow the operator of a critical facility to use a permitted emergency backup generator in exceedance of the applicable runtime and testing and maintenance limits if specified conditions are met.	07/27/2020 - From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<b><u>SB 1100</u></b> Atkins (D)	Coastal Resources: Sea Level Rise		Includes, as part of the procedures the California Coastal Commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program. Deletes the timeframe by which the Commission is required to adopt these procedures. Requires the Commission to take into account the effects of sea level rise in coastal resource planning and management policies and activities.	05/12/2020 - In SENATE. 2nd & 3rd Committee referral withdrawn by rule.
<b><u>SB 1159</u></b> Hill (D)	Workers Compensation: Coronavirus: Critical Workers		Amends existing law relating to the workers' compensation system. Defines injury for an employee to include illness or death resulting from coronavirus disease. Allows for a presumption of injury for all employees whose fellow employees at their place of employment experience specified levels of positive testing, and whose employer has five or more employees. Requires the Commission on Health and Safety and Worker's Compensation to conduct a COVID 19 impact study.	09/05/2020 - Enrolled.
<b><u>SB 1185</u></b> Moorlach (R)	Emergency Backup Generators: Deenergization Events		Authorizes an air district to adopt a rule to specify that hours for usage due to the loss of normal electrical service during a deenergization event by a permitted natural-gas-powered emergency backup generator that is either federally compliant or state board designated are prohibited from counting toward that permit's conditions for usage.	07/27/2020 - From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
<b><u>SB 1190</u></b> Durazo (D)	Tenancy: Termination		Authorizes a tenant to terminate their tenancy without penalty because an immediate family member was the victim of a crime.	09/02/2020 - Enrolled.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			Expands the list of eligible crimes to include, among others, a crime that caused bodily injury or death. Authorizes a tenant to attach to the notice any form of documentation that reasonably verifies that the qualifying crime or act occurred.	
<b><u>SB 1215</u></b> Stern (D)	Electricity: Microgrids		Requires the Public Utilities Commission, in consultation with the Office of Emergency Services, to create a database of critical facilities and critical infrastructure, and related circuits, that are located in tier 2 or tier 3 high fire threat districts served by electrical corporations, and identify with respect to each whether it serves a low income and disadvantaged community.	07/27/2020 - From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.;07/27/2020 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND ENERGY.
<b><u>SB 1285</u></b> Nielsen (R)	Navigable Waters: Hazardous, Medical, Or Human Waste		Make it a misdemeanor to place, deposit, or dump hazardous, medical, or human waste in or upon the navigable waters of this state, or to place, deposit, or load it upon a vessel, with intent that it be dumped or deposited in or upon the navigable waters of this state. Authorizes a public health officer to declare a public health emergency if the garbage or hazardous, medical, or human waste constitutes a threat to public health.	08/04/2020 - In ASSEMBLY Committee on HEALTH: Not heard.
<b><u>SB 1312</u></b> McGuire (D)	Electrical Corporations: Deenergization		Requires the Public Utilities Commission to revise Electric Tariff Rule 20 to additionally authorize and fund the undergrounding of electrical infrastructure within high fire threat areas for purposes of wildfire mitigation. Requires an electrical corporation, by a specified date, to identify and report to the Commission a minimum percentage of its transmission and distribution infrastructure that is most likely to cause such a shutoff.	06/29/2020 - To ASSEMBLY Committee on UTILITIES AND ENERGY.
<b><u>SB 1383</u></b> Jackson (D)	Unlawful Employment Practice: Family Leave		Makes it an unlawful employment practice for any employer to refuse to grant a request by an employee to take up to twelve workweeks of unpaid protected leave during any twelve month period to bond with a new child of the employee or to care for themselves or a child, parent, grandparent, grandchild, sibling,	09/08/2020 - Enrolled.

