

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

March 13, 2023

CALL TO ORDER 5:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL Directors Reinhart, Withers, and President McLaughlin

This meeting will be held in-person at the District's headquarters located at 15600 Sand Canyon Avenue, Irvine, California. The meeting will also be broadcasted via Webex for those wanting to observe the meeting virtually.

To observe this meeting virtually, please join online using the link and information below:

Via Web: <https://irwd.webex.com/irwd/j.php?MTID=m135f4a66398f97c87abb62e7ec3ee263>

Meeting Number (Access Code): 2483 463 3306

Meeting password: r8AvkPRPQ63 (78285777 from video systems)

PLEASE NOTE: Webex observers of 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. Observers joining the meeting while the Board is in closed session will receive a notice that the meeting has been locked. They will be able to observe the meeting once the closed session has concluded.

PUBLIC COMMENT NOTICE

Public comments are limited to three minutes per speaker on each subject. If you wish to address the Board of Directors on any item, you may attend the meeting in person and submit a "speaker slip" to the Secretary. Forms are provided outside of IRWD's Board Room. If attending via Webex, please submit your request to speak, or your comment, via the "chat" feature and your remarks will be read into the record at the meeting. You may also submit a public comment in advance of the meeting by emailing comments@irwd.com before 12:00 p.m. on Monday, March 13, 2023.

COMMUNICATIONS TO THE BOARD

1. A. Written:
2. B. Oral:
3. ITEMS RECEIVED TOO LATE TO BE AGENDIZED

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

PRESENTATION

4. COMMUNITY RELATIONS PROGRAM STRATEGIC PLAN

Staff will present the IRWD Community Relations Program Strategic Plan.

CONSENT CALENDAR, Items 5 through 10

5. BOARD MINUTES

Recommendation: That the minutes from the February 27, 2023 Regular Board Meeting be approved as presented.

6. 2023 LEGISLATIVE AND REGULATORY UPDATE

Recommendation: That the Board adopt a “SUPPORT” position on AB 557 (Hart) and SB 366 (Caballero); a “SUPPORT IN CONCEPT” position on SB 747 (Caballero); a “SUPPORT IF AMMENDED” on AB 305 (Villapudua), AB 1567 (Garcia), SB 638 (Eggman), and SB 867 (Allen); a “WATCH” position on AB 457 (Patterson), and AB 480 (Ting); a “SEEK AMENDMENTS” position on AB 1572 (Friedman); and an “OPPOSE UNLESS AMENDED” position on SB 34 (Umberg), SB 229 (Umberg), SB 745 (Cortese).

7. REVISED PERSONNEL POLICIES AND PROCEDURES

Recommendation: The Board adopt a resolution superseding Resolution No. 2021-26 and Establishing Revised Personnel Policies and Procedures.

Reso. 2023-3

8. RIPARIAN VIEW PAVEMENT REHABILITATION CONSTRUCTION AWARD

Recommendation: That the Board authorize the General Manager to execute a construction contract with All American Asphalt in the amount of \$558,855.50 for the Riparian View Pavement Rehabilitation, Project 12215.

9. IRVINE BUSINESS COMPLEX APPURTENANCE RELOCATIONS FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the Irvine Business Complex Appurtenance Relocations Project, 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 12053.

10. IRWD'S OTHER POST-EMPLOYMENT BENEFITS TRUST GUIDING PRINCIPLES AND INITIAL FUNDING

Recommendation: That the Board approve the proposed OPEB Guiding Principles and initial funding of \$10 million into the OPEB Section 115 Trust.

ACTION CALENDAR

11. LAND USE CLASSIFICATION DATA UPDATE

Recommendation: That the Board authorize the General Manager to execute a Professional Services Agreement with Eagle Aerial Solutions as a sole source in the amount of \$221,646 to update IRWD's Land Use Classification Data.

12. TERMS FOR PILOT WATER MANAGEMENT PROGRAM WITH HOMER LLC

Recommendation: That the Board authorize the General Manager to execute a letter agreement for a Pilot Water Management Program with Homer LLC based on terms presented.

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.

13. General Manager's Report

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

15. Directors' Comments

16. Adjournment

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. 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.

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March 13, 2023

Prepared by: M. Van Dyke

Submitted by: C. Compton

Approved by: Paul A. Cook 

PRESENTATION

COMMUNITY RELATIONS PROGRAM STRATEGIC PLAN

SUMMARY:

IRWD has had a longstanding Community Relations Program in order to build and sustain relationships between the District and elected and non-elected community leaders, customers, community groups, and stakeholders across IRWD's service area and the greater Orange County community. The overarching purpose of the program is to acquaint these leaders and groups with IRWD, have direct contact and interaction with the District, and recognize IRWD as a community partner, resource, and water / wastewater infrastructure policy and service leader.

In 2022, the District expanded the Community Relations Program with the goals of:

- Strategically creating a more visible and active IRWD community presence within the District's service area and Orange County;
- Engaging and building strong relationships with community groups, regional associations, and local community leaders;
- Initiating outreach to key segments of the Orange County community and IRWD's service area that are less familiar with the District;
- Coordinating with other IRWD departments on strategic communications so that these communications properly address and reach segments of the community less familiar with the District; and
- Directing the District's Speakers Bureau program and IRWD Community Facilities Program.

Staff has developed the IRWD Community Relations Program Strategic Plan to provide a framework for how the District will accomplish these goals and the overarching purpose of the District's Community Relations Program. The Plan will be presented to the Board for review and comment.

BACKGROUND:

In 2022, IRWD expanded its Community Relations Program. While IRWD had previously placed a strong emphasis on engaging with local elected officials, stakeholders, community leaders, and with the community we serve, the District saw a need to commit more resources to ensuring robust community outreach and to better engage with all segments of our community. To achieve that and to create a more visible and active IRWD community presence, staff has been engaging and building relationships with community leaders, leading IRWD efforts to engage with segments of the community less familiar with IRWD, more closely monitoring local governance proceedings, leading strategic community outreach efforts, and managing and implementing internal programs with a community focus. Staff has also continued to maintain

and enhance the District's existing community focused programs such as the Business Outreach Program, Speakers Bureau Program, Public Meeting Rooms, and external event participation.

The Community Relations Program Strategic Plan, which is attached as Exhibit "A", adds on to these efforts, provides greater details of all of these efforts and adds strategies for achieving the Program's goals. It also outlines all of the existing and proposed community focused programs run by the Community Relations Program, includes proposed time allocation to various community relations activities, and identifies categories of stakeholders important to IRWD. The Plan also outlines target activities for the program over the next two years.

Overall, the Community Relations Strategic Plan is built upon creating and maintaining meaningful relationships with our diverse community. It is intended to be a fluid guide to enable the District to carry out and achieved the overarching goals of the program.

Staff will present the Plan to the Board utilizing a Powerpoint presentation, provided as Exhibit "B".

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on March 6, 2023.

RECOMMENDATION:

RECEIVE AND FILE.

LIST OF EXHIBITS:

Exhibit "A" – Community Relations Program Strategic Plan

Exhibit "B" – Draft Community Relations Program Overview Presentation

Exhibit "A"

Irvine Ranch Water District

Community Relations Program Strategic Plan



Innovate. Collaborate. Build. Sustain.

Vision

Build and sustain collaborative relationships within the Orange County community to support the District's reliable and innovative service mission.

Purpose

To **build** and **sustain** relationships between IRWD and elected and non-elected community leaders, customers, community groups, and stakeholders across the District's service area and greater Orange County so they know IRWD, have direct contact and interaction with IRWD, and recognize IRWD as a community partner, resource, and water/wastewater infrastructure policy and service leader.

Goals & Strategies

- **Strategically create a more visible and active IRWD community presence within the District's service area and Orange County.**
 - Identify opportunities for new IRWD engagement, while building upon existing efforts, within the District's service area, including enhanced partnerships with the community and others through the Speaker's Bureau, Community Tours, and event engagement.
 - Initiate outreach to key segments of the Orange County community and IRWD's service area that are less familiar with the District.
 - Work to create and promote more opportunities for IRWD's senior leadership to have direct participation within the community.
- **Engage and build strong relationships with community groups, regional associations, and local community leaders.**
 - The Community Relations Program will annually audit association memberships and look for opportunities to meaningfully engage and consider opportunities to partner with new associations and/or community groups.
 - It is the goal of the program to join associations where there is capacity and opportunities for IRWD to play a meaningful role and participate in association activities. Where the Community Relations Program is unable to directly participate, it will look to other IRWD team members and encourage their engagement.
- **Engage and build strong relationships with local community leaders (city, county, and agency).**
 - Build relationships through direct meetings with city, county, and agency partners.
 - Through relationship building, work to become a primary resource for the Orange County community on issues related to water/wastewater policy.
- **Lead IRWD's efforts, while coordinating with other IRWD departments, to reach and engage with segments of the Orange County community less familiar with IRWD.**

- IRWD has a talented staff of issue experts that are engaged in various areas of the community. The Community Relations Program will engage with the broader IRWD staff to understand these areas of engagement and look for opportunities to strengthen and broaden IRWD staff engagement with the larger community.
- Attend local meetings of associations, community partners, and school districts to better understand issues of importance to the community and engage appropriately.
- Reestablish regular outreach to community groups (e.g., Rotary Clubs, Exchange Clubs, Lodges, etc.) across IRWD’s service area.
- **Monitor local governance proceedings of interest to IRWD.**
 - Through relationship building and appropriate monitoring of local governance proceedings throughout Orange County and California, the Community Relations Program will identify policy discussions that impact IRWD operations and policy interests and engage as appropriate.
 - To aid in the monitoring of local governance proceedings, the Community Relations Program will procure and utilize a local governance tracking software platform to efficiently track multiple jurisdictions across broad policy areas throughout California.
- **Lead Strategic Community Outreach Efforts on select IRWD Projects.**
 - The Community Relations Program, in coordination with the appropriate departments, will develop strategic communications where needed and appropriate.
 - The Community Relations Program will organize, plan, and execute comprehensive community outreach strategies for IRWD projects, as needed.
 - Taking a proactive and thoughtful approach, the Community Relations Program will be responsible for engaging necessary IRWD departments in information gathering, planning, and strategic communication efforts to ensure the community is appropriately informed on issues of importance.

Community Focused Programs within the Community Relations Program

- **Business Outreach Program**
 - The goal of the IRWD Business Outreach Program is to build strong relationships with our vendor and supplier communities.
 - Participants in the Business Outreach Program receive updates on key IRWD projects, vendor opportunities, and information on water policy, legislation and regulatory matters, when appropriate, that may affect the business community.
 - The Business Outreach Program will play host to three annual events:
 - Targeted Business Event at a current/previous project.
 - Annual Business Outreach Luncheon.
 - Targeted Business Event at a current/previous project.
 - In addition to the planned events, the Community Relations Program will host a quarterly project update blast for members. The purpose of the communication will be to provide members with useful information about current projects, regulatory and legislative issues, and help maintain and current and up-to-date member list.

- **Speakers Bureau Program**
 - At the request of the community, this program makes IRWD experts available to community groups, as speakers, in order to share their knowledge and create public awareness about key issues relating to water and wastewater treatment. The Speakers Bureau is a free service to organizations within the IRWD service area.
 - IRWD has a breadth of experts within the District that can serve as excellent educators to the community when provided an appropriate forum. This program helps create the space where IRWD experts interact directly with the community.
 - The goal for the Speakers Bureau Program is to expand its use and increase marketing to better utilize the program within the District.

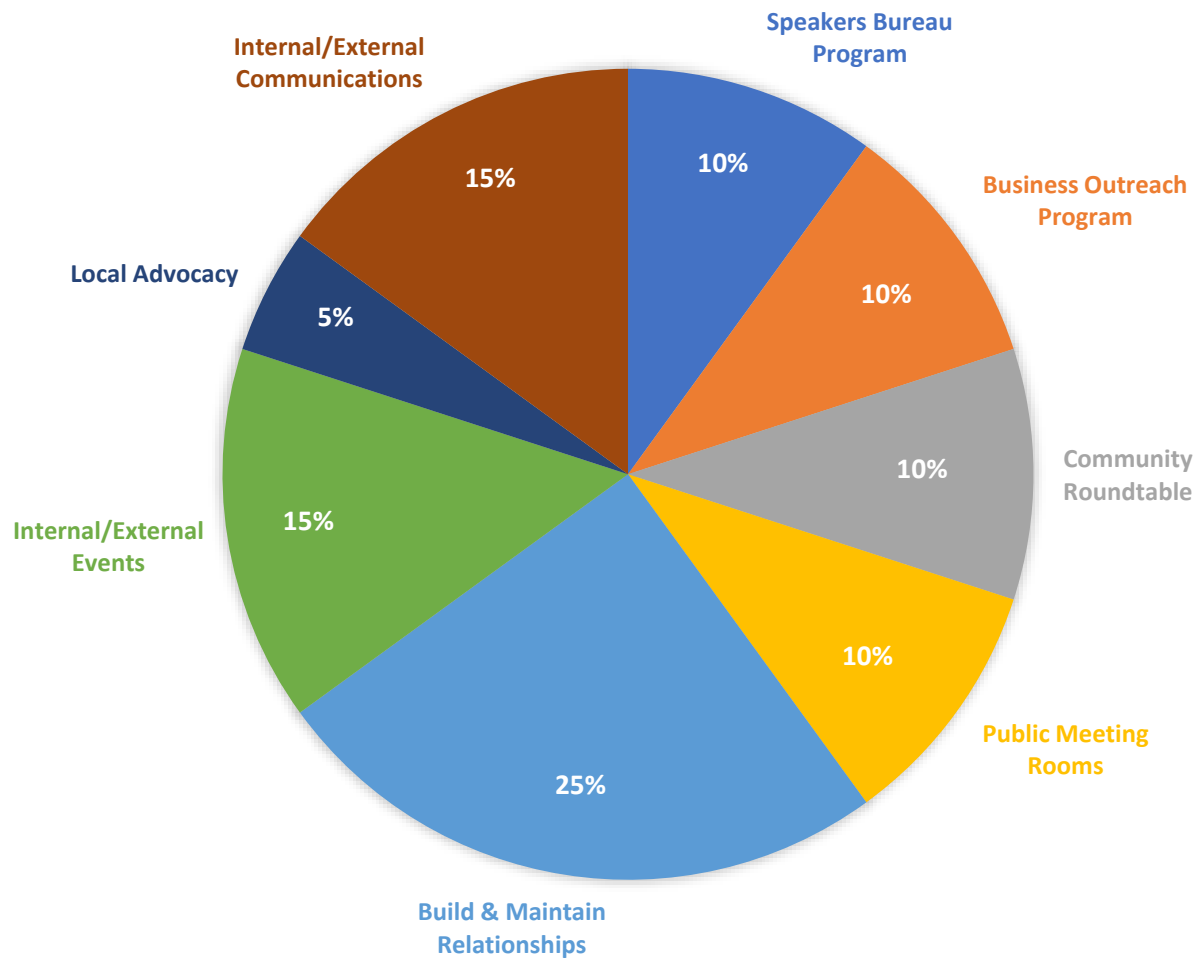
- **Community Roundtable**
 - The Community Roundtable is a non-governing group comprised of organization representatives, business leaders, and community partners.
 - Hosted by IRWD, this group meets quarterly to discuss issues of common interest in Orange County and provides a space to create/foster relationships and allow for transparent dialogue amongst partners.
 - The Community Roundtable is a fluid group that will provide an opportunity for IRWD to educate projects/issues of interest while hearing directly from a diverse group of partners on issues of importance to them and IRWD.

- **Public Meeting Rooms**
 - IRWD offers meeting rooms, free of charge, to nonprofit organizations and residents within the IRWD service area, subject to certain guidelines.
 - Operated through the Community Relations Program, the Public Meeting Rooms program will continue to offer this benefit to our customers.
 - The Community Relations Program should be looking for opportunities to streamline the reservation and room access reliability and consider upgrades to facilities.

- **Community Relations Events**
 - IRWD has a robust event program that includes IRWD hosted events as well as participation in external stakeholders' events.
 - The Community Relations Program will look for opportunities to participate in new community events within the IRWD service territory that have not been historically participated in.
 - One of the primary goals of the Community Relations Program is increasing IRWD's presence in all parts of the service territory, thereby expanding our customer reach and ensuring we have a balanced community approach.

Time Allocation

The Community Relations Program is responsible for a diverse range of programs and deliverables, which requires a focus on effective time management. The new and existing programs within Community Relations are outlined below to help prioritize and ensure ample time is being allocated to each area of importance.



**Time allotments are meant as a guide and may fluctuate as the programs continues to develop and evolve.*

Stakeholder Relationships

IRWD aspires to be a regional and statewide leader on issues related to water/wastewater. Continuing to develop and strengthen strategic partnerships with local governments, agencies, private industry, community organizations, and chambers in Orange County is critical to short- and long-term success. The below organizations, while not exhaustive, have been identified as being key to the success of IRWD and the Community Relations Program.

Key Stakeholders

Government

- County of Orange
- City of Irvine
- City of Lake Forest
- City of Tustin
- City of Newport Beach
- City of Orange
- City of Costa Mesa
- Canyon Community Groups
- University of California, Irvine
- OC LAFCO
- Orange County Transportation Association
- Transportation Corridor Agencies
- Local School Districts
- Southern California Association of Governments (SCAG)

Water/Wastewater

- MWDOC
- Orange County Water District
- Metropolitan Water District of Southern California
- OC Water & Wastewater Agencies
- Water Association of Kern County
- WACO
- Save The Water Coalition

Business/Environmental/Community

- OC Business Leaders
- Greater Irvine Chamber of Commerce
- Orange County Business Council
- South Orange County Economic Coalition
- Lake Forest Chamber of Commerce
- Newport Beach Chamber of Commerce
- Tustin Chamber of Commerce
- Orange Park Acres
- League of California Cities – Orange County
- Sustain SoCal
- COAST
- Natural Communities Coalition

Multi-Cultural

- Asian American Business Association of Orange County
- Filipino American Chamber of Commerce of Orange County
- Korean Chamber of Commerce of Orange County
- Vietnamese Chamber of Commerce of Orange County
- Chinese American Chamber of Commerce of Orange County
- Orange County Hispanic Chamber of Commerce
- Black Chamber of Commerce of Orange County
- Orange County Asian Pacific Islander Community Alliance

Internal Communications

The Community Relations Program will coordinate a proactive internal communications process that encourages two-way feedback from IRWD staff and prepares them to participate as needed in community outreach, discussion, and related activities. To utilize and leverage existing and future IRWD staff expertise, the following is recommended:

- Participate in regular IRWD Managers meetings to stay up to date on issues occurring across the District.
- Participate in quarterly IRWD all-hands meetings to receive updates and trainings on issues pertinent to the District.
- Participate in weekly Communications Team meetings to ensure continuity between Community Relations and Communications Programs due to the strong correlation and need to coordinate.
- Create a fluid dialogue between Community Relations Program and other departments throughout IRWD to ensure open lines of communication and consistent and reliable information sharing opportunities.
- Identify existing relationships and look for opportunities for new relationships between IRWD team members and stakeholders.
- Identify and prepare expert staff to represent IRWD on issues related to the Community Relations Program when needed.

External Communications

The Community Relations Program will work with the Director of Strategic Communications and Advocacy/Deputy General Counsel and Communications department to coordinate a strategic external communications plan that includes:

- Proactive communication with external stakeholders, including local elected officials, government agencies, chambers, multi-cultural organizations and leaders, and related industries.
- Identify areas of IRWD's service territory in need of increased communication and ensure communications are relevant to our diverse customer needs.

IRWD's Senior Leadership Engagement

IRWD has a five-member Board of Directors and members of its management team (IRWD's Senior Leadership) that is engaged with the community. The Community Relations Program should identify new and existing opportunities for IRWD's Senior Leadership to engage with IRWD's customers and the community. Opportunities should be both IRWD hosted events and external events across the District. To achieve the goal of increasing Senior Leadership engagement, consider the following:

- Create a master list/calendar of known planned events whereby IRWD will have a presence and present that list to Senior Leadership in January of each calendar year.
- At the beginning of each month, provide Senior Leadership a list of events occurring throughout the District for their awareness.

- Events include public education/awareness events, political events/receptions, and IRWD sponsored events.
- Continually seek and evaluate opportunities to engage Senior Leadership in District activities.

Target Activities

Target Timeframe	Activity	Measurables
December 2023	Implement Community Roundtable.	<ul style="list-style-type: none"> • Finalize and organize inaugural Community Roundtable. • Coordinate and execute quarterly meetings for roundtable participants on topics of importance to members and the community.
December 2023	Implement enhanced Business Outreach program.	<ul style="list-style-type: none"> • Increase internal communications with Business Outreach Program participants. • Create, plan, and execute two additional targeted events within Business Outreach Program participants. • Create and execute quarterly communication with participants that includes useful and timely information for our numerous partners.
August 2024	Increase IRWD’s presence and participation within regional associations.	<ul style="list-style-type: none"> • Identify critical regional associations IRWD is not currently a member of (i.e., chambers, community groups). • Use additional staffing to participate in associations. • Look for opportunities for IRWD to assume leadership roles on association committees.
August 2024	Strengthen relationships within the OC multi-cultural community and other influential community groups.	<ul style="list-style-type: none"> • Identify and join multi-cultural and other community associations. • Meaningfully engage with associations through committees and events. • Identify speaking opportunities within associations and member organizations. • Market IRWD educational opportunities for associations and organization members.
August 2024	Re-establish regular outreach to community groups.	<ul style="list-style-type: none"> • Identify new and existing community groups, such as rotaries and Exchange Clubs. • Identify opportunities to engage directly and promote educational opportunities between IRWD and identified groups.
August 2024	Monitor local governance proceedings of interest to IRWD.	<ul style="list-style-type: none"> • Identify and implement use of local governance issue tracking software. • Directly monitor software for Orange County and other geographical areas of interest for IRWD. • Identify and train IRWD staff to utilize software for governance tracking purposes.

Exhibit "B"



1

COMMUNITY RELATIONS PROGRAM VISION & PURPOSE

Vision

Build and sustain collaborative relationships within the Orange County community to support the District's reliable and innovative service mission.

Purpose

To **build** and **sustain** relationships between IRWD and elected and non-elected community leaders, customers, community groups, and stakeholders across the District's service area and greater Orange County so they know IRWD, have direct contact and interaction with IRWD, and recognize IRWD as a community partner, resource, and water/wastewater infrastructure policy and service leader.

Irvine Ranch Water District

2

2

GOALS

Strategize
Engage
Communicate
Build
Grow



COMMUNITY FOCUSED PROGRAMS



BUSINESS OUTREACH

Building strong relationships with our vendor and supplier communities.



SPEAKERS BUREAU

IRWD experts share their knowledge and create public awareness about key issues related to water and wastewater treatment.



MEETING ROOMS & EVENTS

IRWD offers meeting rooms, free of charge, to nonprofit organizations and residents within the IRWD service area. IRWD also has a robust event program that includes IRWD hosted events as well as participation in external stakeholders' events.

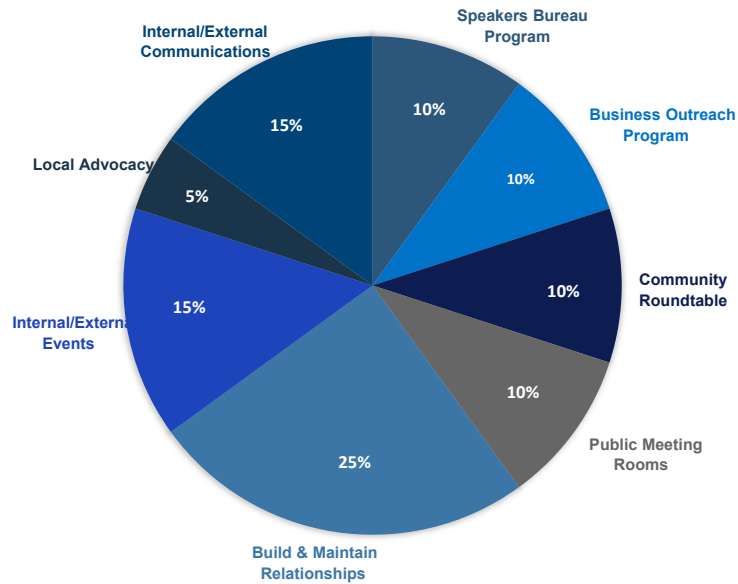


COMMUNITY ROUNDTABLE

A fluid group that will provide an opportunity for IRWD to educate on projects and issues of interest while hearing directly from a diverse group of partners on issues of importance to them and IRWD.



TIME ALLOCATION



5

5

STAKEHOLDERS

Government

- County of Orange
- City of Irvine
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- City of Newport Beach
- City of Orange
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6

COMMUNICATION

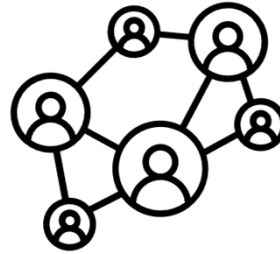
Internal

The Community Relations Program will coordinate a proactive internal communications process that encourages two-way feedback from IRWD staff and prepares them to participate as needed in community outreach, discussion, and related activities.



External

The Community Relations Program will initiate proactive communications with external stakeholders, including government agencies, chambers, multi-cultural organizations and leaders, and related industries.



SENIOR LEADERSHIP ENGAGEMENT

IRWD has a five-member Board of Directors and members of its management team (IRWD's senior leadership) that is engage with the community. The Community Relations Program should identify new and existing opportunities for IRWD's Senior Leadership to engage with IRWD's customers and the community. Opportunities should be both IRWD hosted events and external events across the District.



TARGET ACTIVITIES

Target Timeframe	Activity	Measurables
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9

QUESTIONS?





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March 13, 2023
Prepared and
Submitted by: L. Bonkowski
Approved by: Paul A. Cook *ABC*

CONSENT CALENDAR

BOARD MEETING MINUTES

SUMMARY:

Provided are the minutes of the February 27, 2023 Regular Board meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE FEBRUARY 27, 2023 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – February 27, 2023 Minutes

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EXHIBIT "A"

MINUTES OF REGULAR MEETING –FEBRUARY 27, 2023

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 McLaughlin on February 27, 2023 at the District offices, 15600 Sand Canyon Avenue, Irvine.

Directors Present: Withers, Reinhart, and McLaughlin

Directors Absent: LaMar and Swan (Note: LaMar present virtually to comment on Item No. 4 and would not be voting on any items at this meeting.)

Written and Oral Communications: None.

Also Present: General Manager Cook, Executive Director of Operations Chambers, Executive Director of Finance and Administration Clary, Executive Director of Technical Services Burton, Executive Director of Water Policy Weghorst, Director of Treasury and Risk Management Jacobson, Director of Strategic Communications and Advocacy / Deputy General Counsel Compton, Director of Water Resources Sanchez, Director of Recycling Operations Zepeda, Director of Human Resources Mitcham, Director of Water Quality and Regulatory Compliance Colston, Director of Safety and Security Choi, Director of Maintenance Manning, Secretary Bonkowski, Assistant Secretary Swan, General Counsel Collins, and members of the staff and public.

PRESENTATION

4. PRESENTATION OF PROCLAMATION

General Manager Cook presented the proclamation to Mr. Robert Jacobson for his 19 years of service to the District. The Board of Directors thanked Mr. Jacobson for his service.

CONSENT CALENDAR

On MOTION by Withers, seconded by Reinhart and unanimously carried, CONSENT CALENDAR ITEMS THROUGH 5 THE 10 WERE APPROVED AS FOLLOWS:

5. BOARD MEETING MINUTES

Recommendation: That the minutes of the February 13, 2023 Regular Board meeting be approved as presented.

6. JANUARY 2023 TREASURY REPORT

Recommendation: That the Board receive and file the Treasurer's Investment Summary report, the summary of fixed and variable rate debt, and the disclosure report of reimbursements to Board members and staff, approve the January 2023 summary of payroll ACH payments in the total amount of \$2,359,464, and approve the January 2023 accounts payable disbursement summary of warrants 433144 through 433680, Workers' Compensation distributions, ACH payments, virtual card payments, wire transfers, payroll withholding distributions and voided checks in the total amount of \$31,667,142.

CONSENT CALENDAR (CONTINUED)

7. MEMORANDA OF UNDERSTANDING BETWEEN THE IRVINE RANCH WATER DISTRICT AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (AFL-CIO) LOCAL #47 GENERAL UNIT AND NON-EXEMPT SUPERVISOR UNIT EMPLOYEES EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2026 AND ENHANCEMENT TO THE IRWD RETIREE HEALTH COSTS REIMBURSEMENT PLAN

Recommendation: That the Board authorize the General Manager to execute the Memoranda of Understanding between the Irvine Ranch Water District and the International Brotherhood of Electrical Workers (AFL-CIO) Local #47 General Unit and Non-exempt Supervisor Unit employees effective July 1, 2023 through June 30, 2026 subject to non-substantive changes, and approve an enhancement to the Retiree Health Costs Reimbursement Plan by increasing each tier by \$200 for all eligible employees who retire from the District on or after July 1, 2023.

8. WELL ET-1 REHABILITATION

Recommendation: That the Board authorize the addition of Project 12262, Well ET-1 Rehabilitation, to the FY 2022-23 Capital Budget in the amount of \$748,000 and approve Contract Change Order No. 1 in the amount of \$448,585 to Best Drilling and Pump, Inc. for the Well ET-1 Rehabilitation, Project 12262.

9. THREE-YEAR JANITORIAL SERVICES CONTRACT AWARD

Recommendation: That the Board authorize the General Manager to execute a three-year janitorial services contract with DMS Facilities Services in the amount of \$1,335,781.44.

10. SANTIAGO CREEK DAM IMPROVEMENTS CONSULTANT VARIANCE

Recommendation: That the Board authorize the General Manager to execute Variance No. 4 with AECOM Technical Services, Inc. in the amount of \$189,524 for the additional costs to complete the geotechnical investigations for the cracking study at the Santiago Creek Dam.

ACTION CALENDAR

11. TERMS FOR A THREE PARTY SHORT-TERM UNBALANCED EXCHANGE PROGRAM

Using a PowerPoint presentation, Water Resources Manager Welch provided the history of exchange programs with Centra Coast Water Authority. Ms. Welch said that in anticipation of a substantial increase in State Water Project (SWP) Table A allocation, staff has initiated discussions with both Rosedale and Santa Clarita Valley to develop terms for a short-term unbalanced exchange program among the three agencies. She said that Santa Clarita Valley has indicated its preference to enter into a long-term unbalanced exchange program with both IRWD and Rosedale and that this program would be beneficial in that it would simplify complexities associated with the various first, second, and third priorities for the recovery of water from the

separate water banking projects owned by IRWD and Rosedale. She said that the terms for the proposed Short-term Exchange Program call for a total of 20,000 acre-feet (AF) of storage capacity to be allocated by Rosedale and IRWD with each contributing 10,000 AF. Santa Clarita Valley's water would be delivered into storage on a 2-for-1 basis with one-half of the water being split equally to Rosedale and IRWD. The remaining half would be available for return to Santa Clarita Valley. Recharge capacity would be subject to scheduling and availability, considering Rosedale and IRWD's other banking programs. Rosedale and IRWD would each return one-half of the water, less a proportional share of losses, to Santa Clarita Valley by the end of the fifth year. Each party would be responsible for their respective banking costs.

Director Reinhart said that this item was reviewed with the Supply Reliability Programs Committee on February 14, 2023. On MOTION by Reinhart, seconded by Withers and unanimously carried, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE AN AGREEMENT FOR A SHORT-TERM EXCHANGE PROGRAM WITH ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT AND SANTA CLARITA VALLEY WATER AGENCY BASED ON THE TERMS PRESENTED.

12. TERMS FOR SHORT-TERM EXCHANGE PROGRAM WITH CENTRAL COAST WATER AUTHORITY

Using a PowerPoint presentation, Water Resources Manager Welch provided the history of exchange programs with Santa Clarita Valley Water Agency. Ms. Welch said that's since 2008, IRWD has implemented four unbalanced exchange programs with Carpinteria Valley Water District (CVWD), all of which were facilitated through the Central Coast Water Authority (CCWA). She said that as a result of current wet-year conditions, CCWA has urgently requested that IRWD implement a new short-term program for 2023 whereby CCWA proposes to deliver up to 2,500 acre-feet (AF) of water to the IRWD Water Bank on a 2-for-1 basis. The water would be delivered to the Water Bank in advance of water potentially spilling from the San Luis Reservoir. The water to be delivered into storage would be from CVWD and other CCWA member agencies.