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**Updated 09/08/2020**

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			spouse, or domestic partner, as well as a qualifying exigency related to covered active duty or call to covered active duty.	
<b><u>SB 1386</u></b> Moorlach (R)	Local Government: Assessments, Fees, and Charges		Specifies that hydrants are part of the system of public improvements included in the definition of water for purposes of the Proposition 218 Omnibus Implementation Act. Specifies that the fees or charges for property related water service imposed or increased may include the costs to construct, maintain, repair, or replace hydrants as needed or consistent with fire codes and industry standards, and may include the cost of water distributed through hydrants.	09/05/2020 - Enrolled.
<b><u>SB 1400</u></b> Umberg (D)	Accessory Dwelling Unit Construction Bond Act		Enacts the Accessory Dwelling Unit Construction Bond Act. Authorizes the issuance of bonds to finance the Accessory Dwelling Unit Construction Program. Authorizes the Department of Housing and Community Development to enter into a contract under that program with a homeowner to provide financing to pay for the eligible costs incurred by the homeowner in constructing an accessory dwelling unit on the homeowner's property. Provides for submission of the Accessory Dwelling Unit Bond Act to the voters.	04/08/2020 - From SENATE Committee on RULES with author's amendments.;04/08/2020 - In SENATE. Read second time and amended. Re-referred to Committee on RULES.
<b><u>SB 1410</u></b> Caballero (D)	COVID 19 Emergency: Tenancies		Authorizes an owner of real property and a tenant to sign and execute a tenant owner COVID 19 eviction relief agreement. Stays any eviction action where a party to the eviction action produces a signed COVID 19 eviction relief agreement.	08/20/2020 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
<b><u>SB 1473</u></b> Governance and Finance Cmt	Local Government Omnibus Act		Exempts the proposed sale or lease of certain subdivision interests from certain reporting requirements. Specifies that this exemption only applies with respect to specified provisions relating to the filing of a report with the Bureau of Real Estate and does not affect any determination whether there are five or more lots, parcels, or other interests for purposes of specified law.	09/05/2020 - Enrolled.

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**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>HR 2</u></b> DeFazio (D)	Invest in America Act		Provides for the Invest in America Act.	07/01/2020 - In HOUSE. HA 824 Amendments en bloc offered by Representative DeFazio.;07/01/2020 - In HOUSE. HA 824. Representative DeFazio amendment agreed to on HOUSE floor.;07/01/2020 - In HOUSE. HA 825 Amendments en bloc offered by Representative W
<b><u>HR 535</u></b> Dingell D (D)	Hazardous Substances Designation		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	01/13/2020 - In SENATE. Read second time.;01/13/2020 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b><u>HR 1162</u></b> Napolitano (D)	Water Recycling and Reuse Projects Grant Program	SUPPORT	Establishes a grant program for the funding of water recycling and reuse projects.	03/11/2020 - Subcommittee on WATER, POWER AND OCEANS discharged.;03/11/2020 - In HOUSE Committee on NATURAL RESOURCES: Consideration and mark-up session held.;03/11/2020 - In HOUSE Committee on NATURAL RESOURCES: Ordered to be reported as amended.
<b><u>HR 1417</u></b> Lawrence (D)	Water and Sewer Infrastructure Trust Fund		Establishes a trust fund to provide for adequate funding for water and sewer infrastructure.	03/27/2019 - In HOUSE Committee on AGRICULTURE: Referred to Subcommittee on CONSERVATION AND FORESTRY.
<b><u>HR 1567</u></b> Lujan (D)	Water Contamination From Military Installations		Authorizes the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, authorizes the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force	03/07/2019 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.



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**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
			base that has shown signs of contamination from PFOA and PFOS due to activities on the base.	
<b><u>HR 1764</u></b> Garamendi (D)	Federal Water Pollution Control Permitting Terms	SUPPORT	Amends the Federal Water Pollution Control Act with respect to permitting terms.	03/15/2019 - In HOUSE Committee on TRANSPORTATION & INFRASTRUCTURE: Referred to Subcommittee on WATER RESOURCES AND ENVIRONMENT.
<b><u>HR 1976</u></b> Kildee (D)	Perfluorinated Compounds Survey		Requires the Director of the United States Geological Survey to perform a nationwide survey of perfluorinated compounds.	06/13/2019 - Subcommittee on WATER, POWER AND OCEANS hearings held.
<b><u>HR 2377</u></b> Boyle B (D)	Drinking Water Maximum Contaminant Level		Amends the Safe Drinking Water Act, requires the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2500</u></b> Smith A (D)	National Defense Authorization Act for Fiscal Year 2020		Provides for the National Defense Authorization Act for specified Fiscal Year.	08/11/2020 - In SENATE. Read second time. Placed on Legislative Calendar under General Orders.
<b><u>HR 2533</u></b> Pallone (D)	Community Water Systems Contamination		Assists community water systems affected by perfluoroalkyl substances (PFAS) contamination.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2566</u></b> Soto (D)	Environmental Protection Agency Safer Choice Standard		Requires the Administrator of the Environmental Protection Agency to revise the Safer Choice Standard to provide for a Safer Choice label for pots, pans, and cooking utensils that do not contain polyfluoroalkyl substances (PFAS).	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2570</u></b> Rouda (D)	Water Treatment Costs		Ensures that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 -

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
				Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2577</u></b> Delgado (D)	Toxics Release Inventory Inclusion		Amends the Emergency Planning and Community Right-To-Know Act of 1986, includes per- and polyfluoroalkyl substances on the Toxics Release Inventory.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2591</u></b> Khanna (D)	Polyfluoroalkyl Substance Waste Prohibition		Prohibits the waste incineration of per- and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2596</u></b> Kuster (D)	Polyfluoroalkyl Substances Manufacturing and Processing		Amends the Toxic Substances Control Act with respect to manufacturing and processing notices for per- and polyfluoroalkyl substances.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2600</u></b> Dean (D)	Per and Polyfluoroalkyl Substances Regulation		Regulates per- and polyfluoroalkyl substances under the Toxic Substances Control Act.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2605</u></b> Stevens (D)	Hazardous Air Pollutants Classification		Directs the Administrator of the Environmental Protection Agency to issue a final rule adding as a class all perfluoroalkyl and polyfluoroalkyl substances with at least one fully fluorinated carbon atom to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2608</u></b> Maloney S (D)	Toxic Substances Testing		Requires the testing of perfluoroalkyl and polyfluoroalkyl substances under the Toxic Substances Control Act.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.

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**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>HR 2626</u></b> Upton (R)	Water Contamination Remediation Agreements		Encourages Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address PFAS contamination in drinking, surface, and ground water and land surface and subsurface strata.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2638</u></b> Fletcher (D)	Firefighting Foam Use		Directs the Administrator of the Environmental Protection Agency to issue guidance on minimizing the use of firefighting foam containing PFAS.	09/26/2019 - Subcommittee on ENVIRONMENT consideration and mark-up session held.;09/26/2019 - Forwarded by Subcommittee on ENVIRONMENT to full committee.
<b><u>HR 2800</u></b> Slotkin (D)	Drinking Water Substance Monitoring		Amends the Safe Drinking Water Act, requires continued and expanded monitoring of perfluoroalkyl and polyfluoroalkyl substances in drinking water.	05/16/2019 - INTRODUCED.;05/16/2019 - To HOUSE Committee on ENERGY AND COMMERCE.
<b><u>HR 6395</u></b> Smith A (D)	Military Activity Appropriations		Authorizes appropriations for fiscal year 2021 for military activities of the Department of Defense and for military construction, prescribes military personnel strengths for such fiscal year.	08/05/2020 - In SENATE. Read second time. Placed on Legislative Calendar under General Orders.
<b><u>HR 7073</u></b> Garamendi (D)	Municipal Liquidity Facility Special Districts		Amends the Social Security Act, includes special districts in the coronavirus relief fund, directs the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility.	06/01/2020 - INTRODUCED.;06/01/2020 - To HOUSE Committee on OVERSIGHT AND REFORM.;06/01/2020 - To HOUSE Committee on FINANCIAL SERVICES.
<b><u>HR 7575</u></b> DeFazio (D)	Water Resources Development Act		Provides for the Water Resources Development Act.	07/29/2020 - In HOUSE. Rules Suspended. Discharged from all committees.;07/29/2020 - In HOUSE. Amended on HOUSE floor.;07/29/2020 - In HOUSE. Passed HOUSE. *****To SENATE.
<b><u>HR 7612</u></b> McCollum (D)	Interior and Environment Appropriations		Provides for the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021.	07/14/2020 - INTRODUCED.;07/14/2020 - In