Ms. Welch said that staff has prepared terms for a proposed program with CCWA that would facilitate a mutually beneficial short-term unbalanced exchange of up to 2,500 AF consistent with the terms from the 2019 program. The terms would allow CCWA to deliver SWP water for recharge at the IRWD Water Bank on a 2-for-1 basis. The deliveries of water would be completed by the end of 2023. IRWD would return one-half of the water, less a proportional share of losses to CCWA by the end of the sixth year. IRWD would use its first priority recovery well capacity in the IRWD Water Bank to recover return water for CCWA after meeting IRWD's own water supply needs. The actual water returned to CCWA would be from Metropolitan's future approved SWP Table A water. Staff will work with IRWD special legal counsel at Kronick Moskovitz to prepare a letter agreement for the new short-term exchange with CCWA.

On MOTION by Reinhart, seconded by Withers and unanimously carried, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A LETTER AGREEMENT FOR A SHORT-TERM WATER EXCHANGE PROGRAM WITH CENTRAL COAST WATER AUTHORITY BASED ON TERMS PRESENTED.

OTHER BUSINESS:

GENERAL MANAGER’S REPORT

General Manager Cook reported on reservoir status for both Irvine Lake and Sand Canyon Reservoir and noted that water is being diverted to both the Green Acres Project and the Harvard Avenue Trunk Sewer.

Mr. Cook provided an update on Trabuco Canyon Water District exiting from SOCWA in which they are using a different process and noted that IRWD may need to use special legal counsel on this item.

He noted that he will be attending a WateReuse conference in Atlanta, Georgia in early March.

General Manager Cook said that he spoke with Consultant Newell and all is well in the canyons.

DIRECTOR COMMENTS

Director Withers reported that he attended the Urban Water Institute conference along with a meeting with ACCOC’s Chris Murray to discuss IRWD and Regional Board issues.

Director Reinhart said that he attended a MWDOC Board meeting and the Urban Water Institute conference.

Director McLaughlin said that she had no meetings to report on this evening.

ADJOURNMENT

President McLaughlin adjourned the meeting at 5:45 p.m.


APPROVED and SIGNED this 13TH day of March 2023.

President, IRVINE RANCH WATER DISTRICT

Secretary, IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

Claire Hervey Collins, General Counsel
Hanson Bridgett LLP

March 13, 2023
Prepared and
Submitted by: C. Compton
Approved by: Paul A. Cook 

CONSENT CALENDAR

2023 LEGISLATIVE AND REGULATORY UPDATE

SUMMARY:

This report provides an update on the 2023-2024 legislative session, along with regulatory issues and IRWD priorities. As legislation and regulations develop, staff provides updates and recommendations to the Board, as appropriate. Staff recommends that the Board consider the following positions:

- *AB 305 (Villapudua, D-Stockton) – California Flood Protection Bond Act of 2024: “SUPPORT IF AMENDED”;*
- *AB 457 (Patterson, R-Granite Bay) – Surplus Land Act: Leases: “WATCH”;*
- *AB 480 (Tin, D-San Francisco) – Surplus Land: “WATCH”;*
- *AB 557 (Hart) – Local Agencies Open Meetings & Teleconferences: “SUPPORT”;*
- *AB 1567 (Garcia, D-Coachella) – Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023: “SUPPORT IF AMENDED”;*
- *AB 1572 (Friedman, D-Glendale) – Nonfunctional Turf: “SEEK AMENDMENTS”;*
- *SB 34 (Umberg, D-Anaheim) – Surplus Land Disposal: Orange County: “OPPOSE UNLESS AMENDED”;*
- *SB 229 (Umberg, D-Anaheim) – Surplus Land Disposal of Property: “OPPOSE UNLESS AMENDED”*
- *SB 366 (Caballero, D-Salinas) – The California Water Plan: Long-term Water Supply Targets: “SUPPORT”;*
- *SB 638 (Eggman, D-Stockton) – Climate Resiliency and Flood Protection Bond Act of 2024: “SUPPORT IF AMENDED”;*
- *SB 745 (Cortese, D-Campbell) – The Drought-Resistant Buildings Act: “OPPOSE UNLESS AMENDED”;*
- *SB 747 (Caballero, D-Salinas) – Surplus Land: Notice of Exemption Determination: “SUPPORT IN CONCEPT”;* and
- *SB 867 (Allen, D-Redondo Beach) – Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023: “SUPPORT IF AMENDED”.*

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

BACKGROUND:

The 2023 bill introduction deadline was February 17, 2023, and more than 2,700 bills, resolutions and constitutional amendments have been introduced for consideration in the first year of the 2023-2024 state legislative session. On the Assembly side, 1,761 bills and constitutional amendments were introduced while the Senate introduced 885 bills and constitutional amendments.

With the introduction deadline having passed, the 2023 legislative year will come into full swing with policy committees ramping up and legislators working to amend their legislation so that it will be heard by the April 28 and May 5 policy committee deadlines.

While many of the bills introduced this year contain spot or intent language, numerous bills include substantive proposals. A number of the substantive bills cover a topics of interest to IRWD including bills related to water conservation, water quality, and Public Safety Power Shutoffs. There are also a many bills related to climate change, the Public Records Act, and public contracting. Many of these bills are expected to have significant amendments prior to their first policy committee hearings. As such, staff will monitor proposals and bring updates and recommendations to the Board, as appropriate.

2023 State Legislative Update:

Climate Resilience Bond:

As evidenced at the end of the 2019 legislative year, legislative interest in a climate resilience bond continues. This interest was renewed recently when the Governor included a statement expressing willingness to discuss such a bond in the release of his proposed Fiscal Year 2023-24 budget. The policy discussions surrounding a possible November 2024 resilience bond are at its earliest stages, and very little discussion has taken place as to the size and scope of a potential bond.

It appears that the Governor will want to focus on a climate resilience bond to “support investments over the next five years to reduce specific climate risks across California through long-term investment in natural and build infrastructure, especially in the state’s most climate-vulnerable communities,” as he had stated in his proposed 2020 budget. While the Legislature may agree with this overarching statement, there will be a diverse set of perspectives on what exactly such a bond should fund and the size it should be.

To date, there have been four resilience or flood bond proposals introduced in the Legislature. Those proposed are [AB 305 \(Villapudua, D-Stockton\)](#), [AB 1567 \(Garcia, D-Coachella\)](#), [SB 867 \(Allen, D-Redondo Beach\)](#), and [SB 638 \(Eggman, D-Stockton\)](#).

AB 305 is currently an intent bill and states an intent to enact the California Flood Protection Bond Act of 2024, for an unspecified amount.

AB 1567 would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023. If approved by the voters, it would authorize the sale of \$15.105 billion in general obligation bonds. Of the \$15.105 billion at least 35 percent would be set aside for projects that provide meaningful and direct benefits to at least one of the following: vulnerable populations, under-resourced communities, or disadvantaged communities, with at least an additional 10 percent allocated for severely disadvantaged communities. As introduced, it includes \$2.3 billion for wildfire prevention, climate risk reduction and protection against power shutoffs; \$2.16 billion for sea level rise and other climate risks; \$3.11 billion for safe drinking water, drought protection and enhancing flood protection; \$1.94 billion for protecting fish, wildlife, and natural areas from climate change risks; \$1.32 billion for protecting farms, ranches, and working lands from climate change impacts; \$2.165 billion for extreme heat, community enhancement and resilience; and \$2.11 billion for regional climate resilience.

SB 638 would enact the Climate Resiliency and Flood Protection Bond Act of 2024, which, if approved by the voters, would authorize the sale of \$4.5 billion in general obligation bonds. The funding is currently proposed at \$2.5 billion for the Department of Water Resources (DWR) for a variety of flood protection improvements; \$500 million for Delta flood protection; \$1 billion for the State's share of the nonfederal costs of specific flood protection and climate resiliency projects; and \$500 million for multi-benefit flood management projects.

SB 867 would enact the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023, which, if approved by the voters, would authorize the sale of an unspecified amount in general obligation bonds. The bill currently states that the funding would be for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, and park creation and outdoor access programs.

The Administration and the Legislature have a tremendous amount of discussion left before agreement is reached on a climate resilience bond. Staff has been engaging and will continue to engage with IRWD's associations and industry stakeholders interested in influencing the programmatic water funding and levels of water funding included in a resilience bond. Staff recommends that the Board adopt a "support if amended" position on the four bond proposals to enable the District to best engage in the legislative policy discussions related to the bond. In seeking amendments, the District would advocate for changes to the proposal bond consistent with IRWD's Water Infrastructure Financing Policy Principles.

Legislation Related to the Surplus Land Act:

The set of rules that govern a local agency's disposition of surplus land in California is known as the Surplus Land Act (SLA). Under the SLA, a local agency's governing body must take formal action in a regular public meeting declaring land that it wants to dispose of as either "surplus land" or "exempt surplus land." A local agency's disposition of exempt surplus land is not subject to many of the provisions of the SLA, while a local agency's disposition of surplus land is subject to all of the provisions of the SLA.

On the first day of the 2023-2024 legislative session, Senator Tom Umberg (D-Anaheim) introduced legislation to amend the Surplus Land Act (SLA). Since December 5, 2022 (the first day of this year's season), seven bills have been introduced proposing to amend the SLA. These bills as described below:

- [AB 457 \(Patterson\) – Surplus Land Act: Leases](#): AB 457 would expand the definition of “exempt surplus land” to include land that is two acres or less in size, identified in an approved plan for the agency’s future use, and proposed to be leased for a term no longer than an undefined number of years to a property owner or business located within one-half mile land. Staff is working to get more information on AB 457, as it was recently amended to modify the SLA. As currently drafted, the bill, by inserting a reference to leases within the SLA’s exempt surplus land provisions, could unintentionally make all leases subject to the SLA. At this time given discussions taking place around the SLA and leases, along with staff seeking more information about AB 457, staff recommends that the Board adopt a “watch” position on AB 457;
- [AB 480 \(Ting\) – Surplus Land](#): AB 480, authored by Assemblymember Phil Ting and co-authored by Senator Tom Umberg, would make numerous revisions to the SLA. Currently, the bill does not propose amendments to be of concern to the District. Staff will continue monitor the bill and report back to the Committee if amendments to bill raise concerns for the District. At this time, staff recommends that the Board adopt a “watch” position on AB 480;
- [AB 837 \(Alvarez\) – Exempt Surplus Land: SPA Plans](#): AB 837 would add another category of exempt surplus land to the SLA. Specifically, the bill would add lands acquired by a local agency for the development of a university and innovation district in accordance with a sectional plan area (SPA) plan adopted by the local agency prior to January 1, 2019, to the categories of exempt surplus land. As currently drafted, AB 837 would not impact the provisions on the SLA that govern IRWD and, as a result, staff is recommending that the District not take a position on AB 837 at this time;
- [SB 34 \(Umberg\) – Surplus Land Disposal Violations: Orange County](#): As discussed previously with the Committee, SB 34, as introduced, would require the County of Orange and any city located within Orange County, if notified by the Department of Housing and Community Development (HCD) that its planned sale of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days. It would also prohibit a jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until HCD determines that it has complied with existing law or deems the alleged violation not to be a violation. On February 22, the bill was amended to include “lease” as well as the sale of land. It is now identical to Section 1 SB 361 (Umberg) from 2022, a bill the District had “opposed unless amended” in 2022. In 2022, staff had ongoing conversations with Senator Umberg’s office over the District’s request to remove a reference in SB 361 to leases that would inaccurately equate a proposed lease with proposed disposal of land under the SLA, but the Senator was unwilling to remove those references, while Section 1 of SB 361 was still in the bill. The District currently has a “watch” position on SB 34, but given the addition of leases in the bill, staff recommends that the Board adopt an “oppose unless amended” position on SB 34. The amendments sought by the District would be the deletion of “leases” from the bill;

- [SB 229 \(Umberg\) – Surplus Land: Disposal of Property: Violations: Public Meeting:](#) SB 229 would require a local agency that has received a notification of violation from HCD to hold an open and public session to review and consider the substance of the notice of violation, require the local agency’s governing body to provide prescribed notice no later than 14 days before the public session, and prohibit the local agency’s governing body from taking final action to ratify or approve a proposed disposal until a public session is held as required. This bill is substantively identical to the August 15, 2022, version of SB 361, except that SB 229 is generally applicable to local agencies whereas the August 15 version of SB 361 was specifically applicable to the City of Anaheim. SB 229, which as introduced would have only been applicable to the sale of property, now would apply to both the sale or lease of land. Because the bill would inaccurately equate a proposed lease with proposed disposal of land under the SLA, staff recommends that the Board adopt an “oppose unless amended” position on SB 229. The amendments sought by the District would be the deletion of “leases” from the bill;
- [SB 693 \(Seyarto\) – Exempt Surplus Land: City of Murrieta:](#) SB 693, authored by Senator Kelly Seyarto, is a district specific bill. It would exclude three parcels in the City of Murrieta for the SLA. As currently drafted, SB 693 would not impact the provisions on the SLA that govern IRWD and, as a result, staff recommending that the District not take a position on SB 693 at this time; and
- [SB 747 \(Caballero\) – Surplus Land: Notice of Exemption Determination:](#) SB 747 is authored by the Chair of the Senate Governance and Finance Committee, Senator Anna Caballero. The bill, as introduced, would permit a local agency to administratively declare land as “exempt surplus land” instead of requiring a governing board action. Staff understands that Senator Caballero is considering substantial amendments to SB 747. Staff will discuss the Senator’s intent for SB 747 with the Committee and recommends that the Board consider a “support in concept” position on SB 747.

Legislation on Water Conservation, Drought Planning, Water Supplies:

This session there have been a number of bills introduced that relate to water conservation, drought planning and water supplies. Some of these bills include:

- [AB 460 \(Bauer-Kahan, D-San Ramon\) – State Water Resources Control Board Interim Relief:](#) AB 460 is authored by the Chair of the Water, Parks and Wildlife Committee, Assemblymember Rebecca Bauer-Kahan. The bill would authorize the State Water Resources Control Board (State Board) to issue an interim relief order, to enforce any of the following:
 - The California Constitution’s requirement for the reasonable and beneficial use of water;
 - The public trust doctrine;
 - Water quality objectives or water quality control plans, as specified;
 - The requirements set forth in permits, licenses, certificates, and registrations, as specified; and
 - The requirement in Fish and Game Code that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow

sufficient water to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam.

Additionally, the bill would authorize the State Board to commence an interim relief proceeding on its own motion or upon the petition of an interested party, and exempt the State Board's actions from CEQA if certain findings are made by the State Board.

As part of an interim relief order, the State Board would be permitted to require a water diverter or user to do any of the following:

- Cease all harmful practices;
 - Employ specific procedures and operations to prevent or mitigate the harm;
 - Complete technical and monitoring work and prepare and submit reports on that work, including draft environmental documentation;
 - Participate in, and provide funding for, studies that the board determines are reasonably necessary to evaluate the impact of the diversion or use that is the subject of the adjudicative proceeding;
 - Reimburse the board's expenses for the preparation of any necessary environmental documentation; or
 - Take other required action.
- [AB 1272 \(Wood, D-Santa Rosa\) – State Water Resources Control Board: Drought Planning](#): AB 1272 would require the State Board to establish a program, in consultation with the Department of Fish and Wildlife, and to adopt principles and guidelines for diversion and use of water during times of drought or water shortage in coastal watersheds which drain to the Pacific Ocean, are located in Regional Water Quality Control Boards 1, 2 or 3, and are identified and are a priority for the recovery of native anadromous fish species. The bill would authorize the State Board to issue a cease and desist order when a diversion or use violated the adopted program, principles and guidelines;
 - [AB 1337 \(Wicks, D-Oakland\) – Water Shortage Enforcement](#): AB 1337, authored by Assemblymember Buffy Wicks, proposes to greatly expand the authority that the State Board has to adopt regulations or issue curtailment orders. Specifically, the bill would authorize the State Board to adopt regulations for any of the following purposes:
 - To prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water;
 - To promote water recycling or water conservation;
 - To protect public trust resources;
 - To require curtailment of diversions when water is not available under the diverter's priority of right; or
 - In furtherance of any of the purposes of this section, to require reporting of diversion or use or the preparation of monitoring reports.

It would also permit the State Board to implement regulations through orders curtailing water diversions;

- [AB 1572 \(Friedman, D- Glendale\) – Nonfunctional Turf](#): As introduced, AB 1572 would make a number of legislative finds and declarations concerning water use, and would prohibit the use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, municipal, institutional, and multifamily residential properties.

Additionally, the bill includes a number of audit and enforcement provisions. The bill, as currently drafted, does contain some definitions and provisions which could benefit from further refinements. For example, the definition of potable water and the definition of turf should be better defined to clarify that non-drinking water can be used to irrigate native grasses, which are water efficient. Staff recommend that the Board adopt a “seek amendments” position on AB 1572, as currently drafted;

- [AB 1573 \(Friedman\) – Nonfunctional Turf](#): As introduced, AB 1573 would define “nonfunctional turf” to be turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Nonfunctional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events. This definition is also included in AB 1572. Based on industry conversation with Assemblymember Friedman’s office, it appears that AB 1573 will be gutted and amended soon and introduced as a placeholder bill. Given this information, staff is recommending the District not take a position on AB 1573 at this time;
- [SB 366 \(Caballero\) – The California Water Plan Long-Term Supply Targets](#): SB 366 (Caballero) was introduced on February 8 as a legislative vehicle for CMUA’s sponsored “Water for All” proposal. As introduced, SB 366 makes legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets. CMUA intends to amend the bill with language developed by its working group. Staff has participated on the work group drafting substantive language and will discuss this effort with the Committee. Staff recommends the Board adopt a “support” position on SB 366;
- [SB 745 \(Cortese, D- Campbell\): The Drought-Resistant Buildings Act](#): SB 745 would require the California Building Standards Commission to develop and propose mandatory building standards to reduce the designed potable water demand of new buildings by 25 percent from current mandatory design requirements and to minimize the use of potable water for non-potable uses. The bill would also require the commission to adopt mandatory building standards that require new buildings to be drought proofed and defines "drought proofed" as designed to capture graywater and use alternative water sources for non-potable building and landscaping water uses, including toilet and urinal flushing, floor trap priming, cooling towers, and air-conditioning devices. Staff recommends that the Board adopt an “oppose unless amended” position on SB 745 as it does not consider community-wide water recycling, take the cost-benefit approach to dual plumbing used by IRWD and does not include the previous provisions recycled water suppliers negotiated in previous mandatory dual-plumb bills; and
- [SB 865 \(Laird, D-Santa Cruz\)- Municipal Water Districts: Automatic Exclusions](#): SB 865, authored by Senator John Laird, is currently a spot bill which modifies a provision of the California Water Code governing municipal water districts. The District has ask the Senator’s office about the intent behind SB 865, but has yet to gain more information about how the Senator plans to amend the bill. Staff will provide an update to the Committee should more information about the intent of the bill become available.

Other 2023 State Legislation / Initiatives of Interest to IRWD:

[AB 557 \(Hart, D-Santa Barbara\) – Local Agencies Open Meetings & Teleconferences](#): AB 557 (Hart, D-Santa Barbara) would eliminate the January 1, 2024 sunset date on the authorization in state law for local agencies to use teleconferencing without complying with specified teleconferencing requirements in the Ralph M. Brown Act when a declared state of emergency is in effect, or in other situations related to public health. The bill would also extend the period for a legislative body to make specified findings related to a continuing state of emergency and social distancing from not later than 30 days to not later than 45 days after the first teleconferenced meeting, and from every 30 days to every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures. This existing teleconferencing authorization enacted with [AB 361 \(Robert Rivas\) of 2021](#). Separately, existing state law allows, under specified conditions and until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public. This separate allowance was enacted with [AB 2449 \(Blanca Rubio, D-Baldwin Park\) of 2022](#). Staff recommends the Board adopt a “support” position on AB 557;

Staff will discuss this bill with the Committee, and will update the Committee on legislation and policy discussions related to:

- Water rates and charges;
- Lead testing in schools;
- The Fiscal Year 2023-2024 state budget; and
- Other topics of interest to the District.

[Taxpayer Protection and Government Accountability Act](#): Language for this proposed act was submitted to the California Attorney General’s Office for title and summary on January 4, 2022. This proposed statewide ballot initiative is sponsored by the California Business Roundtable. A title and summary was issued on February 3, 2022, with the title “[Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services](#).” The initiative is a proposed constitutional amendment which will likely be on the November 2024 ballot which, if approved, would define “every levy, charge, or exaction of any kind imposed by state law” as either a tax or an exempt charge. Any fee or charge that is not an exempt charge would be a tax requiring a two-thirds vote of the Legislature and approval by the voters. Similar rules would be applied to local governments.

With regards to exempt charges, such as Proposition 218 property-related charges, the proposed constitutional amendment would limit those charges. It would state that a local government would bear the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax, and that the amount of an exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

“Actual cost” of providing a service or product is defined as:

- The minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and
- Where the amount charged is not used by the government for any purpose other than reimbursing that cost.

2023 State Regulatory Update:

CARB’s Advanced Clean Fleets Preliminary Draft Regulation:

On February 13, 2023, California Air Resources Board (CARB) staff conducted a public workshop to discuss the Preliminary Draft Regulation Text for the proposed Advanced Clean Fleets (ACF) regulation which was distributed for review days prior to February 13 workshop. In this workshop, CARB staff provided an overview of the text, the changes they had made from previous drafts, and took comments and questions from the public.

The Preliminary Draft Regulation Text retains the general framework of the proposed ACF regulation from other previous iterations of the draft proposed ACF regulation. It retains the requirement that, beginning January 1, 2024, 50 percent of the total number of heavy-duty vehicle purchases made by a state or local government must be zero-emissions vehicles (ZEVs), and that beginning January 1, 2027, 100 percent of purchases be ZEVs.

The latest draft, however, added an option for state and local government agency fleets to elect to comply with a ZEV Milestone Option. The ZEV Milestones Option, beginning on January 1, 2025, would require a state or local government agency fleet to have and maintain a certain percentage of their medium- and heavy-duty vehicle fleet as ZEVs, that percentage being derived from a calculation that is based on the vehicles that are in a fleet, categorized into three groups. Waste and wastewater fleets are allowed to delay compliance with the ZEV Milestone Option for vehicles that are exclusively fueled with biomethane, as specified, and in wastewater fleets, that directly support the operation of facilities that collect and process diverted in-state organic waste to produce biomethane.

As has been discussed with the Water Resources Policy and Communications Committee, obtaining exemptions from or extensions for the compliance requirements of the ACF are of central importance to the District. Specifically, an exemption or extension that collectively ensures that fleets are not prohibited from purchasing an internal combustion engine vehicle (ICEV) when there is no ZEV that is suitable for a fleet’s needs has been the focus of the District’s advocacy efforts on the ACF. In addition to two-engine vehicles and other specific exempted vehicles, the following are the exemptions and the extensions in the Preliminary Draft Regulation Text:

- A Backup Vehicle Exemption for vehicles operated less than 1,000 miles per year, excluding emergency operations;
- A Daily Usage Exemption based on vehicle miles travelled per day and typical daily energy usage;

- An Infrastructure Delay Extension, with an extension of up to two years for an infrastructure construction delay and up to three years (with an additional two-year extension) for a site electrification delay;
- ZEV Purchase Exemptions, with a Streamlined ZEV Purchase Exemption based on a list of vehicle configurations that are not available to purchase as a ZEV and a Fleet-Specific ZEV Purchase Exemption for vehicle configurations that are not on the list; and
- A Mutual Aid Assistance exemption for fleets that have a mutual aid agreement.

Staff continues to work with the District's associations to advocate for additional changes to the regulatory language that would provide greater assurances that the regulation will not prevent the District and other providers of essential public services from purchasing needed internal combustion engine vehicles or compel the District to purchase of ZEVs that cannot fulfill the needs for the vehicle. Regulatory language will be released for a formal comment period in the middle of March, and the CARB board will give final consideration of the proposed regulation on April 27-28.

Other 2023 Regulations of Interest to IRWD:

In addition to the regulation discussed above, the following is a list of some of the other 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. Staff will also provide an oral update to the Board on any new developments related to these regulations and other regulations of interest to the District.

The pending regulations and reports actively being tracked include:

- Executive and regulatory actions related to the drought;
- CARB's [Proposed Advanced Clean Fleets Regulation](#);
- [California Endangered Species Act Listing](#) for the Southern California Steelhead;
- California Natural Resources Agency (CNRA) [30 x 30 California Implementation](#);
- CNRA's [Water Resilience Portfolio Implementation and Resiliency 2.0](#) Implementation;
- DWR's [2023 California Water Plan Update](#);
- DWR and the State Board's implementation of the "[Making Water Conservation a California Way of Life](#)" legislation:
 - DWR and the State Board's Indoor Water Use Study and Indoor Water Use Standard Recommendations;
 - [DWR's Outdoor Water Use Recommendations](#); and
 - DWR's Work Group on CII performance measures;
- State Board's development of a "[Cross Connection Policy Handbook](#);"
- State Board's [Direct Potable Reuse Regulations](#);

- State Board's implementation of the Lead and Copper Rule;
- State Board's [Safe and Affordable Funding for Equity and Resilience \(SAFER\) Drinking Water Program](#);
- [State Board's development of a maximum contaminant levels for per- and polyfluoroalkyl substances \(PFAS\)](#);
- State Board's [Proposed Vapor Intrusion Assessment Amendment to Resolution 92-49](#);
- The Governor's Office of Planning and Research (OPR)'s [Integrated Climate Adaptation and Resiliency Program \(ICARP\) Grant Programs](#);
- South Coast AQMD's [Cumulative Impacts from Air Toxics for CEQA Projects](#).

2023 Federal Legislative and Regulatory Update:

Kern Fan Groundwater Storage Project Outreach:

IRWD's federal advocacy efforts in 2023 continue to largely focus on seeking federal funding for the Kern Fan Groundwater Storage Project and advocating for an increased funding authorization for the federal Water Storage Program. Staff will provide an update on those efforts.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on March 6, 2023.

RECOMMENDATION:

THE BOARD ADOPT A "SUPPORT" POSITION ON AB 557 (HART) AND SB 366 (CABALLERO); A "SUPPORT IN CONCEPT" POSITION ON SB 747 (CABALLERO); A "SUPPORT IF AMENDED" ON AB 305 (VILLAPUDUA), AB 1567 (GARCIA), SB 638 (EGGMAN), AND SB 867 (ALLEN); A "WATCH" POSITION ON AB 457 (PATTERSON), AND AB 480 (TING); A "SEEK AMENDMENTS" POSITION ON AB 1572 (FRIEDMAN); AND AN "OPPOSE UNLESS AMENDED" POSITION ON SB 34 (UMBERG), SB 229 (UMBERG), SB 745 (CORTESE).

LIST OF EXHIBITS:

Exhibit “A” – IRWD Legislative Matrix

Exhibit "A"

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

<u>AB 9</u> Muratsuchi (D)	California Global Warming Solutions Act of 2006		Requires the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.	01/26/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 12</u> Haney (D)	Tenancy: Security Deposits		Prohibits a landlord from demanding or receiving security for a rental agreement for residential property in an amount or value in excess of an amount equal to one month's rent, regardless of whether the residential property is unfurnished or furnished, in addition to any rent for the first month paid on or before initial occupancy.	01/26/2023 - To ASSEMBLY Committee on JUDICIARY.
<u>AB 30</u> Ward (D)	Atmospheric Rivers: Research, Mitigation, and Climate	Support	Requires the Department of Water Resources to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.	01/26/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 34</u> Valencia (D)	Elections: Independent Redistricting Commissions		States the intent of the Legislature to enact legislation to establish an independent redistricting commission in the County of Orange.	12/05/2022 - INTRODUCED.
<u>AB 37</u> Bonta M (D)	Political Reform Act of 1974: Campaign Funds: Security		Authorizes a candidate or elected officer to use campaign funds to pay or reimburse the state for the reasonable costs of installing and monitoring a home or office electronic security system, and for the reasonable costs of providing personal security to a candidate, elected officer, or the immediate family and staff of a candidate or elected officer, if those costs are reasonably related to the candidate or elected officer's status as a candidate or elected officer.	01/26/2023 - To ASSEMBLY Committee on ELECTIONS.
<u>AB 43</u> Holden (D)	Greenhouse Gas Emissions: Building Materials: Credits		Expresses the intent of the Legislature to enact future legislation establishing a Low Carbon Product Standard to facilitate a credit trading platform for building materials. The bill would express the further intent of the Legislature to enact future legislation to require that the LCPS establish a compliance system.	12/05/2022 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: *March 1, 2023*

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 57</u> Kalra (D)	California Pocket Forest Initiative		Establishes the California Pocket Forest Initiative in the Department of Forestry and Fire Protection and would authorize the department to coordinate implementation of the initiative in conjunction with the Urban Forestry Act of 1978. Upon an appropriation by the Legislature, the bill would authorize the department to provide grants to cities, counties, districts, nonprofit organizations, and public schools to establish pocket forests on public lands, as provided.	01/26/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 62</u> Mathis (R)	Statewide Water Storage: Expansion		Establishes a statewide goal to increase above and below-ground water storage capacity by a total of a specified number of acre-feet by specified year and a total of a specified number of acre-feet by specified year. Requires the State Water Resources Control Board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal.	02/27/2023 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;02/27/2023 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.
<u>AB 66</u> Mathis (R)	Natural Resources Agency: Water Storage Projects		Requires the Natural Resources Agency, and each department, board, conservancy, and commission within the agency, to approve the necessary permits for specified projects within 180 days from receiving a permit application, and would deem those permits approved if approval does not occur within this time period.	02/02/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 70</u> Rodriguez (D)	Emergency Response: Trauma Kits		Applies the requirement to place at least 6 trauma kits on the premises to certain structures that are constructed prior to January 1, 2023, and subject to subsequent modifications, renovations, or tenant improvements.	01/26/2023 - To ASSEMBLY Committees on HEALTH and JUDICIARY.
<u>AB 83</u> Lee (D)	Political Reform Act of 1974: Contributions		Expands the prohibition against foreign campaign contributions to include contributions, expenditures, or independent expenditures made by a foreign-influenced business entity, as defined, in connection with an election or ballot measure.	01/26/2023 - To ASSEMBLY Committee on ELECTIONS.

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Updated: *March 1, 2023*

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 227</u> Sanchez (R)	State Employment: Social Media Platforms		Prohibits a person from installing an application for a social media platform on a state-owned or state-issued electronic device if specified conditions are met, including that the social media company that owns the application is domiciled in, has its principal place of business in, has its headquarters in, or is organized under the laws of, a country of concern.	02/17/2023 - To ASSEMBLY Committees on PRIVACY AND CONSUMER PROTECTION and PUBLIC AND EMPLOYMENT AND RETIREMENT.
<u>AB 234</u> Bauer-Kahan (D)	Microparticles		Expresses the intent of the Legislature to enact subsequent legislation that would prohibit the sale in the State of rinse-off cosmetics, detergents, waxes, and polishes that contain intentionally added synthetic polymer microparticles, including products identified in the synthetic polymer microparticle Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) restrictions adopted by the European Union (EU).	01/12/2023 - INTRODUCED.
<u>AB 241</u> Reyes (D)	Air Resources		Relates to air resources.	01/13/2023 - INTRODUCED.
<u>AB 246</u> Papan (D)	Menstrual Products: PFAS		States the intent of the Legislature to enact legislation to eliminate perfluoroalkyl and polyfluoroalkyl substances (PFAS) from menstrual products.	01/17/2023 - INTRODUCED.
<u>AB 249</u> Holden (D)	Water: Schoolsites: Lead Testing: Conservation		Requires a community water system that serves a schoolsite with a building constructed before January 1, 2010, to test for lead in the potable water system of the schoolsite before January 1, 2027. Requires the community water system to report its findings to the applicable school or local educational agency.	02/02/2023 - To ASSEMBLY Committees on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS and EDUCATION.
<u>AB 262</u> Holden (D)	Children's Camps: Regulation		Requires the Department of Social Services to establish and lead a stakeholder workgroup to gather information and provide recommendations to the Legislature regarding development of subsequent legislation for children's camps. Defines a children's camp for these purposes as a program that offers daytime or overnight experiences administered by adults, provides social, cultural,	02/02/2023 - To ASSEMBLY Committee on HUMAN SERVICES.

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Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			educational, recreational, or artistic programming to more than 5 children between 3 and 17 years of age.	
<u>AB 270</u> Lee (D)	Public Campaign Financing		Declares the intent of the Legislature to enact legislation that would provide for public financing for election campaigns in this state.	01/23/2023 - INTRODUCED.
<u>AB 277</u> Rodriguez (D)	Extreme Weather Forecast and Threat Intelligence Center		Requires the Office of Emergency Services and the Department of Water Resources to jointly establish and lead the Extreme Weather Forecast and Threat Intelligence Integration Center for the purpose of collecting, assessing, and analyzing extreme weather data and atmospheric conditions. Requires that the center be composed of representatives from specified organizations and would authorize the office and the department to invite other organizations to designate additional representatives.	02/09/2023 - To ASSEMBLY Committees on EMERGENCY MANAGEMENT and WATER, PARKS AND WILDLIFE.
<u>AB 281</u> Grayson (D)	Planning and Zoning: Housing Permits		Includes a special district in the definition of local agency under the Planning and Zoning Law and removes special districts from the exclusion in the definition of posttitlement phase permit.	02/02/2023 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 287</u> Garcia E (D)	California Global Warming Solutions Act of 2006		Requires state agencies administering competitive grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality, to provide for a specified application timeline, and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.	02/02/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 292</u> Pellerin (D)	Primary Elections: Ballots		Requires the application by which the voter can request a vote by mail ballot of a party that has authorized such voters to vote in its primary election to contain a list of political parties that have authorized a voter who has declined to disclose a political party preference to vote in that	02/14/2023 - From ASSEMBLY Committee on ELECTIONS with author's amendments.;02/14/2023 - In ASSEMBLY. Read second

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Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			party's primary election, along with a box next to each party's name for the voter to mark to request a vote by mail ballot for that party.	time and amended. Re-referred to Committee on ELECTIONS.
<u>AB 295</u> Fong (R)	Department of Transportation: Maintenance Projects		Authorizes the Department of Transportation to enter into agreements with local governmental entities, fire departments, fire protection districts, fire safe councils, and tribal entities to perform specified projects authorized by the department on roadways managed by the department, including activities related to roadside maintenance and the removal and clearing of material, as provided.	02/09/2023 - To ASSEMBLY Committee on TRANSPORTATION.
<u>AB 297</u> Fong (R)	Wildfires: Local Assistance Grant Program		Extends the Director of Forestry and Fire Protection's authority to authorize advance payments from a grant program award to January 1, 2034.	02/02/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 300</u> Papan (D)	Notaries Public: Notification of Death		Requires the personal representative, the decedent's successor in interest, as defined, or the person who is in actual or constructive possession of the deceased notary public's notarial records and papers, to notify the Secretary of State of the death of the notary public, and to deliver all notarial records and papers of the deceased to the clerk of the county in which the notary public's official oath of office is on file.	02/02/2023 - To ASSEMBLY Committee on JUDICIARY.
<u>AB 305</u> Villapudua (D)	California Flood Protection Bond Act of 2024		Expresses the intent of the Legislature to enact subsequent legislation for a flood protection general obligation bond act, in an unspecified amount, that would be known as the California Flood Protection Bond Act of 2024, and would be submitted to the voters at the next general election.	01/26/2023 - INTRODUCED.
<u>AB 311</u> Santiago (D)	Food Assistance Program: Eligibility and Benefits		Removes a specified age limitation and makes any individual eligible for the program if the individual's immigration status is the sole basis for their ineligibility for CalFresh benefits.	02/02/2023 - To ASSEMBLY Committee on HUMAN SERVICES.
<u>AB 324</u> Pacheco (D)	Gas Corporations: Renewable Gas Procurement		Requires the Public Utilities Commission to open a new proceeding, or a new phase of an existing proceeding, to consider establishing procurement goals for renewable hydrogen, as defined, and consider	02/09/2023 - To ASSEMBLY Committees on UTILITIES AND ENERGY

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			requiring each gas corporation and core transport agent to annually procure a proportionate share of renewable hydrogen to meet those goals.	and NATURAL RESOURCES.
<u>AB 334</u> Rubio (D)	Public Contracts: Conflicts of Interest		Establishes that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.	02/09/2023 - To ASSEMBLY Committee on ELECTIONS.
<u>AB 338</u> Aguiar-Curry (D)	Public Works: Definition		Expands the definition of public works to include fuel reduction work done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project. Limits specified provisions to work that falls within an apprenticeship occupation in the building and construction trades for which an apprenticeship program has been approved and to contracts in excess of \$100,000.	02/09/2023 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 340</u> Fong (R)	California Environmental Quality Act: Noncompliance		Requires the alleged grounds for noncompliance with the California Environmental Quality Act (CEQA) presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. Prohibits the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.	02/09/2023 - To ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.
<u>AB 345</u> Wilson (D)	Habitat Restoration: Flood Control: Advance Payments		Authorizes the Department of Water Resources to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection. Prohibits the amount of funds advanced by the department to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement between the department and the local agency.	02/09/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 347</u> Ting (D)	Pollution Prevention and Hazardous Waste Source		Relates to the Pollution Prevention and Hazardous Waste Reduction and Management Review Act which requires the generator to correct deficiencies within 60 days from its receipt of a notice, except that, in	02/09/2023 - To ASSEMBLY Committee on ENVIRONMENTAL

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			response to a written request from the generator for an extension of that 60-day deadline for cause, the act authorizes the department or unified program agency to grant an extension of no more than an additional 60 days. Limits that extension authorization to no more than an additional 30 days.	SAFETY AND TOXIC MATERIALS.
<u>AB 356</u> Mathis (R)	California Environmental Quality Act: Aesthetic Impacts		Extends operation of provisions of the California Environmental Quality Act relative to aesthetic impacts which specifies that a lead agency is not required to evaluate the aesthetic effects of a project and aesthetic effects are not considered significant effects on the environment if the project involves the refurbishment, conversion, repurposing, or replacement of an existing building that meets certain requirements.	02/09/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 362</u> Lee (D)	Real Property Taxation: Land Value Taxation Study		Requires the California Department of Tax and Fee Administration to conduct or commission a study on the efficacy of a statewide land value taxation system as an alternative to the current appraisal methods utilized for real property taxation. The bill would require the study to be provided to the Legislature by a specified date.	02/09/2023 - To ASSEMBLY Committee on REVENUE AND TAXATION.
<u>AB 363</u> Bauer-Kahan (D)	Pesticides: Neonicotinoids for Nonagricultural Use		Requires the Department of Pesticide Regulation to publish a reevaluation of the latest science regarding the impacts of neonicotinoid pesticides on pollinating insects, aquatic ecosystems, and human health when used for the nonagricultural protection of outdoor ornamental plants, trees, and turf. Adopts regulations governing that use that are necessary to protect the health of honeybees, native bees, and other pollinating insects, aquatic ecosystems, and human health.	02/09/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 388</u> Connolly (D)	Forest Resources: Fire Prevention Grants		Makes nonsubstantive changes to provisions appropriating moneys to the Department of Forestry and Fire Protection for purposes of, among other things, providing local assistance grants, grants to fire safe councils, and grants to qualified nonprofit organizations with a demonstrated ability to satisfactorily plan, implement, and complete a fire prevention project for these same purposes.	02/02/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 396</u> Fong (R)	Dams		Makes nonsubstantive changes to existing law which regulates the construction and operation of dams and exempts certain structures for these purposes.	02/02/2023 - INTRODUCED.
<u>AB 397</u> Essayli (R)	California Global Warming Solutions Act of 2006		Requires the State Air Resources Board to include greenhouse gas emissions from wildlands and forest fires in the scoping plan for achieving reductions in greenhouse gas emissions.	02/09/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 398</u> Pellerin (D)	Voting: Replacement Ballots		Relates to existing law which requires an elections official to provide a 2nd vote by mail voter ballot to any voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot. Removes the requirement that the voter provide a statement under penalty of perjury, and instead requires the elections official to provide a replacement ballot upon request.	02/09/2023 - To ASSEMBLY Committee on ELECTIONS.
<u>AB 400</u> Rubio (D)	Local Agency Design-Build Projects: Authorization		Removes the repeal date of provisions authorizing local agencies to use the design-build procurement process for specified types of projects, thereby making these provisions operative indefinitely.	02/09/2023 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 407</u> Chen (R)	Hazardous Waste: Used Oil		Relates to existing law which excludes from regulation used oil that meets specified criteria, including that the used oil is not subject to regulation as either hazardous waste or used oil under federal law. Deletes the criterion that the used oil not be subject to regulation as used oil under federal law.	02/09/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 408</u> Wilson (D)	Food and Agriculture: Climate Crisis: COVID-19 Recovery		States the intent of the Legislature to enact subsequent legislation to issue a bond to support solutions to the climate crisis and recovery from the COVID-19 pandemic that would create a more equitable and resilient food and farming system.	02/02/2023 - INTRODUCED.
<u>AB 409</u> Weber A (D)	Unlawful Employment Practices		Makes nonsubstantive changes to existing law which makes it an unlawful employment practice for an employer with 5 or more employees to, among other practices, include on an application for employment, before the employer makes a conditional offer of	02/02/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			employment to the applicant, any question that seeks the disclosure of an applicant's conviction history.	
<u>AB 422</u> Alanis (R)	Natural Resources Agency: Statewide Water Storage		Requires the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.	02/09/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 426</u> Jackson (D)	Department of Housing and Community Development		Requires the Department of Housing and Community Development to develop a plan for the state to keep pace with building infrastructure and housing units during an economic downturn on or before January 1, 2025. Requires the department to submit the plan to the Senate Housing Committee and the Assembly Committee on Housing and Community Development on or before December 1, 2026.	02/17/2023 - To ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 437</u> Jackson (D)	State Government: Equity		States the intent of the Legislature to enact legislation to establish a statewide definition of equity to ensure that legislation, policies, allocation of resources, and systemic practices empower and meet the unique needs of diverse and underserved populations or ensure that communities facing the greatest inequities are not negatively affected or left behind in the allocation of resources in a fair and just way.	02/06/2023 - INTRODUCED.
<u>AB 450</u> Carrillo (D)	Leases		Makes nonsubstantive changes to existing law which governs any transaction, regardless of form, that creates a lease and specifies the rights and obligations of the parties to leases.	02/06/2023 - INTRODUCED.
<u>AB 453</u> Cervantes (D)	District-Based Elections		Requires a public hearing concerning district-based elections that is consolidated with a meeting of the governing body of the political subdivision that includes other substantive agenda items, to begin at a fixed time regardless of its order on the agenda.	02/17/2023 - To ASSEMBLY Committees on ELECTIONS and LOCAL GOVERNMENT.
<u>AB 460</u> Bauer-Kahan (D)	State Water Resources Control Board: Interim Relief		Relates to existing law which requires that the owner of any dam allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around, or through the	02/17/2023 - To ASSEMBLY Committees on WATER, PARKS AND

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			dam, to keep in good condition any fish that may be planted or exist below the dam. Authorize the Water Resources Control Board to issue, on its own motion or upon the petition of an interested party, an interim relief order in appropriate circumstances to enforce these provisions.	WILDLIFE and JUDICIARY.
<u>AB 468</u> Quirk-Silva (D)	State Building Standards		Makes a nonsubstantive change to specified definition provisions of State Building standards Code.	02/06/2023 - INTRODUCED.
<u>AB 469</u> Fong (R)	California Public Records Act Ombudsperson		Establishes, within the California State Auditors Office, the California Public Records Act Ombudsperson. Requires the ombudsperson to receive and investigate requests for review, as defined, determine whether the denials of original requests, as defined, complied with the California Public Records Act, and issue written opinions of its determination, as provided.	02/17/2023 - To ASSEMBLY Committees on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW and JUDICIARY.
<u>AB 480</u> Ting (D)	Surplus Land		Expands the definition of exempt surplus land to include land that is owned by a California public-use airport on which residential use is prohibited pursuant to specified federal law. Requires the Department of Housing and Community Development to maintain on its internet website a list of all entities, including housing sponsors, that have notified the department of their interest in surplus land for the purpose of developing low- and moderate-income housing.	02/17/2023 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 485</u> Davies (R)	Tenancy: Application Screening Fee		Provides that in no case shall the lease application screening fee charged by the landlord or their agent be greater than a specified amount. Relates to law that requires a landlord or their agent give a copy of a consumer credit report to an applicant who has paid an application screening fee and who is the subject of that report, if so requested by the applicant. Requires that the consumer credit report be given to the applicant within a specified number of hours.	02/23/2023 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;02/23/2023 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 489</u> Calderon (D)	Workers' Compensation: Disability Payments		Relates to existing law which, until January 1, 2024, allows an employer to commence a program under which disability indemnity payments are deposited in a prepaid card account for employees. Extends the	02/17/2023 - To ASSEMBLY Committee on INSURANCE.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			authorization to deposit indemnity payments in a prepaid card account until January 1, 2025.	
<u>AB 500</u> Davies (R)	Rent Increases: Notices		Relates to law that requires a landlord of a residential dwelling to give notice at least a specified number of days before the effective date of the rent change based upon the percentage increase in the amount of rent charged to the tenant at any time during the specified number of months before the effective date of the increase. Authorizes a landlord of a residential dwelling to give notice by electronic mail.	02/27/2023 - From ASSEMBLY Committee on JUDICIARY with author's amendments.;02/27/2023 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY.
<u>AB 504</u> Reyes (D)	Employment Relations		Makes a nonsubstantive change to existing law which requires, except as prescribed, a person who, for money or other valuable consideration, knowingly advises an employer to treat an individual as an independent contractor to avoid employee status for that individual to be jointly and severally liable with the employer if the individual is found not to be an independent contractor.	02/07/2023 - INTRODUCED.
<u>AB 508</u> Petrie-Norris (D)	Probation Environmental Crimes		Authorizes a court to impose a period of probation for a maximum period of 5 years in specified crimes relating to, among other things, fish and game, pesticides, oil dumping and spills, waste management, and animal cruelty.	02/17/2023 - To ASSEMBLY Committee on PUBLIC SAFETY.
<u>AB 509</u> Fong (R)	Personal Income Taxes: Gross Income: Exclusion: Student		Includes in the definition of educational assistance under the Personal Income Tax Law a payment made by an employer on or after January 1, 2024, and before January 1, 2034, paid or incurred by the employer, whether paid to the employee or to a lender, of principal or interest on a qualified education loan, as defined, relating to interest on education loans, incurred by the employee for education of the employee.	02/17/2023 - To ASSEMBLY Committee on REVENUE AND TAXATION.
<u>AB 516</u> Ramos (D)	Mitigation Fee Act: Fees for Improvements: Timeline		Requires a local agency that requires a qualified applicant to deposit fees for improvements, as described, into an escrow account as a condition for receiving a conditional use permit or equivalent development permit to expend the fees within a reasonable time of the	02/17/2023 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND

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Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			deposit. Requires any fees not expended within this period to be returned to the qualified applicant that originally deposited the fees.	COMMUNITY DEVELOPMENT.
<u>AB 518</u> Wicks (D)	Paid Family Leave		Expands eligibility for benefits under the paid family leave program to include individuals who take time off work to care for a seriously ill individual related by blood or whose association with the employee is the equivalent of a family relationship. Makes conforming changes to the definitions of the terms family care leave and family member.	02/17/2023 - To ASSEMBLY Committee on INSURANCE.
<u>AB 520</u> Santiago (D)	Employment: Nonpayment of Wages: Judgment Enforcement		Makes nonsubstantive changes to provisions of existing law stating any individual or business entity that contracts for services in the property services or long-term care industries is jointly and severally liable for any unpaid wages, including interest, where the individual or business entity has been provided notice, by any party, of any proceeding or investigation by the Labor Commissioner in which the employer is found liable for those unpaid wages.	02/07/2023 - INTRODUCED.
<u>AB 521</u> Bauer-Kahan (D)	Occupational Safety and Health Standards: Restrooms		Requires the Division of Occupational Safety and Health, before December 1, 2025, to submit to the Occupational Safety and Health Standards Board a rulemaking proposal to consider revising a regulation on jobsite restrooms to require at least one women's designated restroom for jobsites with 2 or more required water closets.	02/17/2023 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 527</u> Calderon (D)	Urban Forestry: School Greening Projects: Grants		Requires funds appropriated or allocated to the Department of Forestry and Fire Protection for the bill's purposes to be administered to support school greening by providing grants to eligible local educational agencies, nonprofit organizations, cities, counties, and districts, including special districts, through a competitive grant process. The bill would require, on or before July 1, 2024, the department to develop the competitive grant process, including guidelines and selection criteria.	02/17/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 529</u> Gabriel (D)	Adaptive Reuse Projects		Adds the expansion of adaptive reuse projects to the list of specified prohousing local policies. Requires the California Building Standards Commission, in consultation with the Department of Housing and	02/17/2023 - To ASSEMBLY Committees on HOUSING AND

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			Community Development, to update, adopt, approve, codify, and publish building standards in the California Existing Building Code that revise and clarify fire, safety, health, structural, seismic, and environmental elements that apply to adaptive reuse projects.	COMMUNITY DEVELOPMENT and LOCAL GOVERNMENT.
<u>AB 530</u> Boerner Horvath (D)	Methane Emissions		States the intent of the Legislature to enact future legislation related to methane emissions.	02/08/2023 - INTRODUCED.
<u>AB 541</u> Wood (D)	California Safe Drinking Water Act: Wildfire Aftermath		Directs the State Water Resources Control Board, on or after January 1, 2024, to require a public water system, water corporation, or water district that has experienced a major wildfire event within their service territory to test their water source for the presence of benzene immediately following that major wildfire event.	02/17/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 547</u> Alanis (R)	Distribution of Energy Resources		Makes nonsubstantive changes to existing law that requires the State Energy Resources Conservation and Development Commission to continuously carry out studies, research projects, data collection, and other activities required to assess the nature, extent, and distribution of energy resources to meet the needs of the state.	02/08/2023 - INTRODUCED.
<u>AB 548</u> Boerner Horvath (D)	State Housing Law: Inspection		Requires local enforcement agencies to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard or is in violation of the State Housing Law, and the inspector or code enforcement officer determines that the defects or violations have the potential to affect other units of the building.	02/17/2023 - To ASSEMBLY Committee on HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 557</u> Hart (D)	Open Meetings: Local Agencies: Teleconferences		Extends the abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, indefinitely. The bill would also extend the period for a legislative body to make specified findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.	02/17/2023 - To ASSEMBLY Committee on LOCAL GOVERNMENT.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 560</u> Bennett (D)	Sustainable Groundwater Management Act		Relates to an entry of judgment in certain adjudication actions for a basin required to have a groundwater sustainability plan under the Sustainable Groundwater Management Act. Requires the court to refer the proposed judgment to the Water Resources Control Board for an advisory determination as to whether the proposed judgment will substantially impair the ability of a groundwater sustainability agency, the board, or the Department of Water Resources to achieve sustainable groundwater management.	02/17/2023 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and JUDICIARY.
<u>AB 573</u> Garcia E (D)	Solid Waste: Organic Waste Disposal Reduction Targets		States that achieving organic waste disposal reduction targets requires significant investment to develop the necessary organics recycling capacity.	02/08/2023 - INTRODUCED.
<u>AB 575</u> Papan (D)	Paid Family Leave		Makes a nonsubstantive change to those definition provisions of the family temporary disability insurance program.	02/08/2023 - INTRODUCED.
<u>AB 584</u> Hart (D)	California Coastal Act of 1976: Coastal Development		Relates to the Coastal Act of 1976 which provides that a specified permit waiver provision does not authorize the permanent erection of structures valued at more than \$25,000. Increases this amount to \$125,000.	02/17/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 585</u> Rivas R (D)	California Global Warming Solutions Act of 2006: Board		Makes a nonsubstantive change to the California Global Warming Solutions Act of 2006 which designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases.	02/09/2023 - INTRODUCED.
<u>AB 587</u> Rivas R (D)	Public Works: Payroll Records		Requires any copy of records made available for inspection by, or furnished to, a multiemployer Taft-Hartley trust fund or joint labor-management committee be provided on forms provided by the Division of Labor Standards Enforcement or contain the same information as those forms. Specifies that copies of electronic certified payroll records do not satisfy payroll records requests made by Taft-Hartley trust funds and joint labor-management committees.	02/17/2023 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 593</u> Haney (D)	Zero-Emission Buildings		Makes nonsubstantive changes to existing law which requires the State Energy Resources Conservation and Development Commission to include in the 2021 edition of the integrated energy policy report and all subsequent integrated energy policy reports a report on the emissions of greenhouse gases associated with the supply of energy to residential and commercial buildings.	02/09/2023 - INTRODUCED.
<u>AB 594</u> Maienschein (D)	Department of Industrial Relations		States the intent of the Legislature to enact legislation to strengthen labor law enforcement efforts and to protect workers from wage theft and other labor violations by expanding the authority of public enforcement agencies.	02/09/2023 - INTRODUCED.
<u>AB 606</u> Mathis (R)	Endangered Species Act: Accidental Take: Farms		Relates to the California Endangered Species Act which provides, until January 1, 2024, that the accidental take of a candidate, threatened, or endangered species resulting from an act that occurs on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act. Extends indefinitely the exception to the act and the related reporting requirements.	02/17/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 609</u> Papan (D)	Office of Wildfire Technology Research and Development		Requires the Office of Wildfire Technology Research and Development to submit a report to the Legislature, on or before July 1, 2025, that assesses the feasibility of CAL FIRE and Cal OES, working with the National Interagency Aviation Committee and the International Airtanker Board, to conduct an evaluation of innovative new aerial firefighting technologies, and whether any new technologies exist that might meet CAL FIRE standards of water and retardant delivery systems.	02/17/2023 - To ASSEMBLY Committee on EMERGENCY MANAGEMENT.
<u>AB 626</u> Pellerin (D)	Voting: Returning Vote by Mail Ballots in Person		Authorizes a voter to vote their vote by mail ballot without the identification envelope if the voter returns the ballot in person at a vote center and provides their name, address, and signature to the vote center election board. Requires a ballot cast in this manner to be processed and counted like a nonprovisional ballot cast in person at the vote center.	02/17/2023 - To ASSEMBLY Committee on ELECTIONS.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 627</u> Jackson (D)	Heavy-Duty Trucks: Grant Program: Requirements		Prohibits, on and after January 1, 2030, a person from operating a diesel-fueled heavy-duty truck on the city streets or county roads located in the Counties of Riverside or San Bernardino. Requires the Pollution Control Financing Authority to establish a program to provide grants to operators of diesel-fueled heavy-duty trucks to replace a diesel-fueled truck with a new truck using a specified power.	02/17/2023 - To ASSEMBLY Committees on TRANSPORTATION and BANKING AND FINANCE.
<u>AB 641</u> Fong (R)	Automobile Dismantlers: Catalytic Converters		Revises the definition of an automobile dismantler to include a person who keeps or maintains on property owned by the person, or under their possession or control, two or more used catalytic converters that have been cut from a motor vehicle using a sharp implement.	02/17/2023 - To ASSEMBLY Committee on TRANSPORTATION.
<u>AB 655</u> Petrie-Norris (D)	Fish and Wildlife: Aquatic Invasive Species: Caulerpa		Prohibits a person from selling, possessing, importing, transporting, transferring, releasing alive in the State, or giving away without consideration all salt water algae of the genus <i>Caulerpa</i> , except that possession for bona fide scientific research.	02/23/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;02/23/2023 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;02/23/2023 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS
<u>AB 664</u> Lee (D)	California Safe Drinking Water Act: Domestic Wells		Requires any domestic well owner within the consolidation or extended service area that does not provide written consent to ensure that tenants of rental properties served solely by that domestic well have access to safe drinking water until consent is provided.	02/17/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 668</u> Quirk-Silva (D)	Political Campaigns: Signs		States the intent of the Legislature to enact legislation related to the posting of political signs.	02/13/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 669</u> Dixon (R)	Administrative Regulations		Makes nonsubstantive changes to findings and declarations of the Legislature relating to administrative regulations.	02/13/2023 - INTRODUCED.
<u>AB 671</u> Ward (D)	CalHome Program: Accessory Dwelling Units		Requires the Department of Housing and Community Development to allow a local agency or community land trust that is a recipient of program funds to purchase residential real property in fee simple, construct accessory dwelling units or junior accessory dwelling units on the property, and separately lease or convey each dwelling unit on the property to separate households.	02/23/2023 - To ASSEMBLY Committees on HOUSING AND COMMUNITY DEVELOPMENT and LOCAL GOVERNMENT.
<u>AB 676</u> Bennett (D)	Water: General State Policy		Declares that the use of water for health and safety purposes is the highest use of water.	02/23/2023 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 678</u> Alvarez (D)	Biomethane Procurement Targets or Goals		Requires the Public Utilities Commission to establish biomethane procurement targets or goals for core transport agents, as defined, consistent with those biomethane procurement targets or goals described in existing law.	02/23/2023 - To ASSEMBLY Committees on UTILITIES AND ENERGY and NATURAL RESOURCES.
<u>AB 682</u> Mathis (R)	State Water Resources Control Board: Online Search Tool		Requires, by specified date, the State Water Resources Control Board to update the State Board's online search tool for funding applications to include a description of the additional information the State Board Needs from a water system to continue processing the water system's application and the date the State Board expects to complete its reviews and award funding, among other information.	02/23/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.;02/23/2023 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS with author's amendments.;02/23/2023 - In ASSEMBLY. Read second

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
				time and amended. Re-referred
<u>AB 687</u> Hart (D)	Incorporated Cities: Business Licenses		Makes nonsubstantive changes to existing law which permits the legislative body of an incorporated city, in the exercise of its police power, to license any kind of business not prohibited by law that is transacted and carried on within its jurisdiction and to fix the rates of the license fee.	02/13/2023 - INTRODUCED.
<u>AB 707</u> Patterson J (R)	Information Practices Act: Commercial Purposes		Revises the definition of commercial purpose under the Information Practices Act of specified year to instead mean any purpose that has financial gain as an objective.	02/23/2023 - To ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION.
<u>AB 726</u> Patterson J (R)	Information Practices Act: Definitions		Expands the term agency under the Information Practices Act of specified year to include any vendor or contractor of that agency.	02/23/2023 - To ASSEMBLY Committee on PRIVACY AND CONSUMER PROTECTION.
<u>AB 735</u> Berman (D)	Workforce Development: Utility Careers		Establishes the High Road Utility Careers (HRUC) program, to be administered by the Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. Requires the board to administer the program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board.	02/23/2023 - To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
<u>AB 739</u> Lackey (R)	Public Retirement Systems: Defined Benefit Plans		Revises the conditions for suspending contributions to a public retirement system defined benefit plan to increase the threshold percentage amount of plan funding to more than 130%.	02/23/2023 - To ASSEMBLY Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
<u>AB 740</u> Gabriel (D)	Department of General Services: Drone Cybersecurity		Requires the Department of General Services, in consultation with the Chief of the Office of Information Security, to adopt rules and regulations, no later than January 1, 2025, to ensure that unmanned	02/13/2023 - INTRODUCED.

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			aircraft used by a government entity, as defined, in part, to include local governmental entities, for any purpose meet appropriate safeguards to ensure the confidentiality, integrity, and availability of any data collected, transmitted, or stored by that unmanned aircraft.	
<u>AB 743</u> Petrie-Norris (D)	Remote Online Notaries Public		Authorizes a notary public or an applicant for appointment as a notary public to apply for registration with the Secretary of State to be a notary public authorized to perform online notarizations by submitting an application that meets certain requirements. Requires an entity to register with the Secretary of State as an online notarization platform or depository before providing an online notarization system or depository to an online notary public.	02/23/2023 - To ASSEMBLY Committee on JUDICIARY.
<u>AB 747</u> McCarty (D)	Business: Unlawful Employee Contracts and Requirements		Prohibits an employer from entering into, presenting an employee or prospective employee as a term of employment, or attempting to enforce any covenant not to compete that is void, as described. Provides that an employer that violates that provision is liable for actual damages and an additional penalty of \$5,000 per employee or prospective employee who is harmed by the violation.	02/13/2023 - INTRODUCED.
<u>AB 749</u> Irwin (D)	State Agencies: Information Security: Uniform Standards		Requires every state agency to implement specified actions relating to data, hardware, software, internal systems, and essential third-party software, including multifactor authentication for access to all systems and data owned, managed, maintained, or utilized by or on behalf of the state agency. Requires state agencies to implement a Zero Trust architecture and prioritize the use of solutions that comply with, are authorized by, or align to federal guidelines, programs, and frameworks.	02/23/2023 - To ASSEMBLY Committees on PRIVACY AND CONSUMER PROTECTION and ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.
<u>AB 753</u> Papan (D)	State Water Pollution Cleanup and Abatement Account		Creates within the Waste Discharge Permit Fund the Waterway Recovery Account, and would annually transfer from the State Water Pollution Cleanup and Abatement Account, excluding administratively imposed civil liabilities that include a supplemental environmental project in connection with a monetary penalty, 50% of the annual proceeds to the Waterway Recovery Account.	02/23/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 754</u> Papan (D)	Water Leases		Makes a nonsubstantive change to existing law which authorizes surface water to be leased for a period not to exceed 5 years to assist water conservation efforts pursuant to specified terms and conditions.	02/13/2023 - INTRODUCED.
<u>AB 759</u> Grayson (D)	Sanitary Districts		Authorizes funds to be expended in a manner prescribed by the governing board of a sanitary district.	02/13/2023 - INTRODUCED.
<u>AB 764</u> Bryan (D)	Elections: City and County Redistricting		States the intent of the Legislature to enact legislation to amend the FAIR MAPS Act to ensure the integrity, fairness, transparency, and accessibility of the local redistricting process, and to promote fair and effective representation for all people, as specified.	02/13/2023 - INTRODUCED.
<u>AB 770</u> Kalra (D)	Employee Housing Act		Makes nonsubstantive changes to the building standards compliance requirement under the Employee Housing Act.	02/13/2023 - INTRODUCED.
<u>AB 779</u> Wilson (D)	Groundwater: Adjudication		Requires the plaintiff and defendant involved in an adjudication of groundwater rights to forward all relevant pleading and briefing materials to the Department of Water Resources after a decision has been rendered by the court. Requires the department to post the documents on its internet website in the interest of transparency and accessibility, as specified.	02/23/2023 - To ASSEMBLY Committees on WATER, PARKS AND WILDLIFE and JUDICIARY.
<u>AB 783</u> Ting (D)	Business Licenses: Single-user Restrooms		Requires a city that licenses businesses within its jurisdiction to provide written notice to each applicant for a new or renewed business license of the requirement that all single-user toilet facilities in any business establishment, place of public accommodation, or government agency be identified as all-gender toilet facilities.	02/13/2023 - INTRODUCED.
<u>AB 788</u> Petrie-Norris (D)	Fire Prevention: Grant Programs: Reporting		Requires the Wildfire and Forest Resilience Task Force, on or before July 1, 2024, and annually thereafter, to compile and post on its internet website specified information relating to specified state and federal grant programs relating to fire prevention, as provided.	02/23/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 805</u> Arambula (D)	Drinking Water: Consolidation		States the intent of the Legislature to enact subsequent legislation to authorize the State Water Resources Control Board to order consolidation of wastewater.	02/13/2023 - INTRODUCED.
<u>AB 809</u> Bennett (D)	Salmonid populations: State Monitoring Program Fund		Requires the Department of Fish and Wildlife to establish the State Monitoring Program to collect comprehensive data on coastal and inland salmonid populations, in coordination with relevant federal and state agencies, to inform salmon and steelhead recovery, conservation, and management activities.	02/23/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 817</u> Pacheco (D)	Local Government: Open Meetings		Makes nonsubstantive changes to a provision of the Ralph Brown Act.	02/13/2023 - INTRODUCED.
<u>AB 821</u> Grayson (D)	Planning and Zoning: Development Project Application		Provides that, in the event that a city or county fails to amend an inconsistent zoning ordinance within the specified day after receiving written notice of the inconsistency, a proposed development project shall not be deemed inconsistent with that zoning ordinance and related zoning standard or criteria and shall not be required to be rezoned, if there is substantial evidence that would allow a reasonable person to conclude that the proposed development project is consistent with objective general plan.	02/23/2023 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 824</u> Calderon (D)	Highway Greening: Statewide Strategic Plan		Enacts the Highway Greening Act, which would require the Department of Transportation to complete a statewide strategic plan, as specified, to achieve a 10% increase of green highways, as defined, in urban areas, disadvantaged communities, and low-income communities by 2035.	02/23/2023 - To ASSEMBLY Committee on TRANSPORTATION.
<u>AB 828</u> Connolly (D)	Sustainable Groundwater Management: State Agencies		Makes a nonsubstantive change to requirements concerning groundwater sustainability plans adopted pursuant to the Sustainable Groundwater Management Act.	02/13/2023 - INTRODUCED.
<u>AB 830</u> Soria (D)	Water: General State Powers		Makes a nonsubstantive change to the provisions relative to the California Safe Drinking Water Act.	02/13/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 835</u> Lee (D)	State Fire Marshal: Building Standards		Requires the State Fire Marshal to research, develop, and propose to the Building Standards Commission for its consideration standards for single-exit, single stairway multiunit residential buildings above the specified stories. Requires the building standards proposed by the State Fire Marshal to, at a minimum, meet the fire safety and accessibility standards for buildings of the same size.	02/14/2023 - INTRODUCED.
<u>AB 836</u> Essayli (R)	Social Media Platform: First Amendment Forum		Declares that, notwithstanding any law, a social media platform, as defined, shall be considered a traditional First Amendment forum for those purposes, as specified. Requires a social media platform located in the State to develop a policy or mechanism to address content or communications that constitute unprotected speech, including obscenity, incitement of imminent lawless action, and true threats, or that purport to state factual information that is demonstrably false.	02/23/2023 - To ASSEMBLY Committees on JUDICIARY and PRIVACY AND CONSUMER PROTECTION.
<u>AB 837</u> Alvarez (D)	Surplus Land: Exempt Surplus Land: SPA Plans		Adds to the definition of exempt surplus land acquired by a local agency for the development of a university and innovation district in accordance with a sectional plan area (SPA) plan adopted by the local agency prior to specified date, provided that the land is developed in a manner substantially consistent with the SPA plan.	02/23/2023 - To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.
<u>AB 838</u> Connolly (D)	State Water Affordability and Infrastructure Act		Requires, on January 1, 2025, and annually thereafter, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the State Water Resources Control Board.	02/23/2023 - To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
<u>AB 841</u> Berman (D)	State Energy Resources Conservation and Development		Makes nonsubstantive changes to existing law which requires the State Energy Resources Conservation and Development Commission to develop and coordinate a program of research and development in energy supply, consumption, and conservation and the technology of siting facilities.	02/14/2023 - INTRODUCED.
<u>AB 844</u> Gipson (D)	Zero-Emission Trucks: Insurance		Requires the State Air Resources Board, as part of the 3-year investment strategy, to provide an assessment, in consultation with the Department	02/23/2023 - To ASSEMBLY Committees on

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			of Insurance, of the availability and affordability of insurance for advanced fleet technologies for heavy-duty vehicles and the role of insurance markets in meeting state greenhouse gas emissions reduction goals.	TRANSPORTATION and INSURANCE.
<u>AB 868</u> Wilson (D)	Political Reform Act: Political Advertisements		Enacts the Digital Advertisement Transparency and Accountability Act, or DATA Act. Requires a committee, after a specified day, and the Fair Political Practices Commission certifies a system for accepting and maintaining such reports, that pays for a digital advertisement to appear on an online platform to submit to the commission a copy of the digital advertisement and specified information.	02/23/2023 - To ASSEMBLY Committee on ELECTIONS.
<u>AB 882</u> Davies (R)	Coastal Resources: Climate Ready Program		Requires the State Coastal Conservancy to prioritize the review of applications for specified projects and to process those applications no later than the specified day from the date the conservancy receives the application.	02/23/2023 - To ASSEMBLY Committee on NATURAL RESOURCES.
<u>AB 885</u> Rivas (D)	Public Contracts: Nonprofit Organizations		Establishes the California Nonprofit Fairness in Contracting Act and would define, among other terms, covered contract to mean a contract for goods or services by a state or local agency using state funds, including a grant made by a state or local agency using state funds. Requires a state or local agency to, among other things, establish a preference for covered contracts that last longer than one year when awarding a covered contract to a nonprofit.	02/14/2023 - INTRODUCED.
<u>AB 886</u> Wicks (D)	Civil Law: Holidays		Makes nonsubstantive changes to existing law which defines holidays, for purposes of provisions relating to civil law, as every Sunday and other days specified in the Government Code.	02/14/2023 - INTRODUCED.
<u>AB 894</u> Friedman (D)	Parking Requirements: Shared Parking		Requires a public agency to allow existing land uses with underutilized parking, as defined, to share the underutilized parking with the public, a private entity, a public agency, or other users. Requires a public agency to allow shared parking to be counted toward meeting automobile parking requirements for a new or existing development or use,	02/14/2023 - INTRODUCED.