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**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
				HOUSE. Placed on HOUSE Union Calendar.
<b>HR 8041</b> Harder (D)	Snow Water Supply Forecasting Program		Establishes a Snow Water Supply Forecasting Program within the Department of the Interior.	08/14/2020 - INTRODUCED.;08/14/2020 - To HOUSE Committee on NATURAL RESOURCES.
<b>S 611</b> Sanders (I)	Water and Sewer Infrastructure Funding		Provides adequate funding for water and sewer infrastructure.	02/28/2019 - INTRODUCED.;02/28/2019 - In SENATE. Read second time.;02/28/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b>S 638</b> Carper (D)	Hazardous Substances Designation		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, Liability Act of 1980.	02/28/2019 - INTRODUCED.;02/28/2019 - In SENATE. Read second time.;02/28/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b>S 675</b> Udall T (D)	Water Contamination From Military Installations		Authorizes the Department of Defense to temporarily provide water uncontaminated with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) for agricultural purposes to areas affected by contamination from military installations, authorizes the Secretary of the Air Force to acquire real property to extend the contiguous geographic footprint of any Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base.	03/06/2019 - INTRODUCED.;03/06/2019 - In SENATE. Read second time.;03/06/2019 - To SENATE Committee on ARMED SERVICES.
<b>S 950</b> Stabenow (D)	Perfluorinated Compounds Survey		Requires the Director of the United States Geological Survey to perform a nationwide survey of perfluorinated compounds.	03/28/2019 - INTRODUCED.;03/28/2019 - In SENATE. Read second time.;03/28/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.

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**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
<b><u>S 1251</u></b> Shaheen (D)	Emerging Contaminants Public Health Response Assistance		Improves coordinate interagency Federal actions, provides assistance to States for responding to public health challenges posed by emerging contaminants.	04/30/2019 - INTRODUCED.;04/30/2019 - In SENATE. Read second time.;04/30/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b><u>S 1372</u></b> Stabenow (D)	Water Contamination Remediation Agreements		Encourages Federal agencies to expeditiously enter into or amend cooperative agreements with States for removal and remedial actions to address polyfluoroalkyl substances (PFAS) contamination in drinking, surface, and ground water and land surface and subsurface strata.	05/08/2019 - INTRODUCED.;05/08/2019 - In SENATE. Read second time.;05/08/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b><u>S 1473</u></b> Gillibrand (D)	Drinking Water Maximum Contaminant Levels		Amends the Safe Drinking Water Act, requires the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals.	05/15/2019 - INTRODUCED.;05/15/2019 - In SENATE. Read second time.;05/15/2019 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b><u>S 1507</u></b> Capito (R)	Toxics Release Inventory Inclusion		Includes certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory.	06/19/2019 - In SENATE Committee on ENVIRONMENT AND PUBLIC WORKS: Ordered to be reported with an amendment in the nature of a substitute.;06/19/2019 - From SENATE Committee on ENVIRONMENT AND PUBLIC WORKS: Reported by Sen. Barrasso with an amend. in the
<b><u>S 1932</u></b> Gardner (R)	Reclamation States Water Infrastructure Support	SUPPORT	Supports water infrastructure in Reclamation States.	07/18/2019 - Subcommittee on WATER AND POWER hearings held.
<b><u>S 3227</u></b> Sanders (I)	Hazardous Substances Designation		Requires the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	01/28/2020 - INTRODUCED.;01/28/2020 - In SENATE. Read second time.;01/28/2020 - To SENATE

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**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
				Committee on ENVIRONMENT AND PUBLIC WORKS.
<b><u>S 3590</u></b> Barrasso (R)	Safe Drinking Water Act Provisions Reauthorization		Amends the Safe Drinking Water Act, reauthorize certain provisions.	05/11/2020 - From SENATE Committee on ENERGY & NATURAL RESOURCES: Reported by Senator Barrasso with an amend. in the nature of a sub.;05/11/2020 - In SENATE. Placed on SENATE Legislative Calendar under General Orders.
<b><u>S 3591</u></b> Barrasso (R)	Water Conservation and Development		Provides for improvements to the rivers and harbors of the United States, provides for the conservation and development of water and related resources, provides for water pollution control activities.	05/11/2020 - From SENATE Committee on ENERGY & NATURAL RESOURCES: Reported by Senator Barrasso with an amend. in the nature of a sub.;05/11/2020 - In SENATE. Placed on SENATE Legislative Calendar under General Orders.
<b><u>S 3944</u></b> Udall T (D)	Plastic Products Production Reduction		Amends the Solid Waste Disposal Act, reduces the production and use of certain single use plastic products and packaging, improves the responsibility of producers in the design, collection, reuse, recycling, and disposal of their consumer products and packaging, prevents pollution from consumer products and packaging from entering into animal and human food chains and waterways.	06/11/2020 - INTRODUCED.;06/11/2020 - In SENATE. Read second time.;06/11/2020 - To SENATE Committee on ENVIRONMENT AND PUBLIC WORKS.
<b><u>S 4049</u></b> Inhofe (R)	National Defense Authorization Act for Fiscal Year 2021		Provides for the National Defense Authorization Act for Fiscal Year 2021.	07/23/2020 - In SENATE. SA 2080 agreed to on SENATE floor.;07/23/2020 - In SENATE. SA 2301 agreed to on SENATE floor.;07/23/2020 - In SENATE. Cloture motion on the bill invoked.;07/23/2020 - In SENATE.