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			including underutilized parking spaces, when the parking spaces meet specified conditions.	
<u>AB 895</u> Chen (R)	Solid Waste: Management		Makes nonsubstantive changes to existing law which requires the Department of Resources Recycling and Recovery and local agencies, when implementing the California Integrated Waste Management Act of 1989, to promote certain waste management practices, in a specified order of priority.	02/14/2023 - INTRODUCED.
<u>AB 896</u> Aguiar-Curry (D)	The California Water Plan		Makes nonsubstantive changes to provisions of The California Water Plan.	02/14/2023 - INTRODUCED.
<u>AB 900</u> Bennett (D)	Aquifer Recharge: Grant Program: Permitting		Requires the Department of Water Resources to prepare and produce a report outlining best practices for aquifer recharge. Requires the report to include guidelines for a streamlined permitting process for aquifer recharge projects that implement the best practices outlined in the report. Requires the department to create a grant program to implement best practices in aquifer recharge, including a streamlined process for the issuance of a permit.	02/23/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 914</u> Friedman (D)	Electric Distribution Grid Planning		States the intent of the Legislature to enact subsequent legislation to optimize electric distribution grid planning in support of building and transportation electrification.	02/14/2023 - INTRODUCED.
<u>AB 916</u> Davies (R)	Administrative Procedure Act: Office of Administrative		Makes a nonsubstantive change to a provision of the Administrative Procedure Act.	02/14/2023 - INTRODUCED.
<u>AB 919</u> Kalra (D)	Residential Real Property: Sale of Rental Properties		Requires an owner of residential real property, defined to include a single-family residential property that is occupied by a tenant or a multifamily residential property to take various actions before offering the residential real property for sale to any purchaser, soliciting any offer to purchase the residential real property, or otherwise entering into a contract for sale of the residential real property.	02/23/2023 - To ASSEMBLY Committees on JUDICIARY and HOUSING AND COMMUNITY DEVELOPMENT.

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<u>AB 920</u> Bryan (D)	Discrimination: Housing Status		Prohibits discrimination based upon housing status, as defined.	02/23/2023 - To ASSEMBLY Committee on JUDICIARY.
<u>AB 923</u> Bauer-Kahan (D)	Flood Plain Restoration Projects: Central Valley: Study		Requires the Department of Water Resources, in coordination with the Central Valley Flood Protection Board, to undertake a study to identify and assess barriers to the implementation of flood plain restoration projects that provide increased flood risk reduction and groundwater recharge benefits. Requires the department and the board to conduct broad stakeholder outreach to inform the study.	02/23/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 930</u> Friedman (D)	Local government: Reinvestment in Infrastructure		Authorizes the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. Requires the Office of Planning and Research (OPR) to develop standards for the formation of RISE districts no later than November 30, 2025.	02/14/2023 - INTRODUCED.
<u>AB 932</u> Ting (D)	Planning and Zoning: Junior Accessory Dwelling Units		Relates to existing law which requires a permitting agency to either approve or deny an application for a permit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. Changes that time period to 45 days.	02/14/2023 - INTRODUCED.
<u>AB 933</u> Aguiar-Curry (D)	Privileged Communications: Complaint of Sexual Assault		Includes among those privileged communications protected from civil action a communication made by a complainant, without malice, regarding a complaint of sexual assault, harassment, or discrimination, as defined, and would specify the attorney's fees and damages available to a prevailing defendant in any defamation action brought against that defendant for making that communication.	02/14/2023 - INTRODUCED.
<u>AB 947</u> Gabriel (D)	California Consumer Privacy Act of 2018		Requires members of the board of the California Privacy Protection Agency to additionally have qualifications, experience, and skills in consumer rights.	02/23/2023 - To ASSEMBLY Committee on PRIVACY AND

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				CONSUMER PROTECTION.
<u>AB 950</u> Maienschein (D)	Accessibility: Internet Websites		Specifies that statutory damages based upon the inaccessibility of internet website under these provisions shall only be recovered against an entity, as defined, if the internet website fails to provide equally effective communication or facilitate full and equal enjoyment of the entity's goods and services to the public.	02/14/2023 - INTRODUCED.
<u>AB 955</u> Petrie-Norris (D)	State Government: Unmanned Aircraft Systems		Prohibits state and local agencies, including law enforcement agencies, from purchasing, acquiring, or otherwise using an unmanned aircraft or unmanned aircraft system produced by a manufacturer of covered equipment, systems, or services pursuant to specified federal law.	02/14/2023 - INTRODUCED.
<u>AB 956</u> Alvarez (D)	California State Auditor: Background Checks		Requires the California State Auditor to require fingerprint images and associated information from a prospective employee whose duties include or would include access to records, documents, or information, the disclosure of which is restricted by law from release, including by the California Whistleblower Protection Act, or who would have access to cash, checks, or other accountable items.	02/14/2023 - INTRODUCED.
<u>AB 961</u> Dixon (R)	State Mandates: Claims		Relates to state mandates, claims. Changes the minimum claim amount to a specified amount.	02/23/2023 - To ASSEMBLY Committee on LOCAL GOVERNMENT.
<u>AB 965</u> Carrillo J (D)	Underground Fiber Installation		Makes a nonsubstantive change to the definition provision for underground fiber installations using microtrenching.	02/14/2023 - INTRODUCED.
<u>AB 967</u> Flora (R)	California Safe Drinking Water Act: Definitions		Makes nonsubstantive changes to definitions to the California Safe Drinking Water Act.	02/14/2023 - INTRODUCED.
<u>AB 968</u> Grayson (D)	Residential Real Property: Disclosures		Makes a nonsubstantive change to provisions concerning residential real property disclosures upon any transfer.	02/14/2023 - INTRODUCED.
<u>AB 969</u> Pellerin (D)	Ballots		Requires the person in charge of elections for a county, city and county, city, or district to provide ballots for an election within that person's	02/14/2023 - INTRODUCED.

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			jurisdiction and to cause to be printed on the ballots the name of every candidate, as specified.	
<u>AB 970</u> Rivas (D)	Insurance: Climate and Sustainability Insurance		Requires the Department of Insurance to establish and administer the Climate and Sustainability Insurance and Risk Reduction Program, to be funded upon appropriation, for the purpose of achieving specified goals, including developing proof of concepts that expand insurance options, especially in vulnerable and disadvantaged communities where climate risks are currently uninsured or underinsured.	02/23/2023 - To ASSEMBLY Committee on INSURANCE.
<u>AB 975</u> Ta (R)	Public Nuisance Abatement: Homeless Encampments		Requires a court to award attorney's fees to a prevailing plaintiff in an action to require a governmental entity to abate a public nuisance arising from a homeless encampment.	02/23/2023 - To ASSEMBLY Committee on JUDICIARY.
<u>AB 976</u> Ting (D)	Accessory Dwelling Units: Owner-occupancy Requirements		Prohibits a local agency from imposing an owner-occupancy requirement on any accessory dwelling unit.	02/23/2023 - To ASSEMBLY Committees on HOUSING AND COMMUNITY DEVELOPMENT and LOCAL GOVERNMENT.
<u>AB 985</u> Arambula (D)	Air Pollution: Mobile and Stationary Sources		States the intent of the Legislature to enact subsequent legislation to examine potential solutions to reduce or eliminate stationary and mobile sources of air pollution.	02/15/2023 - INTRODUCED.
<u>AB 989</u> Flora (R)	Local Government: Ordinances		Relates to existing law which prohibits the adoption by reference of any penalty clauses that may appear in any code that is adopted by reference. Makes non-substantive changes to this provision prohibiting adoption by reference of any penalty clause.	02/15/2023 - INTRODUCED.
<u>AB 995</u> Ting (D)	Electricity: Resource Adequacy Requirements: Reporting		Requires the Public Utilities Commission to calculate and publish biannually, rather than annually, on its internet website, in a new report or as part of another report, the percentage of each load-serving entity's local and system resource adequacy requirements from the previous	02/23/2023 - To ASSEMBLY Committee on UTILITIES AND ENERGY.

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			calendar year that was met with capacity from eligible renewable energy resources, other zero-carbon resources, or energy storage resources.	
<u>AB 998</u> Connolly (D)	Biomass Energy Facilities: State Energy Commission		Require the Energy Resources Conservation and Development Commission to issue a report on the utility-scale biomass combustion facilities still in operation as of a specified date. Requires the report to include an assessment of operational factors of each facility, a comparison of direct combustion compared to other biomass energy technologies, and a recommended strategy, if appropriate, to repower biomass combustion facilities to non-combustion conversion technologies.	02/15/2023 - INTRODUCED.
<u>AB 1004</u> Ta (R)	Recall Petitions: Signatures: Voter Notification		Establishes a process for a voter whose signature on a recall petition is rejected by an elections official to submit a statement to verify the voter's signature. Provides that if the elections official determines that the signature on the petition possesses multiple, significant, and obvious differing characteristics when compared to all signatures in the voter's registration record, the bill would require the official to mail a notice to the voter of the opportunity to verify the voter's signature.	02/23/2023 - To ASSEMBLY Committee on ELECTIONS.
<u>AB 1009</u> Flora (R)	Property Taxation		Makes nonsubstantive changes to existing law with respect to the collection of property taxes which provides that any county department, officer, or employee may refrain from collecting any tax, assessment, penalty or cost, license fees, or money owing to the county where the amount to be collected is at a specified amount.	02/15/2023 - INTRODUCED.
<u>AB 1011</u> Weber A (D)	Local Public Contracts: Second Lowest Bidder		Makes nonsubstantive changes to existing law to the Local Agency Public Construction Act, which sets forth the requirements for competitive bidding on various types of contracts awarded by local agencies.	02/15/2023 - INTRODUCED.
<u>AB 1012</u> Quirk-Silva (D)	State Air Resources Board: Mobile Source Regulations		Requires the State Air Resources Board, if it proposes a regulation that would require a mobile source to use a particular technology, to perform	02/15/2023 - INTRODUCED.

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			a lifecycle analysis that considers all of the environmental impacts of the required technology before the adoption of the regulation.	
<u>AB 1024</u> Aguiar-Curry (D)	Water Appropriation: Permit Applications		Makes a nonsubstantive change to existing law which requires the State Water Resources Control Board to consider and act upon all applications for permits to appropriate water and to do all things required or proper relating to those applications.	02/15/2023 - INTRODUCED.
<u>AB 1031</u> Rubio (D)	Employee Rest Periods		Expresses the intent of the Legislature to enact legislation to permit direct support staff providing services and supports in community settings to maintain general supervision of their consumers during rest periods.	02/15/2023 - INTRODUCED.
<u>AB 1041</u> Ramos (D)	Wildlife: White Sage: Taking and Possession		Relates to existing law under which it is unlawful to uproot, remove, harvest, or cut dudleya from land owned by the state or a local government or from property not their own without written permission from the landowner in their immediate possession, except as provided. Extends the same prohibitions to white sage and would subject a violation of those prohibitions to the same criminal penalties established for dudleya.	02/23/2023 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.
<u>AB 1049</u> Flora (R)	Protected Species: Incidental Take: Determinations		Makes a nonsubstantive change to the provision concerning the taking of an endangered species or threatened species listed pursuant to the federal Endangered Species Act.	02/15/2023 - INTRODUCED.
<u>AB 1072</u> Wicks (D)	Water Use Efficiency		Provides that it is the intent of the Legislature to enact subsequent legislation that will address issues related to water use efficiency.	02/15/2023 - INTRODUCED.
<u>AB 1075</u> Gallagher (R)	State of Emergency: Governor's Powers and Termination		Authorizes the Governor to exercise within the area designated all executive power vested in the state by the Constitution and laws of the state to effectuate the purposes of the California Emergency Services Act. Requires that a state of emergency automatically terminates 60 days after the Governor's proclamation unless the Legislature extends it by a concurrent resolution.	02/15/2023 - INTRODUCED.

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<u>AB 1097</u> Rivas (D)	Credit History of Persons Receiving Rent Subsidies		Prohibits the use of a person's credit history as part of the application process for a rental housing accommodation without offering the applicant the option of providing alternative evidence of financial responsibility and ability to pay in instances in which there is a government rent subsidy.	02/15/2023 - INTRODUCED.
<u>AB 1100</u> Low (D)	Employment: Workweek		Declares the intent of the Legislature to subsequently amend this bill to include provisions that would establish a 4-day workweek.	02/15/2023 - INTRODUCED.
<u>AB 1108</u> Calderon (D)	County Emergency Plans		Requires each county to review and update its emergency plan at least every 2 years.	02/15/2023 - INTRODUCED.
<u>AB 1114</u> Haney (D)	Planning and Zoning: Housing Development Projects		Modifies the definition of postentitlement phase permits to eliminate the nondiscretionary aspect of permits not otherwise excluded, thereby applying the definition to those permits without regard to whether they are nondiscretionary. Requires issuance of a postentitlement phase permit, defined as modified in this bill, for a housing development project to be a ministerial duty of the local agency with jurisdiction over the project.	02/15/2023 - INTRODUCED.
<u>AB 1115</u> Papan (D)	Barry Keene Underground Storage Tank Cleanup Trust Fund		Postpones the repeal date of the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989 provisions to January 1, 2036.	02/15/2023 - INTRODUCED.
<u>AB 1121</u> Haney (D)	Public Works: Ineligibility List		Requires awarding bodies to publish on the Department of Industrial Relations electronic project registration database a list of ineligible contractors, as specified, pursuant to local debarment or suspension processes.	02/15/2023 - INTRODUCED.
<u>AB 1132</u> Friedman (D)	Solar Energy Systems: Permit Fees		Extends a repeal date to January 1, 2034, on the operation of the requirements imposed on a city or county in connection with those solar energy systems.	02/15/2023 - INTRODUCED.

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<u>AB 1152</u> Patterson J (R)	State Environmental Quality Act: Exemption		Exempts from the California Environmental Quality Act a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria.	02/16/2023 - INTRODUCED.
<u>AB 1159</u> Aguiar-Curry (D)	State Global Warming Solutions Act: Lands		Prohibits projects and actions that receive state funding for the primary purpose of reducing greenhouse gas emissions from being eligible to generate credits under any market-based compliance mechanism.	02/16/2023 - INTRODUCED.
<u>AB 1170</u> Valencia (D)	Political Reform Act: Disclosure Statements		Makes a technical, nonsubstantive change to a provision of the Political Reform Act which requires filing officers to retain the original and copies of the filed statements and reports for a designated period of time.	02/16/2023 - INTRODUCED.
<u>AB 1176</u> Zbur (D)	Local Government		Makes a nonsubstantive change to existing law which prohibits a city, county, or city and county from restricting which types of electric vehicles may access an electric vehicle charging station approved for passenger vehicles that both is publicly accessible and the construction of which was funded, at least in part, by the state or through moneys collected from ratepayers.	02/16/2023 - INTRODUCED.
<u>AB 1183</u> Holden (D)	Streamlined Construction Projects: Permits: Notice		Requires a city or county, if a city or county approves a construction project through an expedited, streamlined permitting process, to require the development proponent to place a sign on the parcel in which the project is located to provide notice to the owners and occupants in the area of the project.	02/16/2023 - INTRODUCED.
<u>AB 1189</u> Gipson (D)	Pupil Instruction: Career Technical Education		Declares the Legislature's intent to enact subsequent legislation that would require school districts maintaining any of grades 7 to 12, inclusive, to offer career technical education.	02/16/2023 - INTRODUCED.
<u>AB 1195</u> Calderon (D)	Climate Change Preparedness and Resiliency		Establishes the Climate Change Preparedness, Resiliency, and Jobs for Communities Program, to be administered by the Strategic Growth Council, and would require the council to fund grants to develop and	02/16/2023 - INTRODUCED.

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			implement multibenefit, community-level, climate-beneficial projects to support community and landscape resiliency and workforce development. Requires the council to award competitive grants to eligible entities through an application process.	
<u>AB 1196</u> Villapudua (D)	Water Quality and Infrastructure Improvement		Makes a nonsubstantive change to a provision of the Water Quality, Supply, and Infrastructure Improvement Act of 2014.	02/16/2023 - INTRODUCED.
<u>AB 1204</u> Holden (D)	Contractors: Contracts: Restrictions		Prohibits a contractor from entering into a contract for the performance of work on the same jobsite with 2 or more subcontractors in the same license classification unless the subcontractor employs individuals who are classified to perform work in that license classification. Provides that a violation of this provision constitutes a cause for disciplinary action.	02/16/2023 - INTRODUCED.
<u>AB 1205</u> Bauer-Kahan (D)	Water: Permits and Licenses: Temporary Changes		Makes a nonsubstantive change concerning a petition for a long-term water or water rights transfer involving a change of point of diversion, place of use, or purpose of use.	02/16/2023 - INTRODUCED.
<u>AB 1211</u> Mathis (R)	Safe Drinking Water State Revolving Fund		Relates to existing law which requires the State Water Resources Control Board, at least once every 2 years, to post information on its internet website regarding implementation of the Safe Drinking Water State Revolving Fund Law and expenditures from the Safe Drinking Water State Revolving Fund. Requires the board to post the information at least annually.	02/16/2023 - INTRODUCED.
<u>AB 1213</u> Ortega (D)	Workers' Compensation: Aggregate Disability Payments		Requires that if a denial of treatment requested by a treating physician is subsequently overturned by independent medical review or by the Workers' Compensation Appeals Board, any temporary disability paid or owing from the date of the denial until the treatment is authorized would not be included in the calculation of the aggregate disability payments.	02/16/2023 - INTRODUCED.

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<u>AB 1216</u> Muratsuchi (D)	Wastewater Treatment Plants: Monitoring of Emissions		States the intent of the Legislature to enact legislation that would relate to improving the monitoring of emissions from wastewater treatment plants.	02/16/2023 - INTRODUCED.
<u>AB 1224</u> Bryan (D)	Environmental Justice		Provides that it is the intent of the Legislature to enact subsequent legislation relating to environmental justice.	02/16/2023 - INTRODUCED.
<u>AB 1235</u> Ortega (D)	Property Taxation: New Construction		Makes a nonsubstantive change to provisions of property tax law pertaining to new construction.	02/16/2023 - INTRODUCED.
<u>AB 1236</u> Grayson (D)	Fire Protection: Residential Fire Sprinklers		States the intent of the Legislature to enact subsequent legislation that would identify a consistent and safe minimum size of residential fire sprinklers that would reduce costs for homeowners and property owners.	02/16/2023 - INTRODUCED.
<u>AB 1243</u> Essayli (R)	Property Taxation: Exemptions		Relates to the California Constitution which exempts from taxation, among other types of property, growing crops, property used for free public libraries and free museums, property used exclusively for public schools, community colleges, state colleges, and state universities, and property belonging to the state or a local government. Makes nonsubstantive changes to the statutory provisions implementing those exemptions.	02/16/2023 - INTRODUCED.
<u>AB 1244</u> Holden (D)	Private Security Services and Private Investigators		Requires a qualified manager under the Private Security Services Act to hold a current and valid qualified manager's certificate issued by the Director of Consumer Affairs, and would require the director to issue a qualified manager's certificate to a person who meets the requirements of the act, as applicable. Establishes requirements for renewing a qualified manager certificate.	02/16/2023 - INTRODUCED.
<u>AB 1246</u> Nguyen (D)	Public Employees' Retirement System Optional Settlement		Makes nonsubstantive changes to a provision of the Public Employees' Retirement Law pertaining to optional settlements.	02/16/2023 - INTRODUCED.

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<u>AB 1248</u> Bryan (D)	Local Redistricting: Independent Commissions		Requires a county, general law city, charter city, school district, or community college district that contains over 300,000 residents to establish an independent redistricting commission to adopt district boundaries after each federal decennial census.	02/16/2023 - INTRODUCED.
<u>AB 1250</u> Friedman (D)	Public Contracts: Public Entities		Makes a nonsubstantive change to existing law which generally regulates the formation and awarding, among other things, of a contract by a public entity and defines the term public entity for that purpose.	02/16/2023 - INTRODUCED.
<u>AB 1265</u> Gallagher (R)	Low Carbon Fuel Standard Regulations: Repeal		Repeals the Low Carbon Fuel Standard regulations.	02/16/2023 - INTRODUCED.
<u>AB 1267</u> Ting (D)	Zero-emission Vehicle Incentive Programs		Requires the State Air Resources Board, upon appropriation by the Legislature, to ensure that beginning January 1, 2025, an additional incentive is awarded under a zero-emission vehicle incentive program that is administered or funded by the state board to a recipient of an incentive under one of those programs who is a gasoline or diesel superuser, as defined.	02/16/2023 - INTRODUCED.
<u>AB 1269</u> Schiavo (D)	Fire Insurance		States the intent of the Legislature to enact legislation to require fire insurance companies to send notifications to their insureds about how they can qualify for discounts on their fire insurance.	02/16/2023 - INTRODUCED.
<u>AB 1272</u> Wood (D)	State Water Resources Control Board: Drought Planning		Requires the State Water Board to establish a program, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency.	02/16/2023 - INTRODUCED.
<u>AB 1278</u> Rodriguez (D)	Workers Compensation: Medical Provider Networks		Authorizes an employee under worker's compensation, to request that a copy of a specified notification be provided to the treating physician or other designee of the employee by electronic means.	02/16/2023 - INTRODUCED.
<u>AB 1284</u> Ramos (D)	Tribal Ancestral Lands and Waters		States the intent of the Legislature to enact legislation that recognizes the Natural Resources Agency's ability to enter into cogovernance and	02/16/2023 - INTRODUCED.

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			management agreements with federally recognized Indian tribes and authorizes the agency to do so.	
<u>AB 1290</u> Rivas (D)	Product Safety: Plastic Packaging: Substances		Prohibits, beginning January 1, 2026, a person from manufacturing, selling, offering for sale, or distributing in the state, (1) opaque or pigmented polyethylene terephthalate plastic bottles, and (2) plastic packaging that contains certain chemicals, pigments, or additives, as specified.	02/16/2023 - INTRODUCED.
<u>AB 1297</u> Quirk-Silva (D)	Public Restrooms		Makes each local government, as defined, to complete an inventory of public restrooms owned and maintained by the local government, either directly or by contract, that are available to the general population in its jurisdiction by July 1, 2024.	02/16/2023 - INTRODUCED.
<u>AB 1306</u> Carrillo (D)	State Government		Makes a nonsubstantive change to provisions relative to state government procedure by which local agencies and school districts may claim reimbursement for costs mandated by the state.	02/16/2023 - INTRODUCED.
<u>AB 1317</u> Carrillo (D)	Unbundled Parking		Requires the owner of residential real property that provides parking with a residential unit to unbundle parking from the price of rent, as specified.	02/16/2023 - INTRODUCED.
<u>AB 1318</u> Rivas (D)	California Environmental Quality Act: Exemption		Expands the CEQA exemption by increasing the size of a residential project that would qualify for the exemption to include a project of not more than 5 acres in total area.	02/16/2023 - INTRODUCED.
<u>AB 1322</u> Friedman (D)	Forestry: State Forests: Management		States the intent of the Legislature to enact subsequent legislation to ensure that forests owned and managed by the state are managed in a way that provides climate and biodiversity benefits and that the state pursues opportunities for tribal comanagement of state forests.	02/16/2023 - INTRODUCED.
<u>AB 1337</u> Wicks (D)	State Water Resources Control Board: Water Shortage		Authorizes the State Water Resources Control Board to adopt regulations for various water conservation purposes, including, but not limited to, to prevent the waste, unreasonable use, unreasonable method	02/16/2023 - INTRODUCED.

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			of use, or unreasonable method of diversion of water, and to implement these regulations through orders curtailing the diversion or use of water under any claim of right.	
<u>AB 1348</u> Grayson (D)	Local Government: Open Meetings		Makes nonsubstantive changes to the public record provisions governing the writings related to agendas of public meetings.	02/16/2023 - INTRODUCED.
<u>AB 1349</u> Irwin (D)	Transportation Electrification: Grant Recipients: Data		States the intent of the Legislature to enact future legislation to require recipients of grants for zero-emission vehicle charging stations to collect data on the status of their stations and to submit that data to a publicly accessible application or internet website.	02/16/2023 - INTRODUCED.
<u>AB 1355</u> Valencia (D)	Employment: Benefits: Electronic Notice and Documents		Authorizes the notice to an employee that they may be eligible for the federal and California earned income tax credit to be provided to the employee by email if the employee opts into receipt of electronic notification. Authorizes the employer to supply an individual when they become unemployed with electronic statements or materials relating to claims for benefits if the individual opts into receipt of electronic statements or materials.	02/17/2023 - INTRODUCED.
<u>AB 1356</u> Haney (D)	Relocations, Terminations, and Mass Layoffs		Makes a conforming change to the calculation of employer liability. Requires that an employee working with the employer through a labor contractor and affected by a mass layoff be compensated for the remainder of the contract or a specified number of days by the equivalent of the pay and benefits received by the employee during the last month of employment, or the employee's final rate of compensation, whichever is higher.	02/17/2023 - INTRODUCED.
<u>AB 1364</u> Carrillo J (D)	Fish and Wildlife Protection and Conservation		Makes nonsubstantive changes pertaining to lake or streambed alterations.	02/17/2023 - INTRODUCED.
<u>AB 1365</u> Ortega (D)	Public Employees: Retraining and Rehabilitation		Makes technical nonsubstantive changes relating to procedures for the selection and referral of injured full-time public employees who may be benefited by rehabilitation services.	02/17/2023 - INTRODUCED.

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<u>AB 1374</u> Alvarez (D)	Greenhouse Gas Reduction Fund: Investment Plan		Relates to existing law which requires the investment plan to allocate a minimum of 25% of the available moneys in the Greenhouse Gas Reduction Fund to projects located within, and benefiting individuals living in, disadvantaged communities and an additional minimum of 5% to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state. Increases those amounts from 25% to 50% and from 5% to 15%.	02/17/2023 - INTRODUCED.
<u>AB 1379</u> Papan (D)	Local Agencies: Financial Affairs		Makes technical nonsubstantive changes to existing law which requires that the officer of each local agency who has charge of the financial records furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year.	02/17/2023 - INTRODUCED.
<u>AB 1401</u> Garcia E (D)	Air Quality Improvement Program		Requires the State Air Resources Board to give additional preference to a project based on its ability to promote the use of clean alternative fuels, biofuels, and vehicle technologies. Requires the State Air Resources Board to include certain information relating to renewable fuels and biofuels in its biennial report to the Legislature on the Air Quality Improvement Program.	02/17/2023 - INTRODUCED.
<u>AB 1414</u> Kalra (D)	Civil Actions: Consumer Debt		Excludes consumer credit accounts from the definition of book account. Prohibits the use of common counts, as defined, to recover consumer debt.	02/17/2023 - INTRODUCED.
<u>AB 1423</u> Schiavo (D)	Perfluoroalkyl and Polyfluoroalkyl Substances		Expresses the intent of the Legislature to enact subsequent legislation that would require notification of PFAS in specified products.	02/17/2023 - INTRODUCED.
<u>AB 1425</u> Chen (R)	Health Care: Employers		Makes technical, nonsubstantive changes to existing law which requires employers to provide specified information to health care providers or health insurers regarding employees who were terminated on or after a certain date, and who were enrolled in an employer-offered health care	02/17/2023 - INTRODUCED.