**IRWD 2020 LEGISLATIVE MATRIX**  
**Updated 09/08/2020**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>
				Amended on SENATE floor.;07/23/2020 - In SENATE.
<b><u>S 4129</u></b> Wicker (R)	Advance Refunding Bonds Reinstatement		Amends the Internal Revenue Code of 1986, reinstate advance refunding bonds.	07/01/2020 - INTRODUCED.;07/01/2020 - In SENATE. Read second time.;07/01/2020 - To SENATE Committee on FINANCE.
<b><u>S 4203</u></b> Wicker (R)	American Infrastructure bonds Credit		Amends the Internal Revenue Code, provides a credit to issuers of American Infrastructure bonds.	07/02/2020 - INTRODUCED.;07/02/2020 - In SENATE. Read second time.;07/02/2020 - To SENATE Committee on FINANCE.
<b><u>S 4308</u></b> Sinema (D)	Coronavirus Relief Fund Special Districts Inclusion		Amends the Social Security Act, includes special districts in the coronavirus relief fund, directs the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility.	07/23/2020 - INTRODUCED.;07/23/2020 - In SENATE. Read second time.;07/23/2020 - To SENATE Committee on FINANCE.
<b><u>S 4530</u></b> Feinstein (D)	Snow Water Supply Forecasting Program		Establishes a Snow Water Supply Forecasting Program within the Department of the Interior.	08/13/2020 - INTRODUCED.;08/13/2020 - In SENATE. Read second time.;08/13/2020 - To SENATE Committee on ENERGY AND NATURAL RESOURCES.

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EXHIBIT "B"

FLO20646 578

S.L.C.

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish a Snow Water Supply Forecasting Program within the Department of the Interior, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a Snow Water Supply Forecasting Program within the Department of the Interior, 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 "Snow Water Supply  
5 Forecasting Program Authorization Act".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) PROGRAM.—The term "program" means  
9 the Snow Water Supply Forecasting Program estab-  
10 lished by section 3.

1           (2) RECLAMATION STATE.—The term “Rec-  
2           lamation State” means a State or territory described  
3           in the first section of the Act of June 17, 1902 (32  
4           Stat. 388, chapter 1093; 43 U.S.C. 391).

5           (3) SECRETARY.—The term “Secretary” means  
6           the Secretary of the Interior.

7 **SEC. 3. SNOW WATER SUPPLY FORECASTING PROGRAM.**

8           (a) PROGRAM ESTABLISHMENT.—The Snow Water  
9           Supply Forecasting Program is hereby established within  
10          the Department of the Interior.

11          (b) PROGRAM IMPLEMENTATION.—To implement the  
12          program, the Secretary shall—

13               (1) develop the program framework in coordina-  
14               tion with other Federal agencies pursuant to section  
15               4, culminating in the report required under section  
16               4(c); and

17               (2) after submitting the report required by sec-  
18               tion 4(c), implement activities to improve snowpack  
19               measurement in particular watersheds pursuant to  
20               section 5.