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			service plan or health insurance policy on or after a certain date, as specified.	
<u>AB 1431</u> Zbur (D)	Hiring of Real Property		Makes nonsubstantive changes to existing law which regulates terms and conditions for the hiring of real property that applies to all persons who hire dwelling units located within this state, including tenants, lessees, boarders, lodgers, and others, however denominated.	02/17/2023 - INTRODUCED.
<u>AB 1453</u> Dixon (R)	Coastal Resources: State Coastal Conservancy: Grants		Requires the State Coastal Conservancy, on or before a specified date, upon appropriation by the Legislature, to establish a 5-year program to provide grants for specified activities, including funding regular cleanups of beaches and the waterways that empty into them. Requires the conservancy, on or before a specified date, to develop a report reviewing the efficacy of this program and submit the report to the Legislature as well as make it available on the conservancy's internet website.	02/17/2023 - INTRODUCED.
<u>AB 1460</u> Bennett (D)	Local Government		Makes a nonsubstantive change to the provision naming the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.	02/17/2023 - INTRODUCED.
<u>AB 1463</u> Lowenthal (D)	Information Practices Act of 1977		Makes nonsubstantive changes to the provision of the Information Practices Act of 1977 relating to the requirement of certain state agencies to maintain the source or sources of certain information.	02/17/2023 - INTRODUCED.
<u>AB 1465</u> Wicks (D)	Nonvehicular Air Pollution: Civil Penalties		Makes nonsubstantive changes to provisions of law that designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.	02/17/2023 - INTRODUCED.
<u>AB 1476</u> Alvarez (D)	State Housing Law		Makes nonsubstantive changes to provisions of law that requires the Department of Housing and Community Development to notify specified entities of the dates that each of the international or uniform codes published by specified organizations are approved by the California Building Standards Commission.	02/17/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1484</u> Zbur (D)	Temporary Public Employees		Imposes specified requirements with respect to the temporary employees of a public employer who have been hired to perform the same or similar type of work that is performed by permanent employees represented by a recognized employee organization. Requires those temporary employees to be automatically included in the same bargaining unit as the permanent employees, as specified, upon the request of the recognized employee organization.	02/17/2023 - INTRODUCED.
<u>AB 1488</u> Wallis (R)	Environmental Quality Act: Water Conveyance: Review		Requires the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within a specified number of days of the filing of the certified record of proceedings with the court.	02/17/2023 - INTRODUCED.
<u>AB 1490</u> Lee (D)	Affordable Housing Development Projects: Adaptive Reuse		Defines adaptive reuse as the retrofitting and repurposing of an existing building to create new residential units. Requires a local government to provide an affordable housing project that is an adaptive reuse project and that guarantees that 100% of the units be made available for lower income households, a specified percent of which shall be made available to extremely low income households or very low income households.	02/17/2023 - INTRODUCED.
<u>AB 1491</u> Grayson (D)	Environmental Quality Act: Master Impact Report		Makes nonsubstantive changes to the provision of law which requires a lead agency to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.	02/17/2023 - INTRODUCED.
<u>AB 1493</u> Ortega (D)	Public Contracts: Electronic Transmission		Makes nonsubstantive changes to provisions of law which authorizes counties, a city and county, and state agencies to enter into and make	02/17/2023 - INTRODUCED.

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			payment on contracts by way of electronic transmission, including the issuance of solicitation documents and the receipt of responses thereto.	
<u>AB 1500</u> Irwin (D)	Taxation: Real Property: Disaster Losses		States the intent of the Legislature to enact legislation relating to the taxation of real property that is substantially damaged or destroyed by a disaster.	02/17/2023 - INTRODUCED.
<u>AB 1504</u> McCarty (D)	Planning and Zoning: Electric Vehicle Charging Stations		Provides that electric vehicle charging station includes electric vehicle charging stations installed in the public right-of-way and electric vehicle charging stations installed with a battery storage system.	02/17/2023 - INTRODUCED.
<u>AB 1516</u> Kalra (D)	Division of Labor Standards Enforcement: Enforcement		Makes nonsubstantive changes to existing law which establishes the Division of Labor Standards Enforcement under the direction of the Labor Commissioner within the Department of Industrial Relations and sets forth the powers and duties of the commissioner and the commissioner's deputies and agents.	02/17/2023 - INTRODUCED.
<u>AB 1519</u> Bains (D)	Vehicles: Catalytic Converters		Prohibits a dealer or retail seller from selling a vehicle equipped with a catalytic converter unless it has been permanently marked with the Vehicle Identification Number of the vehicle to which it is attached with a label. Authorizes a dealer or retail seller to impose a reasonable charge on the purchaser of a motor vehicle for complying with this requirement.	02/17/2023 - INTRODUCED.
<u>AB 1528</u> Gipson (D)	Employee Housing		Makes a nonsubstantive change to provisions of the Employee Housing Act, which requires that buildings used for human habitation, and buildings accessory thereto, comply with the building standards in the California Building Standards Code relating to employee housing.	02/17/2023 - INTRODUCED.
<u>AB 1530</u> Ortega (D)	Public Employment: Communication with Representatives		Makes nonsubstantive changes to findings and declarations, including that it is the intent of the Legislature that recognized exclusive representatives of California's public employees be provided meaningful access to their represented members.	02/17/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1534</u> Irwin (D)	Methane Emissions: Municipal Solid Waste Landfills		Requires the State Air Resources Board, no later than a specified date, to evaluate and, if feasible and to the extent data is available, revise regulations to incorporate the use of methane remote sensing data.	02/17/2023 - INTRODUCED.
<u>AB 1535</u> Mathis (R)	The Energy, Environment, and Economy Council		Creates the Energy, Environment, and Economy Council with 16 members, as specified. Requires the council to engage with stakeholders, subject matter experts, and state and local agencies with jurisdiction relevant to environmental protection and economic vitality in order to determine the policies that can be implemented to meet the state's environmental goals, while avoiding harm to the state's economy and maintaining specified protections.	02/17/2023 - INTRODUCED.
<u>AB 1538</u> Muratsuchi (D)	Clean Energy Reliability Program		Establishes the Clean Energy Reliability Program, to be administered by the Public Utilities Commission, upon appropriation, to provide incentive payments to qualifying load-serving entities that use eligible resources, as defined, to exceed their clean energy capacity requirements or targets, within or at the end of a given compliance period, as those requirements and compliance periods are determined through a specified commission rulemaking or its successor.	02/17/2023 - INTRODUCED.
<u>AB 1545</u> Santiago (D)	Contractors		Makes nonsubstantive changes to the definition of the term contractor under the Contractors State License Law.	02/17/2023 - INTRODUCED.
<u>AB 1546</u> Gabriel (D)	CA Consumer Privacy Act of 2018: Statute of Limitations		Requires an action by the Attorney General to enforce the California Consumer Privacy Act to be commenced within a specified number of years after the cause of action accrued.	02/17/2023 - INTRODUCED.
<u>AB 1550</u> Bennett (D)	Green Hydrogen		Requires, on and after specified date, that all hydrogen produced and used in California for the generation of electricity or fueling of vehicles be green hydrogen.	02/17/2023 - INTRODUCED.
<u>AB 1554</u> Patterson J (R)	California Environmental Quality Act: Exemption		Exempts expressly from the California Environmental Quality Act (CEQA) a project reduction of fuels in areas within moderate, high, and very high fire hazard severity zones, as provided.	02/17/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1563</u> Bennett (D)	Groundwater Sustainability Agency: Extraction Permits		Requires a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval.	02/17/2023 - INTRODUCED.
<u>AB 1567</u> Garcia E (D)	Safe Drinking Water Wildfire Prevention Drought		Enacts the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of specified year, which, if approved by the voters, would authorize the issuance of bonds in the specified amount pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	02/17/2023 - INTRODUCED.
<u>AB 1572</u> Friedman (D)	Potable Water: Nonfunctional Turf		Makes legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with State policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem.	02/17/2023 - INTRODUCED.
<u>AB 1573</u> Friedman (D)	Water Conservation: Landscape Plants		Deletes a requirement in existing law, the Water Conservation in Landscaping Act, that requires the Director of Water Resources to convene a working group comprised of representatives from the landscape nursery industry, the agricultural community, the landscape retail industry, environmental organizations, urban water agencies, and other professionals.	02/17/2023 - INTRODUCED.
<u>AB 1580</u> Carrillo J (D)	Air Pollution: Electric Vehicle Infrastructure		Requires the State Energy Resources Conservation and Development Commission and the Department of Transportation, on or before specified date, to jointly develop a State Electric Vehicle Infrastructure Deployment Plan that is consistent with federal requirements and guidance provided by the federal National Electric Vehicle Infrastructure Formula Program.	02/17/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1581</u> Kalra (D)	Suisun Marsh: Preservation		Makes nonsubstantive changes to the findings and declarations of the Suisun Marsh Preservation Act of 1977.	02/17/2023 - INTRODUCED.
<u>AB 1594</u> Garcia E (D)	Authorized Emergency Vehicles		Defines authorized emergency vehicle to include any vehicle owned by the state, or any bridge and highway district, and equipped and used for, among other things, repairing damaged lighting or electrical infrastructure.	02/17/2023 - INTRODUCED.
<u>AB 1595</u> Bryan (D)	Elections: Eligibility to Vote		Removes statutory references to the disqualification of electors while serving a state or federal prison term for the conviction of a felony. Makes other conforming changes.	02/17/2023 - INTRODUCED.
<u>AB 1596</u> Alvarez (D)	Watershed Clean Beaches and Water Quality Act		Requires, in regard to the Watershed, Clean Beaches, and Water Quality Act, the State Water Resources Control Board, to the extent feasible, to identify and implement projects to improve beach access and address ocean water quality on public beaches that experience significant restrictions of use, as defined, due to bacteria levels that exceed public health standards, whether the source is from urban runoff or transboundary flows.	02/17/2023 - INTRODUCED.
<u>AB 1597</u> Alvarez (D)	Water Quality: California-Mexico Cross-Border Rivers		Makes a specified amount available from the General Fund, upon appropriation by the Legislature in the annual Budget Act or another statute, to the North American Development Bank (NADBank) for loans, grants, and direct expenditures to address water quality problems arising in the California-Mexico cross-border rivers. Requires the funding to be available for specified purposes, including water quality projects for the Tijuana River.	02/17/2023 - INTRODUCED.
<u>AB 1609</u> Garcia E (D)	Air Pollution: Motor Vehicles: District Fees		Authorizes an air pollution control or air quality management district, except the Sacramento district, to levy a surcharge on the registration fees for motor vehicles registered in the air district, as specified by the governing body of the air district. Makes a nonsubstantive change to the provision that authorizes the increase in the fee until specified date.	02/12/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1611</u> Lowenthal (D)	Fish and Game Code: Violations		States the intent of the Legislature to enact legislation to allow various paperwork type violations of the Fish and Game Code to be prosecuted as an infraction or a misdemeanor.	02/12/2023 - INTRODUCED.
<u>AB 1613</u> Bains (D)	Sacramento-San Joaquin Delta: Saltwater Intrusion		States the intent of the Legislature to enact legislation requiring the Department of Water Resources to identify permanent and temporary salinity barriers that would reduce the amount of fresh water outflow required to combat saltwater intrusion into the Sacramento-San Joaquin Delta.	02/12/2023 - INTRODUCED.
<u>AB 1621</u> Calderon (D)	Public Water System: Operation		Makes nonsubstantive changes to the provision that prohibits any person from operating a public water system unless that person first submits an application to the State Water Resources Control Board and receives a permit.	02/12/2023 - INTRODUCED.
<u>AB 1623</u> Muratsuchi (D)	Clean Energy Resources		States the intent of the Legislature to enact legislation to accelerate deployment of clean energy resources, bolster electrical grid reliability, and support achievement of the state's clean energy and climate change goals by taking specified actions.	02/12/2023 - INTRODUCED.
<u>AB 1625</u> Hart (D)	Public Contracts: Payment		Makes nonsubstantive changes to the provision that sets forth the requirements for competitive bidding on various types of contracts awarded by local agencies.	02/12/2023 - INTRODUCED.
<u>AB 1627</u> Lee (D)	State Safe Drinking Water Act: Food Facility		Repeals the provision applying the Safe Drinking Water Act to a food facility that is regulated pursuant to the Retail Food Code only if the human consumption includes drinking of water.	02/12/2023 - INTRODUCED.
<u>AB 1628</u> McKinnor (D)	Microfiber Filtration		Requires all new washing machines sold for residential, commercial, and State use in the State contain a microfiber filtration system with an unspecified filtration rate or an unspecified mesh size.	02/12/2023 - INTRODUCED.
<u>AB 1631</u> Schiavo (D)	Water Resources: Permit to Appropriate: Application		States that if the State Water Resources Control Board has not rendered a final determination on an application for a permit to appropriate water for a beneficial use or uses that include mining use within 30 years from the date the application was filed, it would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions.	02/12/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1635</u> Ward (D)	Pupil Instruction: Internship Based Learning		States the intent of the Legislature to enact legislation to create paid internship based learning opportunities for eligible pupils attending high school.	02/12/2023 - INTRODUCED.
<u>AB 1637</u> Irwin (D)	Local Governments: Information Security		Expresses the intent of the Legislature to enact legislation that would relate to the security of information maintained by local governments and special districts.	02/12/2023 - INTRODUCED.
<u>AB 1638</u> Fong M (D)	Workforce Development: Climate Change		Expresses the intent of the Legislature to enact subsequent legislation that would establish a workforce development program to prepare state workers for evolving workforce demands in response to climate change.	02/12/2023 - INTRODUCED.
<u>AB 1639</u> Hoover (R)	Water Systems: Manufactured Housing Communities		States the intent of the Legislature to enact future legislation to require water corporations to purchase, own, and operate water systems currently owned and operated by manufactured housing communities, upon request of the owner, in order to assume responsibility for direct delivery of water to residents of those communities.	02/12/2023 - INTRODUCED.
<u>AB 1648</u> Bains (D)	Water: Colorado River Conservation		States that it is the intent of the Legislature to enact legislation that would prohibit the City and County of Los Angeles from achieving federally mandated conservation of Colorado River water supplies by increasing water imports from other regions, including the San Joaquin Valley.	02/12/2023 - INTRODUCED.
<u>AB 1658</u> Santiago (D)	Housing Discrimination		States that it is the intent of the Legislature to enact legislation relating to the prevention of housing discrimination.	02/17/2023 - INTRODUCED.
<u>AB 1660</u> Ta (R)	Cosmetic Products: Perfluoroalkyl & Polyfluoroalkyl		Authorizes the State Air Resources Board to exempt an intentionally added PFAS from the prohibition if the state board determines that the intentionally added PFAS has characteristics that are beneficial for the environmental goals of the State of California and is not identified as persistent, bioaccumulative, and toxic to the environment.	02/17/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1661</u> Bonta M (D)	Electrical and Gas Service: Accessory Dwelling Units		Relates to a requirement for every residential unit in an apartment house or similar multiunit residential structure, condominium, or mobilehome park to be individually metered for electrical and gas service. Exempts accessory dwelling units from this requirement if the owner of the property on which the accessory dwelling unit is located elects to have the accessory dwelling unit's electrical and gas services metered through existing or upgraded utility meters located on that property.	02/17/2023 - INTRODUCED.
<u>AB 1664</u> Friedman (D)	Energy: Distributed Energy Resources: Plans		Changes the phrase distributed resources to distributed energy resources in existing law provisions. Requires that each distribution resources plan proposal, among other things, propose or identify mechanisms for the deployment of cost-effective distributed energy resources that also satisfy resiliency objectives and propose cost-effective methods of effectively coordinating existing state-funded and ratepayer-funded, rather than Public Utilities Commission-approved, programs, incentives, and tariffs.	02/17/2023 - INTRODUCED.
<u>AB 1678</u> Hart (D)	Election Campaigns: Libel and Slander		Makes a technical, nonsubstantive change to provisions concerning libel and slander during election campaigns.	02/17/2023 - INTRODUCED.
<u>AB 1681</u> Bryan (D)	Environmental Justice		Provides that it is the intent of the Legislature to enact subsequent legislation relating to environmental justice.	02/17/2023 - INTRODUCED.
<u>AB 1684</u> Maienschein (D)	CA Safe Drinking Water Act: Public Water Systems		Makes nonsubstantive changes to the provision exempting certain public water systems from the California Safe Drinking Water Act.	02/17/2023 - INTRODUCED.
<u>AB 1688</u> Sanchez (R)	Voter Registration		Makes a technical, nonsubstantive change to provisions related to voter registration.	02/17/2023 - INTRODUCED.
<u>AB 1689</u> Grayson (D)	Greenhouse Gases: Built Environment: Decarbonization		Expresses the intent of the Legislature to enact subsequent legislation that would further support California's efforts to decarbonize the built environment.	02/17/2023 - INTRODUCED.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>AB 1690</u> Kalra (D)	Universal Health Care Coverage		States the intent of the Legislature to guarantee accessible, affordable, equitable, and high-quality health care for all Californians through a comprehensive universal single-payer health care program that benefits every resident of the state.	02/17/2023 - INTRODUCED.
<u>AB 1712</u> Irwin (D)	Personal Information: Data Breaches		Makes nonsubstantive changes to The Information Practices Act of 1977, which requires any agency that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach, and to notify an owner or licensee of information of any breach of the security of the data, in accordance with certain procedures.	02/17/2023 - INTRODUCED.
<u>AB 1716</u> Env Safety & Toxic Material Cmt	Hazardous Wastes and Materials		Revises the requirements for the exclusion of a recyclable material from classification by the Department of Toxic Substances Control as a waste. Establishes requirements concerning storage and labeling. Makes changes concerning a specified statewide information management system, the unified hazardous waste and hazardous materials management regulatory program, penalties for violations of that program, use of a regulated substance by a stationary source, and various other matters.	02/17/2023 - INTRODUCED.
<u>AB 1721</u> Ta (R)	California Consumer Privacy Act of 2018		Makes nonsubstantive changes to existing law, the California Consumer Privacy Act of 2018), which grants a consumer various rights with respect to personal information that is collected or sold by a business including requiring a business that collects a consumers personal information to disclose to that consumer the categories and specific pieces of personal information the business has collected.	02/17/2023 - INTRODUCED.
<u>AB 1736</u> Carrillo J (D)	Sustainable Groundwater Management: Basin Boundaries		Makes a nonsubstantive change in the provision of the Sustainable Groundwater Management Act relating to basin boundaries.	02/17/2023 - INTRODUCED.
<u>ACA 1</u> Aguiar-Curry (D)	Local Government Financing: Affordable Housing		Creates an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction,	12/05/2022 - INTRODUCED.

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			reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city or county.	
<u>ACA 2</u> Alanis (R)	Public Resources: Water and Wildfire Resiliency Act		Establishes the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. Requires the moneys in the fund to be appropriated by the Legislature and requires that 50% of the moneys in the fund be used for water projects, and that the other 50% of the moneys in the fund be used for forest maintenance.	12/05/2022 - INTRODUCED.
<u>SB 3</u> Dodd (D)	Discontinuation of Residential Water Service	Watch	Expands the scope of the Water Shutoff Protection Act by requiring that it instead applies to a community water system, defined to have the same meaning as existing law. Requires a community water system that supplies water to 200 service connections or fewer to comply with the act's provisions on and after August 1, 2024.	01/18/2023 - To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
<u>SB 12</u> Stern (D)	Global Warming Solutions Act of 2006: Emissions Limit		Requires the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.	01/18/2023 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<u>SB 23</u> Caballero (D)	Water Supply and Flood Risk Reduction Projects	Support	Requires a project proponent, if already required to submit a notification to the Department of Fish and Wildlife, to complete and submit environmental documentation to the department for the activity in the notification. Requires, if an applicant requests a preapplication consultation, the State Water Resources Control Board or regional boards to adhere to specified procedures in reviewing the application before issuing project certification.	02/22/2023 - Re-referred to SENATE Committees on NATURAL RESOURCES AND WATER and ENVIRONMENTAL QUALITY.
<u>SB 29</u> Glazer (D)	Political Reform Act of 1974: Education Program		Relates to the Political Reform Act of 1974. Authorizes the Fair Political Practices Commission to establish and administer a political	01/18/2023 - To SENATE Committee on ELECTIONS

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			reform education program as an alternative to an administrative proceeding. Establishes eligibility requirements for the political reform education program, including that the person has little or no experience with the act and that the violation resulted in minimal or no public harm.	AND CONSTITUTIONAL AMENDMENTS.
SB 34 Umberg (D)	Surplus Land Disposal: Violations: Orange County	Watch	Requires the County of Orange, if notified by the Department of Housing and Community Development that its planned sale or lease of surplus land is in violation of existing law, to cure or correct the alleged violation within a specified number of days. Prohibits an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law or deems the alleged violation not to be a violation.	02/22/2023 - From SENATE Committee on GOVERNANCE AND FINANCE with author's amendments.;02/22/2023 - In SENATE. Read second time and amended. Re-referred to Committee on GOVERNANCE AND FINANCE.
SB 38 Laird (D)	Battery Storage Facilities: Safety Systems		States the intent of the Legislature to enact future legislation to address the need for better safety systems at battery storage facilities.	01/18/2023 - To SENATE Committee on RULES.
SB 57 Gonzalez (D)	Utilities: Extreme Weather Events		States the intent of the Legislature to enact future legislation to prohibit shutting off utility service during extreme weather events.	01/18/2023 - To SENATE Committee on RULES.
SB 66 Hurtado (D)	Water: Predictive Models and Data Collection		States the intent of the Legislature to ensure that reliable predictive models and data collection systems are used to properly forecast and allocate surface water.	01/18/2023 - To SENATE Committee on RULES.
SB 68 McGuire (D)	Local Government		States the intent of the Legislature to enact legislation relating to local government.	01/18/2023 - To SENATE Committee on RULES.
SB 69 Cortese (D)	Environmental Quality Act: Proceedings: Limitations		Requires a public agency to provide both the notice of determination or notice of exemption under the California Environmental Quality Act (CEQA) and any subsequent amended, corrected, or revised notice, as specified, in response to a written request for the notice, regardless of the delivery method.	01/18/2023 - To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.

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SB 74 Dodd (D)	Entities: State-Owned or State-Issued Devices		Requires State entities to prohibit applications for social media platforms from being downloaded or installed on specified entities' State-owned or State-issued devices if specified conditions are met, including that an entity of concern or a country of concern directly or indirectly owns, directly or indirectly controls, or holds a specified percent or more of the voting shares of the social media company that owns the application.	02/22/2023 - Re-referred to SENATE Committee on GOVERNMENTAL ORGANIZATION.
SB 79 Nguyen (R)	Coastal Resources: Preservation		Provides that it is the intent of the Legislature to enact subsequent legislation that would establish policy addressing coastal preservation.	01/25/2023 - To SENATE Committee on RULES.
SB 83 Wiener (D)	Public Utilities: Postentitlement Phase Permit		States the intent of the Legislature to enact subsequent legislation to require public utility companies to provide comments on postentitlement phase permit applications and connect new construction to the electrical grid within specified timeframes.	01/25/2023 - To SENATE Committee on RULES.
SB 84 Gonzalez (D)	Clean Transportation Program		States the intent of the Legislature to enact future legislation related to the Clean Transportation Program.	01/25/2023 - To SENATE Committee on RULES.
SB 224 Hurtado (D)	Agricultural Land: Foreign Ownership and Interests		Prohibits a foreign government from purchasing, acquiring, leasing, or holding an interest, as defined, in agricultural land within the State of California. Exempts land held by foreign governments before January 1, 2024, from that prohibition.	02/01/2023 - To SENATE Committees on JUDICIARY and AGRICULTURE.
SB 229 Umberg (D)	Surplus Land: Disposal of Property: Violations		Requires a local agency that has received a notification of violation from the Department of Housing and Community Development to hold an open and public session to review and consider the substance of the notice of violation. Requires the local agency's governing body to provide prescribed notice no later than a certain number of days before the public session. Prohibits the local agency's governing body from taking final action to ratify the proposed disposal until a public session is held as required.	02/23/2023 - From SENATE Committee on GOVERNANCE AND FINANCE with author's amendments.;02/23/2023 - In SENATE. Read second time and amended. Re-referred to Committee on GOVERNANCE AND FINANCE.

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 231</u> Hurtado (D)	Drought Modeling		States the intent of the Legislature to enact subsequent legislation to require the Department of Water Resources to modify its predictive models as necessary to account for California's persistent drought.	02/01/2023 - To SENATE Committee on RULES.
<u>SB 233</u> Skinner (D)	Energy: New Zero-Emission Vehicles and Equipment		States the Legislature's intent to enact future legislation to mandate that all new zero-emission vehicles and electric vehicle supply equipment sold in California have bidirectional capability by January 1, 2027, to the extent practical as determined by the State Energy Resources Conservation and Development Commission.	02/01/2023 - To SENATE Committee on RULES.
<u>SB 239</u> Dahle (R)	Environmental Quality Act: Housing Development Projects		Limits the standing to file and maintain an action or proceeding alleging that an environmental impact report was not prepared and certified in compliance with the California Environmental Quality Act to the Attorney General. Authorizes the court, upon its own motion or of a party, to conduct a hearing to determine if the Attorney General is bringing and maintaining an action or proceeding for nonenvironmental purposes, as defined.	02/01/2023 - To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.
<u>SB 240</u> Ochoa Bogh (R)	Surplus State Real Property		Removes authorization for a local agency or nonprofit affordable housing sponsor to be considered as a potential priority buyer of surplus state real property upon demonstration that the property is to be used by the agency or sponsor for open space or a public park. Removes authorization to transfer surplus state real property to a local agency for less than fair market value if the agency proposes to use the surplus state real property for parks or open-space purposes.	02/15/2023 - To SENATE Committees on GOVERNMENTAL ORGANIZATION and HOUSING.
<u>SB 245</u> Hurtado (D)	California Food Assistance Program: Eligibility		Removes an age limitation and makes any individual eligible for the program if the individual's immigration status is the sole basis for their ineligibility for CalFresh benefits.	02/09/2023 - To SENATE Committee on HUMAN SERVICES.
<u>SB 248</u> Newman (D)	Political Reform Act of 1974: Disclosures		Requires, by a specified date, a candidate for elective office to file with the Secretary of State, no later than the final filing date of a declaration of candidacy, a form to disclose the candidate's prior education and work history, and history of military service, if any. Provides that the	02/22/2023 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

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			filing would contain a statement, signed under penalty of perjury, that the information contained in the form is accurate to the best of the candidate's knowledge.	
<u>SB 251</u> Newman (D)	Political Reform Act of 1974: Elected Officers		Prohibits an elected officer from employment by any other elected officer with the same constituency. Provides that the bill would not apply to statewide elected officers.	02/09/2023 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>SB 252</u> Gonzalez (D)	Public Retirement Systems: Fossil Fuels: Divestment		Prohibits the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a fossil fuel company, as defined. The bill would require the boards to liquidate investments in a fossil fuel company on or before July 1, 2030.	02/09/2023 - To SENATE Committees on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT and JUDICIARY.
<u>SB 265</u> Hurtado (D)	Cybersecurity Preparedness: Critical Infrastructure		Requires the Office of Emergency Services to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2025, a strategic, multiyear outreach plan to assist critical infrastructure sectors, as defined, in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, that sector in their efforts to improve cybersecurity preparedness.	02/09/2023 - To SENATE Committee on GOVERNMENTAL ORGANIZATION.
<u>SB 267</u> Eggman (D)	Credit history of Persons Receiving Rent Subsidy		Prohibits the use of a person's credit history as part of the application process for a rental housing accommodation without offering the applicant the option of providing alternative evidence of financial responsibility and ability to pay in instances in which there is a government rent subsidy. Requires the housing provider to consider that alternative evidence in lieu of the person's credit history in determining whether to offer the rental accommodation to the applicant.	02/09/2023 - To SENATE Committee on JUDICIARY.
<u>SB 279</u> Niello (R)	Administrative Regulations: Public Participation		Makes a non-substantive change to existing law that requires a state agency proposing to adopt, amend, or repeal an administrative	02/09/2023 - To SENATE Committee on RULES.

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			regulation to assess the potential for adverse economic impact on California business enterprises and individuals.	
<u>SB 297</u> Allen (D)	Elections: Initiatives and Referenda: Withdrawal		Requires a majority of the proponents to file a written notice with the Secretary of State to withdraw the statewide initiative or referendum measure after the petition has been filed with the appropriate elections official.	02/15/2023 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>SB 300</u> Seyarto (R)	Public Employees Retirement: Fiscal Impact: Information		Requires any bill, introduced on or after January 1, 2024, that is referred to the Senate Labor, Public Employment and Retirement Committee and relates to PERS to include a fiscal impact analysis from the Legislative Analysts Office that describes the fiscal impact of the bill on PERS and what the outcome of the bill would be if implemented.	02/22/2023 - To SENATE Committees on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT and APPROPRIATIONS.
<u>SB 308</u> Becker (D)	Carbon Sequestration: State Goals		States the intent of the Legislature to enact future legislation that encourages the development of carbon dioxide removal in order to meet the states carbon dioxide removal targets.	02/15/2023 - To SENATE Committee on RULES.
<u>SB 315</u> Hurtado (D)	Sustainable Groundwater Management Act		Expresses the intent of the Legislature to enact future legislation that would assist groundwater sustainability agencies in fostering discussions among diverse water management interests and local agencies as they strive to implement the Sustainable Groundwater Management Act.	02/15/2023 - To SENATE Committee on RULES.
<u>SB 320</u> Skinner (D)	Property Taxation: Possessory Interests		Provides that there is no independent possession or use of land or improvements if the possession or use is for a tenancy, as defined, in a residential unit, as defined, in a publicly owned housing project, as defined, is part of a governmental assistance program, and directly fulfills the governmental, public purpose of providing the housing, as described in the governmental assistance program.	02/15/2023 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>SB 322</u> Becker (D)	Public Contracts		Makes nonsubstantive changes to the provision that defines terms under public contracts.	02/15/2023 - To SENATE Committee on RULES.

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<u>SB 328</u> Dodd (D)	Political Reform Act of 1974: Contribution Limits		Applies specified contribution limits in the Political Reform Act of 1974 to candidates for school district, community college district, and other special district elections. Makes certain other provisions of the act relating to contribution limits applicable to candidates for district office. Authorizes school districts, community college districts, and other special districts to impose contribution limits on candidates for district office that differ from the limits imposed by the act, as provided.	02/15/2023 - To SENATE Committees on ELECTIONS AND CONSTITUTIONAL AMENDMENTS and EDUCATION.
<u>SB 334</u> Cortese (D)	Public Employment Relations Board: Powers and Duties		Authorizes the Public Employment Relations Board to conduct employer-employee relations studies concerning the impact on public employees of net-zero carbon emissions initiatives, including collecting, analyzing, and making available related data.	02/15/2023 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.
<u>SB 337</u> Min (D)	Environmental Protection: Biodiversity and Conservation		Requires the Secretary of the Natural Resources Agency to post a specified report on the agency's internet website to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30 percent of state lands and coastal waters by 2030.	02/15/2023 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>SB 361</u> Dodd (D)	Water Resources: Stream Gages		Requires the Department of Water Resources and the board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to complete specified actions by 2030.	02/15/2023 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>SB 366</u> Caballero (D)	State Water Plan: Long-term Supply Targets		Makes legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets.	02/15/2023 - To SENATE Committee on RULES.
<u>SB 375</u> Alvarado-Gil (D)	Employment: Employer Contributions: Withholdings		Requires an employer to claim, for the 2023 and 2024 calendar years, a COVID-19 regulatory compliance credit in a specified amount. Requires the credit to be claimed on the employers last quarterly return, as described, for the relevant calendar year. The bill would require any	02/22/2023 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.

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			amount claimed by an employer to be credited against employee personal income tax withholding amounts required to be remitted to the department for the last quarter of the relevant calendar year.	
<u>SB 379</u> Umberg (D)	Political Reform Act of 1974: Ballot Measures		Makes nonsubstantive changes to the definition of measure for purposes of the Political Reform Act of 1974.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 386</u> Newman (D)	Elections		Relates to procedures for the filing of a state initiative or referendum petition with county elections officials. Relates to a requirement that Within 30 days after this notice, excluding weekends and holidays, county elections officials are required to verify that those signatures were provided by qualified voters. Extends that period to within 60 days after notice from the Secretary of State. Extends that period to within 60 days after notice from the Secretary of State.	02/22/2023 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>SB 389</u> Allen (D)	State Water Resources Control Board: Water Right		Authorizes the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified.	02/22/2023 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>SB 393</u> Glazer (D)	Environmental Quality Act: Judicial Challenge		Requires a plaintiff or petitioner, in an action brought pursuant to the California Environmental Quality Act, to disclose the identity of a person or entity that contributes in excess of \$1,000, as specified, toward the plaintiff's or petitioner's costs of the action. Requires the plaintiff or petitioner to identify any pecuniary or business interest related to the project of any person or entity that contributes in excess of \$1,000 to the costs of the action.	02/22/2023 - To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.
<u>SB 395</u> Wahab (D)	Statewide Eviction Database		States the intent of the Legislature to enact subsequent legislation that would require landlords to report all evictions to a new statewide eviction reporting database.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 396</u> Wahab (D)	Local Government: Excavations: Notice		Requires, prior to commencing any local agency-led excavation projects, as defined, a city, county, or city and county to notify	02/22/2023 - To SENATE Committee on

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			interested parties of the project on its internet website to encourage collaborative installations of important utilities and infrastructure, including, but not limited to, fiber optic cable, undergrounding utilities, or other important services.	GOVERNANCE AND FINANCE.
<u>SB 399</u> Wahab (D)	Employer Communications: Intimidation		Prohibits an employer from requiring its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious matters, political matters, or certain rights guaranteed by the United States Constitution and California Constitution, as defined.	02/22/2023 - To SENATE Committees on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT and JUDICIARY.
<u>SB 403</u> Wahab (D)	Discrimination on the Basis of Ancestry		States the intent of the Legislature to enact future legislation that would protect people from discrimination on the basis of their ancestry.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 409</u> Newman (D)	Elections: Candidate's Statement		Relates to the Political Reform Act of 1974. Relates to Elections and candidate's statements being filed electronically. Requires the Secretary of State to establish a pilot program that would allow a candidate to include a QR code link, as defined, to a video statement in the state voter information guide, as specified.	02/22/2023 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>SB 411</u> Portantino (D)	Open Meetings: Teleconferences: Appointed Membership		Authorizes a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. Defines a legislative body for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.	02/22/2023 - To SENATE Committees on GOVERNANCE AND FINANCE and JUDICIARY.
<u>SB 414</u> Allen (D)	Drought-tolerant Landscaping: Local Incentive Programs		Prohibits a city, including a charter city, county, city and county, or special district, from issuing a rebate, voucher, or other financial incentive for the use of synthetic grass or artificial turf that contains contaminants, including zinc, plastic, or perfluoroalkyl and polyfluoroalkyl substances.	02/22/2023 - To SENATE Committees on GOVERNANCE AND FINANCE and

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				ENVIRONMENTAL QUALITY.
SB 415 Durazo (D)	Air Quality: Rules and Regulations: Impacts Assessment		Authorizes a local air district to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. Requires a local air district to ensure that a prospective third-party contractor includes in its proposal for the assessment specified information, including, among other things, a conflicts statement and a proposed schedule and budget for the assessment.	02/22/2023 - To SENATE Committee on ENVIRONMENTAL QUALITY.
SB 422 Portantino (D)	Environmental Quality: Greenhouse Gas Emissions: Permit		States the intent of the Legislature to enact subsequent legislation to adopt permit streamlining guidance for projects that will reduce greenhouse gas emissions.	02/22/2023 - To SENATE Committee on RULES.
SB 423 Wiener (D)	Land Use: Streamlined Housing Approvals: Multifamily		Authorizes the Department of General Services to act in the place of a locality or local government, at the discretion of that department, for purposes of the ministerial, streamlined review for development on property owned by or leased to the state.	02/22/2023 - To SENATE Committees on HOUSING and GOVERNANCE AND FINANCE.
SB 436 Dodd (D)	California Wildfire Mitigation Strategic Planning Act		Requires the Office of Electric Infrastructure Safety to prepare a Wildfire Risk Mitigation Planning Framework every three years to quantify the potential benefits of actions taken by state and private actors to reduce wildfire risk. Requires that Office of Electric Infrastructure Safety prepare a wildfire risk baseline and forecast on statewide baseline wildfire risk and risk mitigation potential over the next 1 to 10 years.	02/22/2023 - To SENATE Committees on ENERGY, UTILITIES AND COMMUNICATIONS and NATURAL RESOURCES AND WATER.
SB 443 Gonzalez (D)	Drinking Water: Schools		Makes nonsubstantive changes to provisions of existing law requiring school districts and charter schools to allow pupils, teachers, and staff to bring and carry water bottles, except as provided.	02/22/2023 - To SENATE Committee on RULES.
SB 449 Bradford (D)	Public Officers and Employees		Makes nonsubstantive changes to provisions relating to certain characteristics that disqualify a person for public office or public employment including people who bind themselves to support foreign governments.	02/22/2023 - To SENATE Committee on RULES.

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<u>SB 458</u> Gonzalez (D)	Public Contracts: Local Agency Public Construction Act		States the intent of the Legislature to enact legislation that would amend the Local Agency Public Construction Act.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 460</u> Wahab (D)	Hiring of Real Property: Criminal History		Prohibits a housing provider, as defined, from inquiring about an applicants criminal history, requiring an applicant to disclose their criminal history, or requiring an applicant to authorize the release of their criminal history, unless they are complying with federal law, as specified.	02/22/2023 - To SENATE Committee on JUDICIARY.
<u>SB 461</u> Wahab (D)	Days and Hours of Work: Religious Cultural Observance		Replaces the term religious observance with religious or cultural observance and requires that it be construed broadly to include the observance of a holiday or ceremony of an individuals religion, culture, or heritage with respect to days and hours of work.	02/22/2023 - To SENATE Committees on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT and JUDICIARY.
<u>SB 466</u> Wahab (D)	Costa-Hawkins Rental Housing Act: Rental Rates		Authorizes an owner of residential real property to establish the initial rental rate for a dwelling or unit when the residential real property has been issued a certificate of occupancy issued within the 15 years preceding the date on which the owner seeks to establish a rental rate under these provisions.	02/22/2023 - To SENATE Committee on JUDICIARY.
<u>SB 468</u> Seyarto (R)	Trespass		Authorizes a single request for assistance to be made and submitted electronically, in a notarized writing on a form provided by the Law Enforcement Agency, to a peace officer for a period of not more than 3 years when the premises or property is closed to the public and posted as being closed and would require the notice ending assistance before the 3 years has passed to be in writing.	02/22/2023 - To SENATE Committee on PUBLIC SAFETY.
<u>SB 470</u> Alvarado-Gil (D)	Wildfires: Grant Eligibility: High Fire Hazard		Expresses the intent of the Legislature to enact subsequent legislation that would direct state agencies and departments to ensure grant eligibility for projects that reduce the risk of wildfire for entire neighborhoods and communities through water delivery system improvements for fire suppression purposes in high fire hazard severity	02/22/2023 - To SENATE Committee on RULES.

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			zone or very high fire hazard severity zone communities, as designated by the State Fire Marshal or by a local agency.	
<u>SB 477</u> Housing Cmt	Accessory Dwelling Units		Makes nonsubstantive changes and reorganize various provisions relating to the creation and regulation of accessory dwelling units and junior accessory dwelling units, including the provisions described above, and would make related nonsubstantive conforming changes.	02/22/2023 - To SENATE Committee on HOUSING.
<u>SB 488</u> Alvarado-Gil (D)	California Renewables Portfolio Standard Program		Relates to the California Renewables Portfolio Standard Program, bioenergy projects, and community choice aggregators. Authorizes the cumulative rated generating capacity to be procured from bioenergy projects regardless of when the projects commence operations. Authorizes a community choice aggregator to procure, subject to terms of at least 5 years, any portion of a local publicly owned electric utility's required proportionate share of 125 megawatts of cumulative rated generating capacity, as specified.	02/22/2023 - To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
<u>SB 493</u> Min (D)	Air Pollution: Alternative Vehicles and Hydrogen		Requires the Energy Commission, in consultation with the state board and the Public Utilities Commissions, to conduct an assessment, as specified, of the electric and hydrogen infrastructure needed to meet the deadlines in Executive Order No. N-79-20 for the transition of medium- and heavy-duty vehicles to zero-emission vehicles.	02/22/2023 - To SENATE Committees on ENERGY, UTILITIES AND COMMUNICATIONS and ENVIRONMENTAL QUALITY.
<u>SB 497</u> Smallwood-Cueva (D)	Protected Employee Conduct		Creates a rebuttable presumption in favor the employees claim if an employer engages in any action prohibited by this provision within 90 days of the protected activity specified in this provision, related to workplace discrimination.	02/22/2023 - To SENATE Committees on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT, JUDICIARY and APPROPRIATIONS.
<u>SB 504</u> Dodd (D)	Wildfires: Defensible Space: Grant Programs		Requires the Department of Forestry and Fire Protection, when reviewing applications for the local assistance grant program, to give priority to any local governmental entity that is qualified to perform defensible space assessments in very high and high fire hazard severity	02/22/2023 - To SENATE Committee on NATURAL RESOURCES AND WATER.

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			zones who reports that information using the common reporting platform, as provided.	
<u>SB 507</u> Gonzalez (D)	Electric Vehicle Charging Station Infrastructure		Requires the Energy Commission to also assess the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet the goal of ensuring 100% of new cars and light trucks sold in California are zero-emission vehicles by 2035, and evaluate the electric vehicle charging infrastructure needs of specified use cases to ensure an equitable deployment of electric vehicle charging infrastructure by 2035.	02/22/2023 - To SENATE Committees on ENERGY, UTILITIES AND COMMUNICATIONS and TRANSPORTATION.
<u>SB 511</u> Blakespear (D)	Greenhouse Gas Emissions Inventories		Requires the State Air Resources Board, before January 1, 2028, to develop and publish, on its internet website, a report on greenhouse gas emission inventories for the calendar year 2025 for each city, county, city and county, and special district, as provided.	02/22/2023 - To SENATE Committee on ENVIRONMENTAL QUALITY.
<u>SB 518</u> Wilk (R)	Elections: Certification of Results		Requires the elections official to submit the certified statement of the results of the election on the 30th calendar day following the election.	02/22/2023 - To SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>SB 526</u> Limon (D)	Department of Industrial Relations: Domestic Violence		Requires the Department of Industrial Relations to develop and prepare a poster regarding domestic violence prevention that employers may display in their workplace and to make the poster available to employers for download through the departments internet website.	02/22/2023 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.
<u>SB 532</u> Wiener (D)	Ballot Measures: Local Taxes		Exempts from specified laws governing ballot measures that impose specified taxes or rate increases any measure that imposes or increases a tax with more than one rate or authorizes the issuance of bonds. Permits for these types of measures the statement of the measure to include the words See voter guide for measure information statement.	02/22/2023 - To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
<u>SB 534</u> Padilla (D)	California Workforce Development Board		Requires the California Workforce Development Board to specifically target investment in critical industries, as specified.	02/22/2023 - To SENATE Committee on LABOR,

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				PUBLIC EMPLOYMENT AND RETIREMENT.
<u>SB 537</u> Becker (D)	Open Meetings: Local Agencies: Teleconferences		States the intent of the Legislature to enact subsequent legislation that expands local governments access to hold public meetings through teleconferencing and remote access.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 546</u> Alvarado-Gil (D)	Property Taxes: Base Year Values		Makes nonsubstantive changes to provisions of property taxation.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 550</u> Grove (R)	Water Markets		Requires the Legislative Analyst, in collaboration with the Department of Water Resources, the State Water Resources Control Board, and other state agencies, as described, to prepare and submit to the Legislature a report analyzing the water market, including background information regarding the sale of water and water rights, trends in the water market, barriers to entering the water market or effectively trading in the market.	02/22/2023 - To SENATE Committee on NATURAL RESOURCES AND WATER.
<u>SB 553</u> Cortese (D)	Occupational Safety: Workplace Violence		Requires the Division of Occupational Safety and Health, by an unspecified date, to adopt standards that require an employer that is not subject to the hospital standards to adopt a workplace violence prevention plan as a part of the employer's injury and illness prevention plan to protect employees from aggressive and violent behavior, as prescribed.	02/22/2023 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.
<u>SB 563</u> Archuleta (D)	Air Pollution Control Districts		Designates an air pollution control districts and air quality management district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.	02/22/2023 - To SENATE Committee on GOVERNANCE AND FINANCE.
<u>SB 567</u> Durazo (D)	Tenancy		Makes nonsubstantive changes to specified provisions concerning tenancy.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 571</u> Allen (D)	Development Projects: Emergency Preparedness		Requires a proponent of a new development within a state responsibility area or local responsibility area that is within a high or very high fire hazard severity zone to include an evacuation plan with its application	02/22/2023 - To SENATE Committee on

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			submitted to the local government for the development. Subjects the evacuation plan to the independent approval of the local government, as defined, the respective law enforcement and fire agencies and the California Highway Patrol.	GOVERNANCE AND FINANCE.
<u>SB 574</u> Wahab (D)	Public Agencies: Cost Accounting Standards		Makes a nonsubstantive change to the Uniform Public Construction Cost Accounting Act.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 575</u> Wahab (D)	Employment Relations		Makes nonsubstantive changes to provisions concerning employment relationships.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 584</u> Limon (D)	Occupational Safety		Makes nonsubstantive changes to that provisions concerning occupational safety, under the California Occupational Safety and Health Act of 1973.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 592</u> Newman (D)	Labor Standards Information and Enforcement		Prohibits the imposition of punishment or liability for costs upon a person who has relied upon a published opinion letter or an enforcement policy, as defined, of DLSE that is displayed on the internet website of the division, except for restitution of unpaid wages, for violations of statutes or regulations in judicial or administrative proceedings if the person pleads and proves specified facts.	02/22/2023 - To SENATE Committees on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT and JUDICIARY.
<u>SB 597</u> Glazer (D)	Rainwater Capture Systems		States the intent of the Legislature to enact legislation to expand the use of rainwater capture systems installed in new residences.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 611</u> Menjivar (D)	Information Practices Act		Makes nonsubstantive changes to provisions of the Information Practices Act.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 616</u> Gonzalez (D)	Paid Sick Days: Accrual and Use		Modifies the employers alternate sick leave accrual method to instead require that an employee have no less than 56 hours of accrued sick leave or paid time off by the 280th calendar day of employment or each calendar year, or in each 12-month period.	02/22/2023 - To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.

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<u>SB 618</u> Rubio (D)	Public Works: Definition		Makes a technical, nonsubstantive change to the term public works.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 623</u> Laird (D)	Workers Compensation: Post-traumatic Stress Disorder		Makes technical, nonsubstantive conforming changes to provisions of the Workers compensation concerning post-traumatic stress disorder.	02/22/2023 - To SENATE Committee on RULES.
<u>SB 632</u> Caballero (D)	Candidate Statements		States the intent of the Legislature to enact legislation to require a county elections official to accept any candidate statement preapproved by the Secretary of State without requiring any additional modification or amendment to the preapproved candidate statement.	02/16/2023 - INTRODUCED.
<u>SB 638</u> Eggman (D)	Climate Resiliency and Flood Protection Bond Act		Enacts the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of a specified amount, pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.	02/16/2023 - INTRODUCED.
<u>SB 642</u> Cortese (D)	Hazardous Materials: Enforcement: County Counsel		Authorizes the county counsel to bring an action seeking to enjoin a violation of laws and regulations governing the generation, transportation, and disposal of hazardous materials. Specifies that county counsel, at the request of the Department of Toxic Substances Control or a unified program agency, is authorized to bring a civil action in the name of the people of the State to enforce laws and regulations governing the generation, transportation, and disposal of hazardous materials.	02/16/2023 - INTRODUCED.
<u>SB 649</u> Hurtado (D)	California Endangered Species Act: Incidental Take		Requires the Department of Fish and Wildlife to make specified decisions concerning the taking of endangered species based on a real-time monitoring system, rather than a calendar-based schedule, and to additionally consider the proximity of the species relative to the operation of a facility subject to the permit conditions and the known location of the population relative to the facility subject to the permit.	02/16/2023 - INTRODUCED.
<u>SB 651</u> Grove (R)	Water Storage and Recharge: California Environmental		Makes it the policy of this state that, to help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can	02/16/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			use available high water flows to recharge local groundwater while minimizing flood risks, the state board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for specified projects.	
<u>SB 659</u> Ashby (D)	Groundwater Recharge: Minimum Requirement		Establishes that it is the policy of the state to recharge groundwater by a minimum of 10 million acre-feet of water annually.	02/16/2023 - INTRODUCED.
<u>SB 660</u> Alvarado-Gil (D)	Public Employees Retirement System		Makes nonsubstantive changes to a definition of employer under the Public Employees Retirement System.	02/16/2023 - INTRODUCED.
<u>SB 663</u> Archuleta (D)	Clean Hydrogen		States the intent of the Legislature to enact subsequent legislation related to clean hydrogen.	02/16/2023 - INTRODUCED.
<u>SB 664</u> Stern (D)	Energy: Renewable Energy Resources and Zero-carbon		Requires the Energy Commission ensure that the demand forecasts in the integrated energy policy report account for multiday extreme and atypical weather events and include, at a minimum, one-in-10-year, one-in-20-year, and one-in-40-year peak demand forecasts.	02/16/2023 - INTRODUCED.
<u>SB 665</u> Allen (D)	Plastic Waste: Single-use Plastics Alternatives		Requires the California Environmental Protection Agency, by a specified date, to establish a working group of the specified state agencies to establish a framework for evaluating novel material types as they are developed to inform state policy decisions, as provided.	02/16/2023 - INTRODUCED.
<u>SB 678</u> Umberg (D)	Elections: Disclosures		Requires a person who is paid by a committee to support or oppose a candidate or ballot measure on an internet website, web application, or digital application, as specified, to include a disclaimer, stating that they were paid by the committee in connection with the post.	02/16/2023 - INTRODUCED.
<u>SB 681</u> Allen (D)	Political Reform Act of 1974: Amendments		Requires bills amendment the Political Reform Act of 1974 be in final form at least 5 days before passage in each house.	02/16/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 684</u> Caballero (D)	Land Use: Subdivision Map Act: Expiration Dates		Authorizes a legislative body to extend the expiration date, by up to 24 months, of a tentative map, vesting tentative map, or parcel map that meets certain criteria, including that a tentative map or vesting tentative map was approved on or after a specified date, and not later than a specified date, and that it relates to the construction of single-family or multifamily housing, as specified.	02/16/2023 - INTRODUCED.
<u>SB 687</u> Eggman (D)	Water Quality Control Plans		Authorizes the State Water Resources Control Board to adopt water quality control plans for waters for which quality standards are required by the federal act, as specified, and that in the event of conflict, those plans supersede regional water quality control plans for the same waters.	02/16/2023 - INTRODUCED.
<u>SB 693</u> Seyarto (R)	Exempt Surplus Land: City of Murrieta		Exempts specified parcels located within the City of Murrieta from the Surplus Land Act.	02/16/2023 - INTRODUCED.
<u>SB 700</u> Bradford (D)	Employment Discrimination: Cannabis Use		Makes a nonsubstantive change to provisions relating to employment discrimination for cannabis use off the job.	02/16/2023 - INTRODUCED.
<u>SB 702</u> Limon (D)	Gubernatorial Appointments		States the intent of the Legislature to enact legislation relating to gubernatorial appointments.	02/16/2023 - INTRODUCED.
<u>SB 703</u> Niello (R)	Employment: Work Hours: Flexible Work Schedules		Enacts the California Workplace Flexibility Act of 2023. Permits an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek and would allow the employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday.	02/16/2023 - INTRODUCED.
<u>SB 705</u> Ashby (D)	Utility Workers: Employee Protection		States the intent of the Legislature to enact subsequent legislation to enhance legal protections for utility workers.	02/16/2023 - INTRODUCED.
<u>SB 706</u> Caballero (D)	Public Contracts: Progressive Design-build		Relates to public contracts, progressive design-build and local agencies. Removes the 15 project maximum and would authorize all cities, counties, city and counties, or special districts to use the progressive	02/16/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			design-build process for other projects in addition to water-related projects.	
<u>SB 709</u> Allen (D)	Greenhouse Gas Reduction Fund: Investment Plan		Requires the 3-year investment plan, under the California Global Warming Solutions Act of 2006 to additionally identify and analyze conflicts and overlapping policies, where applicable, in current state strategies to meeting the states greenhouse gas emissions reduction goals and targets by sector.	02/16/2023 - INTRODUCED.
<u>SB 712</u> Portantino (D)	Tenancy: Micromobility Devices		Prohibits a landlord from prohibiting a tenant from owning a personal micromobility device or from storing a personal micromobility device in their dwelling unit unless the landlord provides secure, long-term storage for those devices.	02/16/2023 - INTRODUCED.
<u>SB 718</u> Wilk (R)	Elections: Official Canvass: Unprocessed Ballots		Requires county elections officials to include in those reports the number of vote by mail ballots that have not been processed because the identification envelope is missing the voters signature or has a signature that must be verified before the ballot is counted.	02/16/2023 - INTRODUCED.
<u>SB 721</u> Becker (D)	Special Taxes: Vacant Land		Specifies that, as used in those procedural requirements, a special tax includes a tax, levied by any city, including a charter city, county, or district on vacant sites included in the inventory on land suitable and available for residential development pursuant to the housing element of a county's or a city's long-term general plan, that meets the constitutional requirements.	02/16/2023 - INTRODUCED.
<u>SB 723</u> Durazo (D)	Paid Sick Days		Makes a nonsubstantive change to definitions of paid sick days under the Healthy Workplaces, Healthy Families Act of 2014.	02/16/2023 - INTRODUCED.
<u>SB 724</u> Glazer (D)	Political Reform Act of 1974: Communications		Requires the disclosure of any payment of or promise to pay a specified amount or more for a communication that clearly identifies an elective state officer, with the intent to influence the officer or public opinion, and that is disseminated, broadcast, or otherwise published within 150 days of an election, as specified.	02/16/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 731</u> Ashby (D)	Employment Discrimination: Unlawful Practices		Authorizes an employee with a qualifying disability to initiate a renewed reasonable accommodation request to perform their work remotely if certain requirements are met, including that the employee performed their essential job functions remotely for at least 6 of the 24 months preceding the renewed request. Requires an employer to grant the renewed request if those specified requirements are met.	02/17/2023 - INTRODUCED.
<u>SB 737</u> Hurtado (D)	Groundwater: Recharge		States the intent of the Legislature to enact legislation to capture floodwater to recharge groundwater basins and to require the Department of Water Resources and the State Water Resources Control Board to work together to expedite the regulatory steps necessary to store significant rainfall and excess water underground, while still ensuring protections for the environment and other water users as required by state law.	02/17/2023 - INTRODUCED.
<u>SB 744</u> Newman (D)	Joint Powers Agreements		Makes nonsubstantive changes to the definition of public agency for purposes of the Joint Exercise of Powers Act.	02/17/2023 - INTRODUCED.
<u>SB 745</u> Cortese (D)	Drought Resistant Buildings Act		Creates the Drought-Resistant Buildings Act. Requires the California Building Standards Commission within the Department of General Services to develop and propose mandatory building standards to reduce the designed potable water demand of new buildings by 25 percent from current mandatory design requirements and to minimize the use of potable water for nonpotable uses.	02/17/2023 - INTRODUCED.
<u>SB 747</u> Caballero (D)	Surplus Land: Notice of Exemption Determination		Authorizes a local agency to declare administratively that land is exempt surplus land if the declaration and findings are published and available for public comment, and certain local public entities and housing sponsors are notified at least thirty days before the declaration takes effect.	02/17/2023 - INTRODUCED.
<u>SB 753</u> Caballero (D)	Cannabis: Water Resources		Adds to the conditions under which a person may be charged with a felony under AUMA the planting, cultivating, harvesting, drying, or	02/17/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: *March 1, 2023*

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			processing marijuana that results in substantial environmental harm to surface or groundwater, a violation of pesticide provisions, taking or using water from a conveyance or storage facility without permission, and extraction or use of groundwater from an unpermitted well or from a permitted well in excess of a restriction, as specified.	
<u>SB 755</u> Becker (D)	Real Property: Climate Mitigation and Adaptation		Expresses the intent of the Legislature to enact legislation that requires that properties being offered for sale or lease include information that aids purchasers or renters in assessing the costs of climate mitigation and adaptation, as specified.	02/17/2023 - INTRODUCED.
<u>SB 756</u> Laird (D)	Water: Unlicensed Cannabis Cultivation Site: Procedure		Authorizes the State Water Resources Control Board, in conducting an investigation or proceeding for purposes of unlicensed cannabis cultivation sites, to inspect the property or facilities of any person or entity to ascertain certain purposes are being met or compliance with specified requirements.	02/17/2023 - INTRODUCED.
<u>SB 769</u> Gonzalez (D)	Local Government: Fiscal and Financial Training		Requires, if a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, all local agency officials, as defined, to receive at least two hours of fiscal and financial training, as described. Requires the training to be received at least once every two years, as provided.	02/17/2023 - INTRODUCED.
<u>SB 778</u> Ochoa Bogh (R)	Excavations: Subsurface Installations		Revises the definition of subsurface installation to include nonpressurized sewerlines, nonpressurized storm drains, and other nonpressurized drain lines. Revises requirements for notifying operators of subsurface installations within a proposed area of excavation, would specify conditions under which an excavator is required to contact the regional notification to request a return trip, and would revise requirements for an excavator to use vacuum equipment.	02/17/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
<u>SB 781</u> Stern (D)	Methane Emissions: Low-Methane Natural Gas		Requires state agencies to prioritize strategies to reduce methane emissions, including emissions from imported natural gas, where feasible and cost effective. Requires, no later than December 31, 2025, that natural gas procured on behalf of state agencies be certified as producing low-methane emissions.	02/17/2023 - INTRODUCED.
<u>SB 789</u> Allen (D)	Elections: Voting		Makes technical, nonsubstantive changes to existing law which allows, at a polling place, the device for marking the ballot to be handed to the voter with the voters ballot before the voter goes into the voting booth, and requires that the device be returned to the precinct board after the voter has finished marking the ballot.	02/17/2023 - INTRODUCED.
<u>SB 790</u> Padilla (D)	Public Records: Contracts for Goods and Services		Provides that unless exempt from disclosure by express provisions of law, it is presumed that any executed contract for the purchase of goods or services by a state or local agency, including the price and terms of payment, is a public record subject to disclosure under the California Public Records Act.	02/17/2023 - INTRODUCED.
<u>SB 794</u> Niello (R)	California Environmental Quality Act		Requires an action or proceeding brought to attack, review, set aside, void, or annul acts or decision of a public agency for a commercial, housing, or public works project that helps to address longstanding critical needs in the project area and that results in an investment of a specified sum in the state on the grounds of noncompliance with California Environmental Quality Act to be resolved, to the extent feasible, within 365 days of the filing of the certified record of proceedings with the court.	02/17/2023 - INTRODUCED.
<u>SB 798</u> Glazer (D)	Elections: Local Bond Measures: Tax Rate Statement		Requires the estimated tax rate in the statement that includes estimates of the tax rates required to fund the issuance of bonds in measures for voter approval be expressed as the rate per specified sum of assessed valuation on all property to be taxed to fund the bonds.	02/17/2023 - INTRODUCED.
<u>SB 809</u>	California Fair Employment and Housing Act		Relates to the Investigative Consumer Reporting Agencies Act. Requires certain information described in the act to also include either	02/17/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
Smallwood-Cueva (D)			all laws and regulations that impose restrictions or prohibitions for employment on the basis of a conviction, if any, or all the specific job duties of the position for which a conviction may have a direct and adverse relationship that has the potential to result in an adverse employment action, as described.	
<u>SB 833</u> McGuire (D)	Natural Resources		Declares the intent of the Legislature to enact subsequent legislation relating to natural resources.	02/17/2023 - INTRODUCED.
<u>SB 846</u> Limon (D)	Voter Registration: California New Motor Voter Program		Requires the Department of Motor Vehicles to transmit specified information to the Secretary of State for a person submitting a driver's license application who provides documentation demonstrating United States citizenship and that the person is of an eligible age to register or preregister to vote.	02/17/2023 - INTRODUCED.
<u>SB 848</u> Rubio (D)	Employment: Leave for Loss Causing Grief		States the intent of the Legislature to enact legislation that would provide employees with leave time after suffering a loss that causes grief.	02/17/2023 - INTRODUCED.
<u>SB 850</u> Umberg (D)	Eminent Domain: General Limitations		Makes technical, nonsubstantive changes to provisions relative to eminent domain.	02/17/2023 - INTRODUCED.
<u>SB 855</u> Archuleta (D)	Fair Employment and Housing Act: Veterans		Makes it an unlawful employment practice to require an employee who is a veteran, as defined, to work on a specified date, known as Veterans Day, if specified conditions are met.	02/17/2023 - INTRODUCED.
<u>SB 858</u> Niello (R)	Initiative and Referendum Measures: Title and Summary		Requires the Legislative Analyst instead of the Attorney General to prepare a ballot title and summary for each measure that the Secretary of State determines will appear on the ballot at a statewide election. Makes the operation of this requirement contingent upon approval by the voters of ACA ___ of the 202324 Regular Session.	02/17/2023 - INTRODUCED.
<u>SB 861</u> Dahle (R)	California Environmental Quality Act: Water Conveyance		Requires the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or	02/17/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: March 1, 2023

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
			annul the certification or adoption of an environmental impact report for water conveyance or storage projects, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved within 270 days of the filing of the certified record of proceedings with the court to an action seeking review of the lead agency's action.	
SB 865 Laird (D)	Municipal Water Districts: Automatic Exclusion		Increases the number of days the Secretary of State has to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district to 14 days.	02/17/2023 - INTRODUCED.
SB 867 Allen (D)	Drought and Water Resilience: Wildfire and Forest		Enacts the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, and extreme heat mitigation.	02/17/2023 - INTRODUCED.
SB 876 Smallwood- Cueva (D)	Employment Discrimination		States the intent of the Legislature to enact legislation that would protect workers from discrimination in the workplace.	02/17/2023 - INTRODUCED.
SB 878 Governance and Finance Cmt	Validations		Enacts the First Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	02/17/2023 - INTRODUCED.
SB 879 Governance and Finance Cmt	Validations		Enacts the Second Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	02/17/2023 - INTRODUCED.
SB 880	Validations		Enacts the Third Validating Act of 2023, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.	02/17/2023 - INTRODUCED.

IRWD 2023 LEGISLATIVE MATRIX

Updated: *March 1, 2023*

Bill No. Author	Title	IRWD Position	Summary/Effects	Status
Governance and Finance Cmt				
<u>SB 881</u> Glazer (D)	Worker Classification: Employees and Independent		Makes nonsubstantive changes to worker classifications for employees and independent contractors.	02/17/2023 - INTRODUCED.
<u>SB 882</u> Governance and Finance Cmt	Local Government Omnibus Act		Removes existing law which prohibits a person from being eligible for election or appointment to the office of the county treasurer, county tax collector, or county treasurer-tax collector of any county unless that person meets at least one of several criteria, includes that the person possess a valid certificate issued by the Treasury Management Association showing the person to be designated as a Certified Cash Manager, with a minimum of specified college semester units, or their equivalent.	02/23/2023 - INTRODUCED.
<u>SCA 2</u> Stern (D)	Elections: Voter Qualifications		Reduces the minimum voting age to 17.	02/16/2023 - INTRODUCED.
<u>SCA 3</u> Niello (R)	Elections: Initiatives and Referenda		Transfers from the Attorney General to the Legislative Analyst the duty of preparing the title and summary for a proposed initiative or referendum. Requires, for each measure that appears on a statewide ballot, the Legislative Analyst to prepare the ballot label and the ballot title and summary for the state voter information guide.	02/17/2023 - INTRODUCED.

March 13, 2023
Prepared and
Submitted by: T. Mitcham
Approved by: Paul A. Cook

CONSENT CALENDAR

REVISED PERSONNEL POLICIES AND PROCEDURES

IRWD has developed Personnel Policies and Procedures to consistently address personnel-related issues at the District. Revisions to these policies are necessary from time to time to ensure compliance with state and federal law, to maintain best practices in policy and procedure administration, and to accurately reflect processes adopted for the efficient and effective conduct of District business relative to personnel and other Human Resources related matters.

Proposed revisions include updates to five current policies. Staff recommends that the Board adopt a resolution superseding Resolution No. 2021-26 and implementing revised Personnel Policies and Procedures.

BACKGROUND:

The District has adopted Personnel Policies and Procedures to consistently address personnel-related issues at IRWD. Staff regularly reviews the policies and procedures to ensure compliance with current employment and labor laws, regulations, practices, procedures, and Memoranda of Understanding.

Staff recently evaluated IRWD Personnel Policies and Procedures, which was last updated in December 2021. To ensure the Policies and Procedures comply with current law and reflect current practices, staff has revised the policies as shown in Exhibit "A". The changes are summarized as follows:

- Compensation, Hours of Work and Overtime (No. 8) – Revised to include the electronic payment process for meal and mileage reimbursement and accurate reflection of existing practices;
- Sick Leave Policy (No. 16) – Revised to comply with the new legal changes under Assembly Bill 1949 and includes clarifying language for the sick leave donation program;
- Bereavement Leave Policy (No. 17) – Revised to comply with the new legal changes under Assembly Bill 1949;
- Vacation Policy (No. 18) – Revised to reflect accurate reflection of existing practices; and
- Family and Medical Care Leaves of Absence Policy (No. 19) – Revised to comply with the changes made to the California Family Rights Act (CFRA) under Assembly Bill 1041 and existing practices.