21 **SEC. 4. DEVELOPMENT OF PROGRAM FRAMEWORK IN CO-**  
22                               **ORDINATION WITH OTHER FEDERAL AGEN-**  
23                               **CIES.**

24          (a) SNOWPACK MEASUREMENT DATA.—When deter-  
25          mining water supply forecasts or allocations to Federal

1 water contractors, the Secretary, acting through the Com-  
2 missioner of the Bureau of Reclamation, shall incorporate,  
3 to the greatest extent practicable, information from  
4 emerging technologies for snowpack measurement, such  
5 as—

6 (1) synthetic aperture radar;

7 (2) laser altimetry; and

8 (3) other emerging technologies that the Sec-  
9 retary determines are likely to provide more accurate  
10 or timely snowpack measurement data.

11 (b) COORDINATION.—In carrying out subsection (a),  
12 the Secretary shall coordinate data use and collection ef-  
13 forts with other Federal agencies that use or may benefit  
14 from the use of emerging technologies for snowpack meas-  
15 urement.

16 (c) EMERGING TECHNOLOGIES REPORT.—Not later  
17 than October 1, 2021, the Secretary shall submit to Con-  
18 gress a report that—

19 (1) summarizes the use of emerging tech-  
20 nologies pursuant to this section;

21 (2) describes benefits derived from the use of  
22 technologies summarized under paragraph (1) re-  
23 lated to the environment and increased water supply  
24 reliability; and

1           (3) describes how Federal agencies will coordi-  
2           nate to implement emerging technologies.

3 **SEC. 5. PROGRAM IMPLEMENTATION.**

4           (a) **ACTIVITIES IMPLEMENTING FRAMEWORK.**—After  
5 submitting the report required under section 4(c), the Sec-  
6 retary shall participate with program partners in imple-  
7 menting activities to improve snowpack measurement in  
8 particular watersheds.

9           (b) **FOCUS.**—The program shall focus on activities  
10 that will maintain, establish, expand, or advance snowpack  
11 measurement consistent with the report required by sec-  
12 tion 4(c), with an emphasis on—

13           (1) enhancing activities in river basins to  
14 achieve improved snow and water supply forecasting  
15 results;

16           (2) activities in river basins where snow water  
17 supply forecasting related activities described in this  
18 section are not occurring on the of the date of the  
19 enactment of this Act; and

20           (3) demonstrating or testing new, or improving  
21 existing, snow and water supply forecasting tech-  
22 nology.

23           (c) **INFORMATION SHARING.**—The Secretary may  
24 provide information collected and analyzed under this Act  
25 to program partners through appropriate mechanisms, in-

1 cluding interagency agreements with Federal agencies,  
2 States, State agencies, or a combination thereof, leases,  
3 contracts, cooperative agreements, grants, loans, and  
4 memoranda of understanding.

5 (d) PROGRAM PARTNERS.—Program partners with  
6 whom the Secretary enters into cooperative agreements  
7 pursuant to subsection (e) may include water districts, ir-  
8 rigation districts, water associations, universities, State  
9 agencies, other Federal agencies, private sector entities,  
10 non-governmental organizations, and other entities, as de-  
11 termined by the Secretary.

12 (e) COOPERATIVE AGREEMENTS.—The Secretary  
13 may—

14 (1) enter into cooperative agreements with pro-  
15 gram partners to allow the program to be adminis-  
16 tered efficiently and cost effectively through cost-  
17 sharing or by providing additional in-kind resources  
18 necessary for program implementation; and

19 (2) provide nonreimbursable matching funding  
20 for programmatic and operational activities under  
21 this section in consultation with program partners.

22 (f) ENVIRONMENTAL LAWS.—Nothing in this Act  
23 shall modify any obligation of the Secretary to comply with  
24 applicable Federal and State environmental laws in car-  
25 rying out this Act.

1 **SEC. 6. PROGRAM IMPLEMENTATION REPORT.**

2 Not later than 4 years after the date of the enact-  
3 ment of this Act, the Secretary shall submit a report to  
4 the Committee on Natural Resources and the Committee  
5 on Appropriations of the House of Representatives and the  
6 Committee on Energy and Natural Resources and the  
7 Committee on Appropriations of the Senate, that in-  
8 cludes—

9 (1) a list of basins and sub-basins for which  
10 snowpack measurement technologies are being used  
11 under the program, including a description of each  
12 technology used; and

13 (2) a list of Federal agencies and program part-  
14 ners participating in each basin or sub-basin listed  
15 in paragraph (1).

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to the Sec-  
18 retary to carry out this Act \$15,000,000, in the aggregate,  
19 for fiscal years 2022 through 2026.