IRWD's special legal counsel has reviewed the revisions to the Personnel Policies and Procedures. The changes were also submitted to the International Brotherhood of Electrical Workers (IBEW), Local #47, representing the District's General Unit and Non-Exempt

Supervisor Unit employees for their review and comment as required under the Meyers-Milias-Brown Act (Government Code Section 3500-3511).

To implement the proposed revisions to Policy No. 8, No. 16, No. 17, No. 18 and No. 19, staff recommends that the Board adopt the resolution provided in Exhibit “B” superseding Resolution 2021-26 and incorporating the revisions and addition to the District’s personnel policies.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on March 6, 2023.

RECOMMENDATION:

That the Board adopt the following resolution by title:

RESOLUTION NO. 2023-3

RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT,
SUPERSEDING RESOLUTION NO. 2021-26 AND
ESTABLISHING REVISED PERSONNEL POLICIES AND PROCEDURES

LIST OF EXHIBITS:

Exhibit “A” – Proposed Changes to District Personnel Policy and Procedures

Exhibit “B” – Proposed Resolution Establishing Revised Personnel Policies and Procedures

Exhibit "A"

IRVINE RANCH WATER DISTRICT

PERSONNEL POLICIES AND PROCEDURES

POLICY NO. 8 – COMPENSATION, HOURS OF WORK, AND OVERTIME

I. GENERAL POLICY

- A. The District is committed to maintaining compensation rates that are competitive in the community and our industry. The Schedule of Classifications and Salary Rate Ranges of the District, as adopted from time to time by Resolution of the Board of Directors, sets forth the range of compensation for each position.
- B. It is the intent of the District to comply with all applicable State and Federal wage and hour laws.
- C. The Human Resources Department will interpret policy and assure compliance with this policy.
- D. The Payroll Department performs the mechanics of payroll computation, which includes the calculation of benefits, standby pay, and overtime compensation.

II. WORK SCHEDULE, WORK WEEK, AND ATTENDANCE

A. Office Hours and Work Schedules

1. Headquarters Facility: Official office hours at the Headquarters facility are 8:00 a.m. to 5:00 p.m., Monday through Friday.

a. 9/80 Work Schedules

- i. Most Headquarters employees are generally assigned to a 9/80 work schedule in which employees work four consecutive 9-hour shifts each week, with one additional 8-hour shift worked every other workweek (the "Flex Day.")
- ii. The workweek for employees assigned to a 9/80 schedule is defined as seven consecutive ~~24-hour~~24-hour periods beginning 4 hours into their Flex Day and ending 3 hours and 59 minutes into their usual scheduled day off. For example, for employees working a 9/80 schedule with a Friday Flex Day, the workweek will begin at noon on their normally scheduled Friday off, and end at 11:59 a.m. the following week on the Friday Flex Day.
- iii. Department Heads are authorized to assign personnel between ~~6:30~~6:30 a.m. and 5:30 p.m. with variable length lunch hours. At a minimum, a skeleton crew must be on duty to cover all office hours.

b. 5/40 Work Schedules

POLICY NO. 8. – COMPENSATION, HOURS OF WORK, AND OVERTIME

- i. Some employees are assigned to a work schedule in which employees work Monday through Friday from 8:00 a.m. to 4:00 p.m.
- ii. The workweek for employees assigned to a 5/40 schedule is defined as seven consecutive ~~24-hour~~24-hour periods beginning at midnight on Sunday and ending at 11:59 p.m. the following Sunday.

2. Michelson Facility and Los Alisos Reclamation Plant (LAWRP): Because of the unique requirements of the seven-day per week operations of the District's facilities, the workweek and work schedules of Operations staff will be established, and may be revised from time to time, by the General Manager in consultation with the management staff responsible for operations.

a. 4/10 Work Schedules

- i. Employees are generally assigned to a 4/10 work schedule in which employees work four consecutive 10-hour shifts each week.
- ii. The workweek for employees assigned to a 4/10 schedule is defined as seven consecutive ~~24-hour~~24-hour periods beginning at midnight on Sunday and ending at 11:59 p.m. the following Sunday.

b. 9/80 Work Schedules

- i. Some employees are assigned to a 9/80 work schedule in which _____ employees work four consecutive 9-hour shifts each week, with _____ one additional 8-hour Flex Day worked every other workweek.
- ii. The workweek for employees assigned to a 9/80 schedule is _____ defined as seven consecutive ~~24-hour~~24-hour periods beginning 4 hours _____ into their Flex Day and ending 3 hours and 59 minutes into their _____ usual scheduled day off.

c. 3/12 Work Schedules

- i. Some employees are assigned to a 3/12 work schedule in which employees work three consecutive 12-hour shifts each week, with one additional 8-hour day worked every other workweek.

3. Changes to Work Schedules. Employees may request, or may be required, to work a different daily schedule or workweek, in keeping with their classifications and job responsibilities. Exceptions to the standard daily schedule of work hours are subject to advance, written approval, by the appropriate Department Head, in consultation with Human Resources.

B. Punctuality and Attendance

1. Employees must be in attendance on time at their workstation or location in accordance with District policies, Department policies, or labor agreements regarding hours of work, holidays, and leaves.

POLICY NO. 8. – COMPENSATION, HOURS OF WORK, AND OVERTIME

2. Employees must make every effort to schedule personal appointments outside their working hours.
3. Employee adherence to policies or other standards governing attendance, procedures governing use of leaves of absence, and tardiness will be reviewed and evaluated during the employee's annual performance evaluation.

C. Unauthorized Absence/Job Abandonment

1. When an employee, has been absent without authorization from work for three (3) or more ~~than three~~ consecutive workdays, ~~and in the opinion of the Department Head the employee has abandoned his/her position,~~ the Department Head must notify Human Resources.
2. Human Resources will notify the employee that the District has determined he/she has abandoned his/her position and that the employee has five working days upon receipt of the notice to contact the District regarding his/her intent to return to work. The notice will also advise the employee that failure to contact the District within the five-day period will be deemed an automatic resignation effective on the sixth day. Such notice will be in writing and sent by certified mail or personal service to the last address listed in the employee's personnel records.
3. Job abandonment may include, but is not limited to:
 - a. An employee's failure to return to his/her employment upon conclusion of any authorized leave of absence without requesting, and submitting medical certification in support of, additional time off work;
 - b. An employee's failure to provide proper notice by telephone or in writing to his/her supervisor regarding absence due to sickness or injury, except as provided in Policy 19, regarding unforeseeable pregnancy disability or family care or medical leave;
 - c. An employee's failure to report for work without first obtaining approval to take a paid or unpaid leave of absence in accordance with these Policies or applicable Memorandum of Understanding;
 - d. An employee's failure to keep Human Resources reasonably apprised of disability status for which the employee is off work or failure to respond to inquiries from the District regarding disability status or intent to return to work, whether or not subject to medical restrictions.
4. If an employee fails to respond within five working days to the notice of abandonment of position, the employee may be considered to have abandoned his/her position of employment with the District. Abandonment of position constitutes an automatic resignation from District service.

III. SALARY AND OTHER COMPENSATION

- A. **Salary Administration:** The District has adopted a salary administration policy for the compensation of employees, and to specify the conditions for increasing employees' salaries.

POLICY NO. 8. – COMPENSATION, HOURS OF WORK, AND OVERTIME

1. The Human Resources Department is responsible for the maintenance of job classifications, salary ranges, salary surveys, and administration of the salary program.
2. All salary changes must be approved by the General Manager.

B. Salary Ranges

Each position is assigned a salary grade and each salary grade is assigned a minimum and a maximum salary range. An exceptional “Fifth Quartile” range has been created for employees rated as exceptional in connection with their most recent performance evaluation.

C. Hiring Rate

The normal hiring rate will be within the first quartile of the established position's salary range. Offers of employment above the second quartile require prior approval of the Director of Human Resources and the General Manager.

D. Merit Increases

1. Merit increases are granted in proportionate relation to an employee's demonstrated job performance. Supervisors shall establish expectations and communicate these expectations to each of their direct reports. In addition, Supervisors shall confer with each employee concerning performance according to District policy. (See Policy No. 10 - Employee Performance Review).
2. The Supervisor recommending a performance rating for an employee shall provide input to their Executive Director, who will provide the information to Human Resources. Human Resources will use the Merit Increase Table to determine the merit increase amount based on the employee's performance rating and quartile placement. Any recommended performance rating at the 5- or 5 level requires review and approval of the General Manager.

E. Salary upon Promotion

The increase to salary granted at the time of promotion shall be calculated using the Promotional Increase Guidelines established by the General Manager as a guide. The formula will generally be followed except in those instances where a higher increase is required to bring the employee's salary to at least the minimum of the new salary grade, ~~as required by the California Public Employees' Retirement System (CalPERS), or an adjusted increase amount is appropriate to achieve internal equity within a department.~~

F. Salary upon Transfer

Generally, transfers will not be accompanied by a salary increase unless an employee had been scheduled to receive a merit increase at the time of transfer.

G. Salary upon Demotion

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An employee who is demoted to a position in a class with a lower salary range will have his/her salary reduced ~~as follows:~~

- ~~1. Following a disciplinary demotion, the employee's salary will be reduced to the same salary step in the range for the lower classification salary range.~~
- ~~2. Following a voluntary demotion, the General Manager has discretion whether to Y-rate the employee's salary or reduce the employee's salary to the same salary step in the range for the lower class.~~

H. Acting Pay

1. From time to time an employee may be requested by his/her Executive Director to act in the capacity of a ~~higher level~~higher-level position for an extended period on a job assignment which is ~~clearly~~ outside the normal job responsibilities of his/her position. In these instances, the General Manager is authorized to approve ~~temporary monthly salary adjustments or "a~~Acting Ppay" to compensate the employee during such assignments. Approval by the General Manager must be received prior to the pay period during which acting pay will be paid. Payment of the temporary acting pay, less withholdings as required by law, will be added to the employee's pay during the normal payroll processing.
 - a. Acting pay is a ~~higher level~~higher-level assignment made necessary by a vacancy, extended leave of absence, or other significant needs of the District Service. Acting pay is not to be granted in the case of normal vacation or other short term leave circumstances. In accordance with CalPERS requirements (Government Code 20480), an acting assignment made to a vacant position in active recruitment will not exceed a total of 960 hours in each fiscal year.
 - b. The General Manager may approve retroactive acting pay in his/her sole discretion.
2. Acting pay of up to 10% above the employee's' base rate of pay will be the standard for compensating employees who take on acting assignments or job duties beyond and/or in addition to their normally assigned job responsibilities.
 - a. An exception may be considered for a higher amount of acting pay in situations where the employee's current rate of pay is more than 10% below the bottom of the range they are acting in or if they are taking on considerable extra assignments, as determined by their Department Director and/or Executive Director. In no case will acting pay exceed the ~~M~~maximum of the pay range of the acting classification.
 - b. When determining the amount of acting pay to be granted, care should be given to not provide a rate of acting pay that would result in a *pay reduction* per the Promotional Increase Guidelines in the case of a promotion.

IV. HOURS WORKED AND OVERTIME

A. In General

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1. Time taken as paid leave, including but not limited to, holidays, vacations, sick leave, and other similar periods when no work is performed will constitute “hours worked” for purposes of weekly overtime calculation.
2. Non-exempt employees will be compensated for travel time, attendance at training or meetings, and other similar time where required under applicable state and federal wage and hour laws.

B. Meal Periods

1. Standard

- a. Non-exempt employees are entitled to unpaid meal periods during which they will be entirely relieved of responsibilities and restrictions. Such time will not constitute hours worked.
- b. Supervisors will schedule meal periods to ensure appropriate coverage. Non-exempt employees who work during their meal periods will be paid for time worked. Working through meal periods without advance approval is grounds for employee discipline, up to and including termination.

2. Overtime Meals

- a. Employees working greater than 2 hours unplanned overtime immediately after their scheduled workday or working 4 hours unplanned overtime are provided a meal allowance. Unplanned overtime is overtime that is required with less than twenty-four hours advance notice. An additional meal allowance is granted at 6-hour intervals after the first allowance.
- b. Working conditions govern the actual time of eating the meal. Supervisors will make every attempt to provide an opportunity for employees working overtime to have time to eat a meal.
- c. Employees qualifying for a meal allowance under this Policy will be reimbursed for their expenses through the District’s electronic expense system. Supervisors must approve each entry to ensure that the reimbursement is authorized. on the following business day upon presentation of an expense receipt accompanied by a completed petty cash receipt with the appropriate signatures.
- d. The amount of the meal allowance is established at the discretion of the General Manager. Reimbursement will be made only for meals actually purchased.

C. Rest Periods

1. Non-exempt employees are entitled to two, 10-minute, paid rest periods during each workday. Such time constitutes hours worked.

POLICY NO. 8. – COMPENSATION, HOURS OF WORK, AND OVERTIME

2. Non-exempt employees are not permitted to combine rest period time with meal period time.
3. Supervisors will schedule rest periods to ensure appropriate coverage.

D. Work Performed Outside Regular Shift or Schedule.

1. Non-exempt employees are not permitted to work outside of their regularly scheduled shifts except as authorized or directed by their supervisor, or in the event of an emergency.
2. Working outside the regularly scheduled shift without advance approval may result in employee discipline, up to and including termination.
3. This requirement applies to, but is not limited to, the following work by non-exempt employees:
 - a. Work performed before the start of the shift;
 - b. Work performed during meal periods;
 - c. Work performed after the end of the shift; and
 - d. Other work performed "off the clock" including work performed at home.
4. All employees must take reasonable measures wherever feasible to avoid the need for work to be performed outside of their regularly scheduled shifts. Where required, time spent on such work must be kept to a minimum.
5. Employees may occasionally be asked to work beyond their normally scheduled hours. When this occurs, supervisors should attempt to provide as much advance notice as possible, however, such advance notice is not always possible. Non-exempt employees who are required or permitted to work overtime will receive overtime pay in accordance with the requirements of the Fair Labor Standards Act, state laws, and the District's compensation policies.
 - a. When practicable, such opportunities will be made available on an equal basis to all full-time employees capable of performing the work.
 - b. All employees who are scheduled to work outside of their regularly scheduled shift are required to work the assigned hours, unless otherwise excused by their supervisor.

E. Compensation for Overtime Hours Worked

1. Non-exempt employees will be compensated at an overtime rate for hours worked in excess of 40 hours in their designated workweek, or for hours worked in one day in excess of a non-exempt employee's regular schedule.
2. Overtime will be computed at one and one-half (1-1/2) times the employee's regular rate of pay. Employees shall also be paid one and one-half (1-1/2) times

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their regular rate for time worked on a District-approved holiday in addition to their normally scheduled hours of holiday pay.

3. Under no circumstances will the District pay overtime to an employee on any day that the employee has used sick or vacation hours, except in the case of an **after hours** emergency response or callout.
4. The District will reimburse employees for mileage, through the District's electronic expense system, when they are required to drive their personal vehicle to work overtime on any scheduled day off. This overtime can be for an emergency callout or scheduled work. Supervisors must approve overtime and mileage reimbursements, thereby confirming that the mileage reimbursement is authorized, and the time recorded reflects all work performed by the employee of which the supervisor was reasonably aware.
5. The District does not permit employees the option to accrue or use compensatory time off in lieu of receiving pay overtime pay. Accordingly, employees should not request the opportunity to make up time for time missed if the make-up time will result in overtime work.

F. Standby and Call-Out Pay

1. Because of emergencies and nature of the services provided by the District, it is necessary to utilize "stand-by" or "call-out" personnel from time to time. Department managers are responsible for setting forth authority, regulations and procedures relative to this type of overtime.
2. Minimum paid time for call-out shall be two (2) hours. Standby compensation pay will be 1.86 hours of overtime pay for each day assigned to standby duty, not to exceed 13 hours of overtime pay for one work **week**.
3. Under no circumstance will the District pay standby to an employee on any day in which the employee does not report to work due to his/her own illness or injury or leaves work early due to his/her own injury or illness.

G. Safety Rest Hours

The District will provide paid **Safety Rest** Hours in addition to overtime pay according to the details outlined in Administrative Work Procedure 6.

V. TIMEKEEPING AND TIME RECORDS

A. In General

1. Time records represent legal documents that are used to accurately record working time to compensate employees properly. As such, employees are required to record their work time for each day **and** designate hours toward any leave time taken.

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2. In submitting a timecard, employees are representing that the time and hours recorded accurately and fully reflect all the time worked within the pay period.

B. Supervisors' Duty to Monitor

Supervisors are responsible for monitoring employee time including the following:

1. Start time for each workday; _____
2. Start time for each meal period;
3. End time for each meal period;
4. End time for each workday;
5. Whether a meal period is taken (if no meal period is taken it must be recorded as time worked);
6. All actual time taken as paid leave; and
7. Any additional time during which work is performed, including work performed outside the regular shift.

C. Submission of Time Cards for Supervisor's Review

Employees responsible for completing time cards must ensure that the time-cards are submitted to their supervisors on the day designated by the District. Supervisors will review and address potential issues in time cards as established in this Policy. Supervisors must approve each time card, thereby attesting to the completion of such review and confirmation that the time recorded reflects all work performed by the employee of which the supervisor was reasonably aware.

D. Changes or Corrections to Time Cards

Any changes or corrections to an employee's time card or time record must be initiated by the employee and the employee's supervisor.

E. Improper Deductions

1. The District prohibits improper deductions from the salaries of exempt employees. The District does not condone deductions that violate applicable state or federal wage and hour laws.
2. An exempt employee who believes that an improper deduction has been made to his/her salary should immediately report this information to Human Resources.
3. The District will promptly investigate reports of improper deductions. If the District determines that an improper deduction has occurred, the employee will be promptly reimbursed for the improperly deducted amount.
4. The District is committed to ensuring that any improper deductions that do occur are corrected immediately upon notice or report.

POLICY NO. 8. – COMPENSATION, HOURS OF WORK, AND OVERTIME

| **Adopted by IRWD Board of Directors on: ~~February 11, 2019~~**

IRVINE RANCH WATER DISTRICT
PERSONNEL POLICIES AND PROCEDURES

POLICY NO. 16 - SICK LEAVE

I. GENERAL POLICY

- A. To minimize the economic hardships that may result from an unexpected short-term illness or injury to an employee or legal dependent, and comply with applicable California law, the District provides regular full-time employees, regular part-time employees, and temporary part-time employees with sick leave in accordance with the terms set forth in this Policy.
- B. The District reserves the right to require a satisfactory statement of a licensed physician whenever an employee misses work due to an illness, injury or disability. The employee may be asked to provide a physician's statement that verifies the nature of an illness, injury or disability, its beginning and ending dates, and/or the employee's ability to return to work without endangering his/her own safety or the safety of others. Although a physician's statement normally will not be requested for absences of less than three working days, the District may request such a statement in situations where it determines it is warranted.
- C. All employees are eligible to accrue and use paid sick leave in accordance with the applicable terms of this Policy.

II. ACCRUAL

- A. **Regular Employees:** Each regular employee will accrue sick leave hours at the rate of 96 hours per year; 3.69 hours per pay period, pro-rated based on a 40-hour weekly schedule. This accrual begins with the first day of employment, and is available for use as soon as hours are accrued. An employee will be allowed to accrue an unlimited number of sick leave hours.
- B. **Temporary Employees:** Each temporary employee will accrue sick leave at the rate of 1 hour for every 30 hours worked, to a maximum of 48 hours (or the equivalent of six of the employee's usual work shifts, whichever is greater). This accrual begins with the first day of employment, and is available for use as soon as hours are accrued, following completion of a 30-day eligibility period for new hires. A temporary employee may use up to 24 hours of sick leave (or the equivalent of three of the employee's usual work shifts, whichever is greater) per year of employment, calendar year or 12-month period, as determined by the District. Accrued sick leave up, to 48 hours (or the equivalent of six of the ~~employees~~employees' usual work shifts, whichever is greater) may carry over to the following year of employment, calendar year or 12-months period as determined by the District. In no circumstance may a temporary employees' total accrual of sick leave exceed 48 hours (or the equivalent of six of the employee's usual work shifts, whichever is greater).

C. Sick Leave Accrual during Leaves of Absence

1. **Accrual during Paid Leave:** A regular employee on authorized leave of absence will continue to accrue sick leave hours at the same rate set forth in Section II.A., as long as accrued sick leave and vacation hours have not been exhausted and provided the employee is utilizing some portion of accrued leave benefits. Once accrued sick leave and vacation hours have been exhausted, or if an employee elects not to coordinate benefits while on a leave of absence, the employee will cease to accrue sick leave hours until he/she returns to active employment status.
2. **Accrual during Consecutive Unpaid Leave:** An employee on an authorized leave of absence without pay, including extended military leave of absence, extended sick leave, or FMLA/CFRA/PDL leave, taken on a consecutive basis, will not accrue sick leave during such absences, unless otherwise required by law.
3. **Accrual during an Intermittent or Reduced Schedule Leave:** An employee on an authorized leave of absence taken on an intermittent or reduced schedule basis will accrue sick leave as provided in Section II.C.1.

D. Sick Leave Added Days

1. **Regular Employees:** The General Manager has the authority to loan, in writing, up to five (5) days of paid sick leave to an employee provided that all accrued sick leave and vacation hours have been exhausted. Unearned days of paid sick leave loaned to an employee must be repaid upon return to work. In the event the employee terminates employment prior to the complete repayment of loaned sick leave days, the employee is responsible for direct repayment to the District for the remaining number of hours.
2. **Temporary Employees:** The District will not loan or advance paid sick leave to temporary employees before it has been accrued.

III. USE OF SICK LEAVE

A. Permitted Reasons to Use Sick Leave: Upon oral or written request, employees may use sick leave for any of the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee’s family member.
 - a. For purposes of this Policy, “family member” includes a biological, adopted, or foster child, stepchild, legal ward, a child to whom the employee stands *in loco parentis*, or a child of a registered domestic partner, regardless of the child’s age or dependency status; a biological, adoptive, or foster ~~sibling~~ parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood *in loco parentis* when the ~~e~~Employee was a minor child; ~~a sibling~~, a spouse; a State of California registered domestic partner; a

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grandparent; ~~or a grandchild~~; or a designated person who the employee identifies when requesting sick leave (limited to one designated person per 12-month period).

- b. The use of unused accumulated sick leave hours is allowed for pregnancy-related illness or disability, just as it is for other illness or disability.
2. For employees who are victims of domestic violence, sexual assault, or stalking, taking time off to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.
3. For employees who are victims of domestic violence, sexual assault, or stalking, taking time off to seek medical attention for injuries caused by the domestic violence, sexual assault, or stalking; to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; to obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; and to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.
4. All employees are permitted to use ~~up to five days of~~ accrued sick leave subject to the accrual requirements in this policy per year to cover time off during otherwise unpaid bereavement leave upon the death of a family member, ~~upon the need for additional bereavement time off~~, as provided in Policy 17 - Bereavement.

B. Holidays during Sick Leave

In the event that any holiday occurs during a period when any employee is on paid sick leave, the holiday will not be charged against the employee's accumulated sick leave.

C. Coordination of Sick Leave with Disability Payments

When an employee becomes eligible for disability benefits from the State of California Employment Development Department's State Disability Insurance (SDI) program, or workers' compensation, the employee may use accumulated sick leave hours to supplement these payments. Accrued sick leave benefits will be used to supplement such disability payments only to the extent necessary to provide total compensation equal to the employee's straight time compensation immediately before the beginning of the illness, disability or injury.

IV. PAYMENT FOR UNUSED SICK LEAVE

A. Upon Separation from Employment

1. Regular Employees

- a. Eligibility

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- i. Regular employees who have worked for the District for at least 24 consecutive calendar months as a regular employee are eligible to receive payment for accrued and unused sick leave, as follows:
 - (A) An eligible employee who separates from employment voluntarily, through resignation, service retirement or disability retirement, must provide at least two weeks' notice prior to separation.
 - (I) Employees who provide notice prior to separating from District employment for any reason are not permitted to first exhaust accrued and unused sick leave unless used for a permitted reason in accordance with Section III of this Policy.
 - (B) Following the lay-off of an eligible District employee, payment will be issued in accordance with this Policy.
 - (C) Following the death of an eligible employee, payment will be made in accordance with applicable law and District policies and practices.
 - ii. Employees whose employment has been terminated by the District other than by lay-off are not eligible to be compensated for unused sick leave.
- b. Amount: Eligible employees will receive the equivalent of fifty (50) percent of the employee's accrued sick leave to a maximum of 960 hours, times the employee's current hourly straight time pay rate.

2. Temporary Employees:

- a. Temporary employees are not eligible to receive compensation at any time for accrued and unused sick leave.

B. Annual Payment for Unused Accrued Sick Leave

1. Eligibility

- a. Regular employees may choose to receive payment for unused accrued sick leave, up to a maximum of 96 hours, once per year, in accordance with the terms in this Policy, as long as a minimum balance of 80 hours remains.
- b. Temporary employees are not eligible for any payment for unused accrued sick leave.

2. Elective Payouts of Sick Leave

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- a. In lieu of using accrued Sick Leave for a covered leave, an employee with at least 11 years of service may elect to buyback (and receive cash payment of) Sick Leave at 100% value.

To make the election, an employee must, in November of the calendar year preceding the calendar year in which the employee wishes the buyback to occur, file an irrevocable election form with the District stating their intent to buy back the leave and identifying the number of Sick Leave hours covered by the election. The election form must be filed with the District’s Human Resources Department. The election will apply only to Sick Leave hours accrued in the same calendar year as the buyback (i.e., the calendar year following the filing of the election). An employee may elect to either (i) receive cash payment (“cashout”) of sick leave, (ii) contribute sick leave to his or her account under the District’s 457(b) plan, or (iii) a combination of both. Employees who do not file a valid election by November 30 of a preceding calendar year may not subsequently elect to buy back at 100% value any Sick Leave accrued in the following calendar year. For each calendar year, employees may make this election up to the number of hours specified below based on the year the accruals are earned:

Years of Regular District Service	Amount of Buy-Back
0-10 years (less than 11 years)	Up to 96 hours @ 50%
11-15 years (less than 16 years)	Up to 30 hours @ 100%; remainder (up to 66 additional hours) @ 50%
16-20 years (less than 21 years)	Up to 60 hours @ 100%; remainder (up to 36 additional hours) @ 50%
21 years or more	Up to 96 hours @ 100%

- b. In lieu of using accrued Sick Leave for a covered leave, an employee may elect to buyback Sick Leave, regardless of when accrued and regardless of the employee’s total years of service, at 50% value. This election is limited to 96 hours per calendar year; and any Sick Leave hours sold back during the calendar year at 100% value as permitted above will count towards that year’s 96-hour limit for buy back at 50% value. For example, if an employee with 12 years of service elects to buy back 30 hours of sick leave at 100% value, the employee may buy back an additional 66 hours at 50% value in the same calendar year.
- c. Payment of Sick Leave hours sold at 50% value will be made on or about November 30 after the employee’s election. To make this election, an employee must file an election form with the District’s Human Resources Department. An employee may elect to either (i) receive cash payment (“cashout”) of sick leave, (ii) contribute sick leave to his or her account under the District’s 457(b) plan, or (iii) a combination of both. An employee’s buyback of Sick Leave may not reduce the employee’s Sick Leave balance below 80 hours. Accordingly, the Sick Leave amount sold back (and the corresponding payment) to the employee will be

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lowered as needed to maintain the 80-hour minimum; and no buyback will occur if the employee's Sick Leave balance is 80 hours or less.

V. REINSTATEMENT OF UNUSED ACCRUED SICK LEAVE

If any employee who had a sick leave balance remaining at the time of separation from District employment, which balance was not paid out under the terms of Section IV. A. 1 above, is rehired by the District within one year from the date of separation, then that same balance will be reinstated to the employee. The rehired employee will be entitled to use the reinstated sick leave and to also accrue additional sick leave upon rehiring in accordance with this Policy.

VI. SICK LEAVE DONATION PROGRAM

A. In General

1. The Sick Leave Donation Program allows eligible employees who have accrued sick leave hours to voluntarily donate a portion of their accumulated hours to another employee who has exhausted his/her accrued sick and vacation leave due to a ~~non-work-related~~ catastrophic illness or injury of the employee or the catastrophic illness or injury of an employee's dependent parent, spouse or registered domestic partner, or child requiring the ~~presence of the employee's care~~ and requiring the employee to be absent from work.
2. Catastrophic illness or injury is defined as a severe illness or injury which totally incapacitates a person for an extended period of time and is severely debilitating or life-threatening. Illnesses such as cancer, heart attack, or stroke would be considered catastrophic illnesses. Pregnancy without serious complications and routine illnesses, surgical procedures, and injuries, even those resulting in an extended leave of absence, do not qualify as catastrophic illness or injury. The Director of Human Resources will be responsible for reviewing the eligibility of an employee to receive donated sick leave and making a recommendation to the General Manager for approval. The approval process may require appropriate medical documentation ~~regarding certifying the existence of a~~ catastrophic illness or injury of the employee or family member (no medical diagnosis information).
3. The decision to make a donation of sick leave to another employee through the Sick Leave Donation Program is voluntary. No employee is to be coerced or intimidated into making a donation of sick leave or to coerce or intimidate another employee. Donations of sick leave may not involve any form of payment or compensation, financial or otherwise, between the donor and recipient. The District will not solicit sick leave donations on behalf of any qualifying individual.

B. Eligibility

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All regular, full-time employees who have completed their initial probationary period and meet other applicable qualifications set forth in this Policy are eligible to participate in the Sick Leave Donation Program as a donor or recipient.

C. Procedures for Utilizing Donated Sick Leave

1. In order to receive donated sick leave through the Sick Leave Donation Program, an employee must meet the following requirements:
 - a. The employee must have been on an approved Leave of Absence for a catastrophic illness or injury as defined above for at least 30 calendar days prior to the use of any donated sick leavetime.
 - b. The employee must have exhausted all of his/her sick and vacation accruals prior to the use of any donated sick leavetime.
 - c. The employee must be utilizing any applicable income replacement programs for which he/she qualifies (i.e. State Disability Insurance, Paid Family Leave, Long-Term Disability, Workers' Compensation benefits). Employees are only eligible to receive the amount of donated sick leave necessary to maintain 100% of their base salary after the application of any income replacement programs.
 - d. The employee must ~~have notified~~ provide written notification to the Human Resources department of his/her desire to receive and utilize donated sick leavetime. With the notification, the employee must provide a written description of the catastrophic illness or injury, including how it may affect the employee and his/her dependent parent, spouse or registered domestic partner, or child and a statement that it will result in a substantial loss of income if no donated sick leave is received. In the event that the employee is physically or mentally unable to notify the Human Resources department, notification may be made by a member of the employee's immediate family (i.e., spouse, registered domestic partner, child or parent).
 - e. As described in this policy, the Director of Human Resources will be responsible for reviewing the eligibility of an employee to receive donated sick leave and making a recommendation to the General Manager for approval. The approval process may require appropriate medical documentation certifying the existence of a catastrophic illness or injury of the employee or family member (no medical diagnosis information). The General Manager's decision is not subject to any grievance or appeal procedures.
2. An employee utilizing donated sick leave will not earn or be eligible to accrue any sick or vacation leave. Once an employee ceases to receive any portion of his/her pay from the use of his/her own accrued sick and vacation leave, accrual of additional vacation and sick leave hours will cease. Holidays falling during the

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period following exhaustion of vacation and sick leave benefits will not be paid to an employee even if they are utilizing donated sick leave.

3. If an employee returns to work on a part-time basis, sick and vacation leave will begin accruing on a pro-rated basis and these accrued balances will be utilized for coordination of benefits before the utilization of any donated sick leave.
4. An employee utilizing donated sick leave is required to report the payments as additional wages, and the City will report such income on Form W-2 and withhold income and payroll taxes will be taxed each pay period as with the use of regularly accrued sick and vacation leave.
5. The existence or use of donated sick ~~leave~~time is not a guarantee of continued employment past the end of the approved leave of absence as detailed in applicable District policy.

D. Procedures for Donating Sick Leave

1. An employee may complete a “Donation of Sick Leave” form to irrevocably donate accrued sick leave in one-hour increments for use by another eligible employee who has been determined to qualify for sick leave donations under the requirements listed above. The employee must certify that the donated sick leave is irrevocable.
2. In no case shall a donation of sick leave reduce the donor’s accrued sick leave balance below eighty (80) hours.
3. An employee may donate a maximum of 25% of his/her sick balance or forty (40) hours of accrued sick leave to an eligible employee, whichever is less. No employee will be allowed to donate more than forty (40) hours of sick leave in any ~~twelve-month~~twelve-month period.
4. The number of donated sick leave hours credited to the recipient will be calculated by multiplying the number of hours donated by the calculated hourly rate of the donor and then dividing that amount by the calculated hourly rate of the recipient.
5. The donated sick leave hours are deposited into a District-sponsored leave bank. The District will administer the leave bank and transfer donated sick leave hours to the recipient. Any and all hours that are donated to the leave bank are irrevocable.
5. Donated sick leave hours will be used to pay the recipient on a first in- first-out basis. Donated sick leave hours not used by the specified recipient will revert back to the District-sponsored leave bank~~be returned to the donating employee(s)~~ following the end of the pay period in which the recipient no longer qualifies for the use of donated sick leave. It is the sole discretion of the General Manager or the General Manager’s designee to determine when donated sick leave hours will

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revert to the District-sponsored leave bank. The District will determine the use and future distribution of such donated sick leave hours.

6. The donor will not be taxed on the value of the donated sick leave. The donor may not claim a charitable deduction, tax credit or any other credit or deduction on their individual tax return to reflect the donation of sick leave.

Adopted by IRWD Board of Directors on: ~~December 13, 2021~~

IRVINE RANCH WATER DISTRICT
PERSONNEL POLICIES AND PROCEDURES
POLICY NO. 17 - BEREAVEMENT

1. **General Policy**

For regular full-time employees:

In the event of a death ~~of a family member in the immediate family~~ of a regular full-time employee, or critical illness of an ~~immediate~~ family member where death appears to be imminent, paid bereavement leave will be granted for three (3) work days per calendar year; if traveling within five hundred (500) miles from the District for services, or five (5) work days per calendar year if traveling over five hundred (500) miles from the District.

If additional ~~hours bereavement leave are is required needed,~~ the regular full-time employees may elect to take up to five (5) additional work days these hours of bereavement leave without pay upon the death of a family member per event without pay. During bereavement leave without pay, employees may use or have the hours deducted from their his or her accrued sick leave and/or vacation hours. ~~Additional bereavement leave may be granted at the discretion of the~~ General Manager. Director of Human Resources.

For District temps, interns, and employees who are not regular full-time employees:

Interns and employees who are probationary, part-time, temporary, or otherwise not regular full-time employees may take up to five (5) work days of bereavement leave without pay upon the death of a family member. During bereavement leave without pay, employees may use their accrued sick leave and/or vacation hours. Additional bereavement leave may be granted at the discretion of the General Manager.

2. **Family Member Immediate Family Definition**

~~“Immediate Family Member”~~ is defined as any relation by blood, marriage, or adoption, who is a member of the employee's household, residing under the same roof, and any parent, parent-in-law, spouse (or ex-spouse, if children are involved), domestic partner, child, sibling, brother, sister, grandparent, grandparent-in-law, or grandchild of the employee, regardless of residence.

3. **Procedure**

Employees should notify their supervisors of the death of their when a death occurs in their immediate family member, and ~~Time cards should reflect the bereavement code for days of bereavement leave used. S~~ supervisors will should also notify the Human Resources Department. ~~of the death. The employee may be required to provide Human Resources with documentation of the death of the family member, including a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency or documentation of the critical illness of a family member. If~~

documentation is requested, the employeeThe documentation must be provide the documentationd within 30 days of the first day of bereavement leave. The District will maintain the confidentiality of an employee who requests bereavement leave, and all related documentation will be maintained as confidential, disclosed only as required by law.

Bereavement leave must be completed within three (3) months of the date of death of a family member. Employees are not required to take the leave consecutively. Time cards should reflect the bereavement code for days of bereavement leave used.

Adopted by IRWD Board of Directors on: ~~December 15, 2003~~

IRVINE RANCH WATER DISTRICT
PERSONNEL POLICIES AND PROCEDURES
POLICY NO. 18 - VACATION

I. GENERAL POLICY

- A. The District believes it is important for employees to take vacation leave on an annual basis when practicable, to enable them to take time off away from their job responsibilities in order to relax and refresh themselves physically and mentally.

II. RATES OF ACCRUAL

- A. **Regular Full-Time Employees:** All regular full-time employees will accrue vacation leave according to the following monthly schedule, based upon years of service:

Less than 5 years' service	6.67 hours - (80 hours per year)
5 or more years of service but less than 10 years	10.00 hours - (120 hours per year)
10 or more years of service	13.33 hours - (160 hours per year)
15 or more years of service but less than 20 years	15.00 hours – (180 hours per year)

- B. **Managers, Supervisors, Confidential, and Exempt Employees:** Managers, supervisors, confidential and exempt employees will accrue vacation according to the same monthly schedule set forth in Section II.A., until they have completed at least 20 years of service, at which time they will accrue vacation according to the following monthly schedule, based upon years of service:

20 or more years of service	16.67 hours – (200 hours per year)
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- C. **Regular Part-Time Employees:** All regular part-time employees are eligible for pro-rated vacation leave based upon a 40-hour weekly schedule and years of service.

- D. **Temporary Employees:** Temporary employees are not eligible to accrue vacation leave.

E. **Vacation Accrual During Leaves of Absence**

1. **Accrual during Paid Leave:** A regular employee on authorized leave of absence will continue to accrue vacation hours at the same rate set forth in Sections II.A. or II.B. (Full-time) and Section II.C. (Part-time) as long as accrued sick leave and vacation hours have not been exhausted and provided that the employee is utilizing some portion of accrued leave benefits. Once accrued sick leave and vacation hours have been

POLICY NO. 18 – VACATION

exhausted, or if an employee elects not to coordinate benefits while on a leave of absence, the employee will cease to accrue vacation hours until he/she returns to active employment status.

2. **Accrual during Consecutive Unpaid Leave:** An employee on an authorized leave of absence without pay, including extended military leave of absence, extended sick leave, or FMLA/CFRA/PDL leave, taken on a consecutive basis, will not accrue vacation leave during such absences, unless otherwise required by law.
3. **Accrual during an Intermittent or Reduced Schedule Leave:** An employee on an authorized unpaid leave of absence taken on an intermittent or reduced schedule basis will accrue vacation at the same rate as set forth in Section II.A. or II.B. (Full-time) or Section II.C. (Part-time).

III. REQUESTS FOR VACATION LEAVE

- A. Employees are not eligible to take time off for vacation leave during the first six (6) months of employment.
- B. Requests for vacation leave shall be made in advance by the employee to his/her immediate supervisor for appropriate approvals.
- C. Established District holidays occurring during scheduled vacation leave are not counted as vacation days.

IV. MAXIMUM ACCRUAL AND REDUCTION OF VACATION HOUR BALANCES

The maximum number of vacation hours accrued may not exceed the greater of 240 hours or two times an employee's annual accrual.

A. Voluntary Transfer of Vacation Hours

Once a year, in November, an employee who has taken at least 40 hours of vacation during the immediately preceding completed calendar year may elect to transfer into the employee's Deferred Compensation Plan account:

1. Any vacation hours accrued in excess of the employee's maximum accrual;
and/or
2. Any accrued vacation hours below the employee's maximum accrual, as long as the employee retains a balance of at least 80 vacation hours following the transfer.

Hours will be transferred at a rate of 100% of the employee's current pay rate at the time of transfer.

B. Voluntary Reduction of Vacation Hours by Managers, Supervisors, and Confidential Employees

In lieu of using accrued vacation leave for a covered leave, an employee may elect to either (i) receive cash payment (“cashout”) of vacation leave, (ii) contribute vacation leave to his or her account under the District’s 457(b) plan, or (iii) a combination of both. To make the election, an employee must, in November of the calendar year preceding the calendar year in which the employee wishes the cashout or contribution (or both) to occur, file an irrevocable election form with the District stating their intent to cashout or contribute the leave and identifying the number of vacation leave hours covered by the election. The election form must be filed with the District’s Human Resources Department. The election will apply only to vacation leave hours accrued in the same calendar year as the cashout or contribution (i.e., the calendar year following the filing of the election). Employees who do not file a valid election by November 30 of a preceding calendar year may not subsequently elect under this provision to cashout or contribute any vacation leave accrued in the following calendar year.

1. Limits on Cashouts and Contributions.

An employee’s election to receive cashouts or contributions of vacation leave for a calendar year is subject to the following limitations:

- The aggregate cashout and contribution may not reduce the employee’s vacation leave balance below 80 hours. Accordingly, the cashout or contribution amount will be lowered as needed to maintain the 80-hour minimum (if the employee elected both cashouts and contributions, the reduction will be made proportionally from both according to the election percentage); and no election or contribution will occur if the employee’s vacation leave balance is 80 hours or less.
- **In order to transfer and/or sell back vacation hours at least 40 hours of vacation must have been used during the immediately preceding completed calendar year.**
- If any part of the employee’s elected contribution cannot be made to the 457(b) plan due to contribution limits imposed by the tax laws, that amount will instead be paid in cash to the employee.
- The employee’s elected cashout or contribution will be processed in the calendar year following the election, at the time and in the manner determined by the District.

2. All cash payments are subject to state and federal withholdings.

C. Automatic Transfer of Vacation Hours in Excess of Maximum Accrual

1. In the event the employee’s accrued vacation balance by the end of January of a calendar year exceed the Vacation Accrual Maximum, the excess accruals will be automatically contributed by the District to the employee’s account under the District’s 401(a) defined contribution plan.

POLICY NO. 18 – VACATION

2. This transfer will be conducted once a year, generally in February, and hours will be transferred at a rate of 100% of the employee's current wage rate at the time of transfer. Employees are responsible for ensuring that their vacation accrual balance falls below the allowed maximum accrual if they do not wish to have vacation hours automatically transferred to their 401(a) defined contribution plan account.
3. If an employee's scheduled vacation is canceled at the District's request, or if extenuating circumstances arise which require an employee to accrue vacation leave in excess of the allowed maximum accrual, written approval may be granted by the General Manager to carry over the excess hours for a specified period of time, without automatic transfer.

V. PAYMENT FOR UNUSED VACATION LEAVE UPON SEPARATION

Upon separation from the District, employees shall be paid for unused accrued vacation hours through the date of separation. These unused accrued vacation hours shall be paid at the employee's current pay rate at the time of separation, regardless of the length of service with the District.

Adopted by IRWD Board of Directors on: ~~December 13, 2021~~

IRVINE RANCH WATER DISTRICT

PERSONNEL POLICIES AND PROCEDURES

POLICY NO. 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE (FMLA/CFRA/PDL)

I. GENERAL POLICY

- A. This Policy is intended to provide employees with information about and establish guidelines for the taking of family care and medical leave, in accordance with the federal Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and the California Pregnancy Disability Leave Law (PDL).
- B. To the extent not already provided for under current leave policies and provisions, the District will provide family and medical care leave for eligible employees as required by State and federal Law. The leaves provided for in this Policy are granted under a variety of state and federal laws. Employees should be aware that leave under one Section of the Policy may **or may not** also qualify for leave under another Section. For example, military caregiver leave is provided for under the FMLA, but in certain circumstances, might also qualify for CFRA leave. In addition, an employee is entitled to take CFRA leave to care for a registered domestic partner, but FMLA leave does not include registered domestic partners. In such cases, the District will advise affected employees in writing which of their statutorily protected leaves are being used and how much of that leave remains.
- C. Additional definitions and other provisions governing employees' rights and obligations under the FMLA, CFRA, and PDL that are not specifically set forth below are set forth in the Department of Labor's FMLA regulations (29 C.F.R. § 825.00 *et seq.*) and the California Department of Fair Employment and Housing's CFRA regulations (2 C.C.R. § 11087 *et seq.*) and PDL regulations (2 C.C.R. § 11035 *et seq.*) This Policy is deemed to include such regulatory provisions, including subsequent revisions to such regulatory provisions, except where expressly contradicted by the terms of this Policy.

II. FAMILY CARE AND MEDICAL LEAVE (FMLA/CFRA Leave)

- A. **Eligibility:** To be eligible for FMLA/CFRA leave, an employee must have been employed by the District for at least 12 months prior to the date on which the FMLA/CFRA leave is to commence, and have worked at least 1,250 hours over the 12-month period preceding the FMLA/CFRA leave. For employees performing covered military service under the federal Uniformed Service Employment and Reemployment Rights Act, periods of absence due to such service shall be counted for purposes of determining whether the employee meets these eligibility requirements.
- B. **Qualifying Reasons for FMLA/CFRA Leave:** Employees meeting the eligibility requirements under Section II.A. may take FMLA/CFRA leave for any of the following qualifying reasons:
 - 1. Birth of a child of the employee; or placement of a child with an employee in connection with the adoption or foster care of a child by the employee.

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2. Because of any qualifying exigency arising out of the fact that the spouse, domestic partner (CFRA only), child, or parent of the employee is on active military duty in the Armed Forces in support of a contingency operation. A “qualifying exigency” is defined, as a situation or pressing need calling for immediate attention.
3. For a serious health condition of the employee which makes him/her unable to perform his/her job.
4. For a serious health condition of a child of an employee. To care for a parent, child, or spouse who has a serious health condition.
5. Under the CFRA only. To care for a ~~parent,~~ grandparent, grandchild, sibling, ~~spouse, parent-in-law, designated person, or ~~or~~~~ domestic partner who has a serious health condition.

The FMLA also specifically provides ~~for military~~for military caregiver leave, and those types of leaves are addressed under Section IV of this Policy. The PDL also provides for leave for employees with a serious health condition is on account of her pregnancy, childbirth, or related medical conditions, and that leave is addressed under Section III.

C. Definitions

1. **Child:** Leave may be taken under Section B.1., B.2., or B.3. by an employee for a "child" who is:
 - a. Under the FMLA, a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or step-child. A child is “incapable of self-care” if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.
 - b. Under the CFRA, a child, including a child who is 18 years of age or older, regardless of whether the child is capable of self-care. An employee’s child means a biological, adopted, foster, step-child, legal ward, a child of a domestic partner, or a person to whom the employee stands *in loco parentis*.
 - a. A biological child, adopted child, foster child, stepchild, legal ward of the employee, a child to whom the employee stands *in loco parentis*, or a child of a domestic partner
2. ***In loco parentis:***

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

a. For purposes of this Policy an employee stands *in loco parentis* by providing day-to-day care or financial support with demonstrated intent of assuming the responsibilities typically held by a parent.

b. Whether an employee stands *in loco parentis* to a child for purposes of this Policy will be determined by the District on a case-by-case basis, and the District may require reasonable documentation to support an employee's claim of providing either day-to-day care or financial support for the child.

3. **Serious Health Condition:** A serious health condition is an illness, injury, impairment, or physical or mental condition of the employee or a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, designated person, or registered domestic partner of the employee that makes the employee unable to work or unable to perform one or more of the essential functions of the employee's position, and which involves either inpatient care or continuing treatment or supervision by a health care provider, as follows:

a. “Inpatient care” means an overnight stay in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care, or any resulting period of incapacity.

i. A person is considered to have an “overnight stay” for purposes of this provision if a health care facility formally admits him/her to the facility with the expectation that he/she will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.

b. “Continuing treatment or supervision by a health care provider” means and includes any one or more of the following:

i. In-person treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider, with the first visit being within seven days of the first day of incapacity; or

ii. In-person treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the

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- health care provider, with the first visit being within seven days of the first day of incapacity.
- iii. Any period of incapacity due to pregnancy, or for prenatal care, whether or not in-person treatment is received during that time, or whether the resulting absence lasts fewer than three days.
 - iv. Any period of incapacity, or treatment for such incapacity, due to a chronic serious health condition, whether or not in-person treatment is received during that time, or whether the resulting absence lasts fewer than three days. A chronic serious health condition is one which:
 - A. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; and
 - B. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - C. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, *etc.*).
 - v. A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - vi. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for either:
 - A. Restorative surgery after an accident or other injury; or
 - B. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, *etc.*), severe arthritis (physical therapy), or kidney disease (dialysis).

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4. **“Incapacity:”** means that a person is unable to work, attend school, or perform regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.
5. **Designated person:** for CFRA leave means an individual related by blood to the employee or whose association with the employee is equivalent of a family relationship. The designated person is identified by the employee at the time the employee requests CFRA leave. An employee is limited to one designated person per 12-month period.
6. **Parent-in-law:** for CFRA leave means the parent of a spouse or domestic partner.
7. **Family member:** for FMLA leave means an employee’s child, parent, and spouse. **Family member** for CFRA leave means an employee’s child, parent, parent-in-law, spouse, domestic partner, grandchild, grandparent, sibling, and designated person.

D. Amount of Leave Entitlement: Provided that all applicable conditions of Section II.B. are met, an employee may take a maximum of 12 workweeks of FMLA/CFRA leave in a rolling 12-month period measured backwards from the date the employee uses any FMLA/CFRA leave.

1. Employees taking FMLA/CFRA leave for the birth, adoption, or foster care of their child must initiate and complete any FMLA/CFRA leave within one year of the birth of the child or placement of the child with the employee for adoption or foster care.
2. Parents who are both employed by the District may be on leave simultaneously, provided the employees provide a certificate, from a health care provider, stating the need for both employees’ participation in the care of the child.
3. An employee’s FMLA/CFRA leave does not need to be consecutive, but can be cumulative within a 12-month period.
4. Industrial injury leaves and non-industrial injury leaves are FMLA/CFRA leaves if they are taken for serious health conditions.

E. Concurrent Use of Accrued Paid Leave Leave taken under this Policy is unpaid. Employees ~~may elect or may be~~ required to use their accrued leave balances concurrently with FMLA/CFRA leave, as provided below. ~~When an employee elects or is required to use his/her accrued leave balances, the employee may specify in writing the order in which the employee would prefer to exhaust his/her leave balances. If the employee fails to designate the order of exhaustion, the District will determine the order, subject to the terms of applicable District policy.~~ The paid leave shall run concurrently with the FMLA/CFRA ~~leave, and~~ leave and shall not extend the employee’s entitlement to FMLA/CFRA leave beyond 12 workweeks.

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

1. **Sick leave:** Employees are required to use all accumulated sick leave concurrently when FMLA/CFRA leave is taken for the employee's own serious health condition. Employees may choose to use their accumulated sick leave when FMLA/CFRA leave is taken for any other reason under Section II.B. of this Policy.
2. **Other paid leaves:** Employees are required to use all other accrued paid leaves of absence, including but not limited to, vacation and holiday leave, when taking FMLA/CFRA leave for any reason.

F. **Coordination with Wage Replacement Plans**

An employee requesting a ~~family care~~ leave of absence for his or her own serious health condition under this Policy may coordinate any unused accumulated sick and vacation hours with short-term disability, long-term disability, worker's compensation and any other wage-replacement benefits for which the employee may be eligible, up to an amount equal to the employee's regular salary.

G. **Intermittent or Reduced Schedule Leave:** Intermittent FMLA/CFRA leave is leave taken on an as-needed basis in increments of minutes, hours, or days. A reduced schedule FMLA/CFRA leave involves a reduction in the number of hours per day or per week that an employee regularly works, with the employee substituting FMLA/CFRA time substitute for hours not worked. The minimum FMLA/CFRA leave increment that can be taken by an employee is 15 minutes.

1. **Calculation of Intermittent or Reduced Schedule Leave:** The maximum equivalent number of hours to which an employee is entitled during the 12-week period will be based on the employee's regularly scheduled workweek. For example, an employee who is regularly scheduled to work 40 hours per workweek will be entitled to a maximum of 480 hours of FMLA/CFRA leave, whereas, an employee who is regularly scheduled to work 32 hours per workweek will be entitled to a maximum of 384 hours of FMLA/CFRA leave. In calculating this amount for employees with a varying schedule, the District will use an average of the employee's workweeks within the 12-month period immediately preceding the intermittent or reduced schedule leave.
2. **Impact on Salary:** Where permitted by applicable state and federal wage and hour laws, the District may make deductions from an employee's salary for all hours of leave taken as intermittent leave, unless the employee is entitled or required to coordinate paid leave.
3. **Inclusion of Scheduled Overtime:** If an employee normally would be required to work overtime hours, but is unable to do so because of an FMLA/CFRA-qualifying reason that limits the employee's ability to work overtime, the hours that the employee would have been required to work may be counted against the employee's FMLA/CFRA entitlement, as the employee would be considered to be using intermittent or reduced schedule leave. For example, if an employee is normally required to work

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50 hours in a particular workweek, but because of an FMLA/CFRA-qualifying reason, the employee works only 40 hours that week, the employee would use 10 hours of FMLA/CFRA-protected leave out of the 50-hour workweek.

4. Conditions for Taking Intermittent or Reduced Schedule Leave

- a. FMLA/CFRA leave taken for the employee's own serious health condition, or the serious health condition of the employee's ~~spouse, registered domestic partner, parent, or child,~~ family member or for military caregiver leave under Section IV.B. of this policy, may be taken intermittently or on a reduced leave schedule when medically necessary (as distinguished from voluntary treatments and procedures).
- b. Military exigency leave under Section IV.A. of this Policy (FMLA only) may be taken on an intermittent or reduced schedule basis without limitation.
- c. Leave taken following the birth, adoption, or placement or foster care of a child may be taken on an intermittent or reduced schedule basis, subject to the conditions set forth in Section II.G.6., below.

5. Temporary Transfer:

- a. **Required by the District** The District may require that the employee temporarily transfer to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits and that better accommodates recurring leave periods than the employee's regular position.
- b. **Requested by Employee:** An employee on intermittent or reduced schedule FMLA/CFRA leave for foreseeable and planned medical treatments may request a transfer to an open and available position for which the employee is qualified, if the duties of that position would better accommodate the employee's, intermittent or reduced schedule FMLA/CFRA leave. Transfers will not be considered under this Section when the intermittent or reduced schedule FMLA/CFRA leave is unscheduled, such as in the case of chronic conditions.

6. Leave Taken for Baby Bonding: The basic minimum duration of a leave taken for the birth, adoption, or foster care of a child shall be two weeks. However, the District will grant a minimum of two requests to take baby-bonding leave in increments shorter than two weeks in the applicable one-year period. The District may, in its discretion grant more than two requests for leave shorter than two weeks in duration. Any modification permitted under this sub-section shall not increase the employee's total leave entitlement beyond the amount provided in Section II.D.

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H. Employee Notice: Employees requesting leave under the FMLA/CFRA must notify Human Resources in accordance with the rules set forth below. Employees must either use a Request for Leave of Absence Form or otherwise provide sufficient information to make the District aware that the employee needs FMLA/CFRA leave, which qualifying reason applies to the leave (by reference to Section II.B. of this Policy), and the anticipated timing and duration of that leave. Supervisors who receive employee requests for FMLA/CFRA leave (or leave that may be FMLA/CFRA-qualifying) must forward any such requests to Human Resources.

1. Foreseeable Events: An employee must provide the District with at least 30 days' advance notice before the date the leave is to begin, or must provide notice as soon as is practicable, normally the same business day or next business day if the employee is off work when he/she learns of the need for leave. If the employee provides less than 30 days' advance notice, the District may require explanation of why 30 days' advance notice was not practicable.

a. In any case in which the need for FMLA/CFRA leave is foreseeable based on one of the circumstances listed below in subsection b., the employee shall make a reasonable effort to schedule any planned medical treatment or supervision so as not to unduly disrupt the operations of the District. However, any such scheduling shall be subject to the approval of the health care provider of the employee~~er~~ or the employee's family member~~child, parent, spouse, or registered domestic partner (CFRA only)~~.

b. The need for leave is considered "foreseeable" when it is taken for any of the following reasons:

- i. Planned medical treatment for a serious health condition of the employee.
- ii. Planned medical treatment for a serious health condition of a family member.
- iii. An expected birth, or placement for adoption or foster care.

c. If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, the District reserves the right to delay the taking of the leave by up to 30 days after the date the employee provides notice of the need for FMLA/CFRA leave.

2. Unforeseeable Events: If an employee requires FMLA/CFRA leave for an unforeseeable event, the employee is required to provide notice to the District as soon as is practicable.

3. Notice of Intermittent/Reduced Schedule Leave: The notice requirements for foreseeable intermittent or reduced schedule leaves shall

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

be the same as for other foreseeable leaves, and the notice requirements for unforeseeable intermittent or reduced schedule leave shall be the same as for other unforeseeable leaves.

4. Incomplete Notice: If the employee's notice does not contain sufficient information for the District to determine whether the employee's leave could be for an FMLA/CFRA-qualifying purpose, Human Resources may follow up with the employee for additional information and the employee is required to respond to the same. However, the employee shall not be required to provide the District with a diagnosis.

5. Changes to Dates of Leave: The employee must advise Human Resources as soon as practicable when he/she learns that the dates of the FMLA/CFRA leave may change.

6. Requests for Extension: Any requests for extensions of an FMLA/CFRA leave must be received at least five working days before the date on which the employee was originally scheduled to return to work, where practicable, and must include the revised anticipated date(s) and duration of the FMLA/CFRA leave. If the employee has exhausted his/her leave entitlement under Section II.D., the District will evaluate on a case-by-case basis whether additional leave may be available as a reasonable accommodation for the employee's own serious health condition; however, any such additional leave shall not be subject to the provisions of this Section II.

I. District Response to a Request for FMLA/CFRA Leave or Request for Extension - Eligibility Notice: Within five working days of an employee's request to take FMLA/CFRA leave, the District shall provide the employee with a written Eligibility Notice. The Eligibility Notice is not a designation of the employee being on FMLA/CFRA Leave. The Eligibility Notice shall include the following information:

1. Whether the employee is eligible to take FMLA/CFRA leave. If the employee is ineligible for FMLA/CFRA leave, the notice will include the reason(s) why the employee is ineligible.
2. Whether the employee has exhausted his/her 12-week FMLA/CFRA entitlement.
3. Whether additional information, such as a medical certification, is required from the employee in order to process the employee's request for FMLA/CFRA leave or request for extension.
4. The employee's rights and responsibilities under the FMLA/CFRA, which will include a statement of whether the employee is required to provide a medical certification or recertification. A statement requiring a medical certification will also advise the employee of the anticipated consequences of his/her failure to provide adequate notice.
5. If the employee has requested an extension of leave for his/her own serious health condition but has exhausted his/her leave entitlement

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under Section II.D., the District will advise whether additional leave will be granted as a reasonable accommodation; however, any such additional leave shall not be subject to the provisions of this Section II.

J. Medical Certification and Recertification: Any request for FMLA/CFRA leave for an employee’s own serious health care condition or for FMLA/CFRA leave to care for a family member with a serious health condition must be supported by medical certification from the treating health care provider. Employees are encouraged to use the District's medical certification form to ensure that all pertinent information is obtained. Any request for an extension of FMLA/CFRA leave also must be supported by a medical certification from the treating health care provider. Again, employees are encouraged to use the District's medical certification to ensure that all pertinent information is obtained.

1. Timing of Request for Medical Certification: The District will request medical certification:

- a. Within five business days after an employee requests foreseeable leave;
- b. Within five business days after an employee provides notice of an unforeseeable leave, or within five business days after an unforeseeable leave commences, whichever is later;
- c. At a later date if the District has a reason to question the appropriateness or duration of an employee’s leave (FMLA only).

2. Timing for Employee’s Return of the Medical Certification: All medical certifications and recertifications must be returned to the District within 15 days from the District request, regardless of whether the leave is foreseeable or unforeseeable. Exceptions to this may be granted by Human Resources when it is not practicable to provide the certification or recertification within 15 days, despite the employee’s diligent, good faith efforts to do so.

3. Certification for Serious Health Condition of ~~Spouse, Registered Domestic Partner, Parent, or Child~~Employee’s Family Member: The employee must have the patient’s treating health care physician complete a medical certification form when requesting family leave to care for a family member with a serious health condition. Employees are encouraged to use the District's medical certification form to ensure that all pertinent information is obtained.

- a. Medical Recertification:** If the employee requests additional leave beyond the time period which the health care provider originally estimated that the employee needed to take care of the employee’s ~~child, parent, spouse, or registered domestic partner, family member~~, the District may request a recertification from the employee.

4. Certification for the Employee’s Own Serious Health Condition:

a. First Opinion: The employee must have his/her health care physician complete a medical certification form when requesting FMLA/CFRA leave for his/her own serious health condition. Employees are encouraged to use the District's medical certification form to ensure that all pertinent information is obtained.

b. Second and Third Opinions: If the District has reason to doubt the validity of the certification provided by the employee, the District may require the employee to obtain a second opinion from a doctor of the District’s choosing at the District’s expense. If the employee’s health care provider and the doctor providing the second opinion do not agree, the District may require a third opinion, also at the District’s expense, performed by a mutually agreeable doctor who will make a final determination that shall be binding on both the District and the employee.

c. Medical Recertification: The District may request recertification of a medical condition upon the expiration of the time period, which the health care provider originally estimated, if additional FMLA/CFRA leave is requested.

5. Certification for an Employee’s Return to Work:

a. Returning from a Continuous Leave: As a condition of restoration to his/her former position, an employee taking continuous leave under the FMLA/CFRA is required to provide the District with certification from his/her health care provider stating that he/she is able to resume his/her essential work functions. An employee who fails to provide the certification may have his/her reinstatement delayed.

b. Returning from an Intermittent or Reduced Schedule Leave: In addition to the requirement in Section 5.a., above, if the employee is on intermittent or reduced schedule leave, the District may require a fitness for duty certification at fixed intervals not exceeding every 30 days if there are reasonable safety concerns. “Reasonable safety concerns” means a reasonable belief of significant risk of harm to the employee or others.

c. Contents of Certification: The District will provide the employee with a form and a copy of the employee’s job description for his/her health care provider to review in completing the return-to-work certification, and employees are encouraged to use the District’s form to ensure that all pertinent information is obtained. The employee must provide a complete and sufficient fitness for duty certification. If the employee’s health care provider releases the employee back to work with restrictions, the District will engage in the interactive process to determine what

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reasonable accommodation, if any, will permit the employee to return to work in accordance with the ADA and the FEHA.

- 6. Employee’s Failure to Provide a Medical Certification or Recertification:** If the employee fails to timely provide a complete and sufficient medical certification when requested, the request for FMLA/CFRA leave may be denied, delayed until a sufficient certification is provided. Employees will be advised of these consequences in connection with any request by the District for medical certification or recertification.

K. District’s Designation of Leave: Absent extenuating circumstances, within five working days after the District has acquired enough information to determine whether the employee’s request qualifies for FMLA/CFRA leave, the District will provide the employee with a written Designation Notice.

- 1. Designating Leave as FMLA/CFRA-Qualifying:** If the leave is designated as being FMLA/CFRA-qualifying, the Designation Notice will contain, but is not limited to, the following information:

- a. A statement that the leave is being designated as FMLA and/or CFRA leave;
- b. The amount of leave being counted as FMLA and/or CFRA leave, if known;
- c. Whether accrued paid leave will be used during the leave, and that any paid leave used will count as FMLA/CFRA leave;
- d. Whether a medical certification will be required to release the employee to return to work; and
- e. Whether a job description or description of essential duties is attached to the Designation Notice for the health care provider to use in completing the medical certification to release the employee to return to work.

- 2. Unable to Designate:** If the District is unable to determine whether the leave requested is FMLA/CFRA-qualifying because more information is needed, the employee will be informed that

- a. the medical certification is incomplete or insufficient, and the District will provide a list of deficiencies and explain the employee’s opportunity to cure said deficiencies; or
- b. a second or third medical opinion is being required.

- 3. Not Designating Leave as FMLA/CFRA-Qualifying:** If the District has determined that the employee’s leave does not qualify as FMLA/CFRA leave, the District will notify the employee in

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writing that his/her leave is not being designated as FMLA/CFRA leave, and the reason for the denial.

L. Employment Benefits and Protection:

1. Previously Accrued Benefits:

a. Leave under the FMLA/CFRA will not result in the loss of any employment benefits accrued before the date the leave commenced.

b. Leave under the CFRA will not constitute a break in service or otherwise cause the employee to lose longevity, even if other paid or unpaid leave constitutes a break in service for purposes of establishing longevity, or for layoff, recall, promotion, job assignment, or longevity-related benefits.

2. No Accrual of Leave during Unpaid FMLA/CFRA Leave:

a. An employee on unpaid FMLA/CFRA leave shall not accrue any additional paid leave time. Thus, employees will not accrue vacation leave, sick leave, or other paid leave, nor will they be paid for holidays during the unpaid leave.

b. However, during the time that an employee supplements his/her unpaid FMLA/CFRA leave with paid leave, the employee will continue to accrue leaves and benefits in accordance with the provisions of the District's policy governing those leaves of absence (i.e., when coordinating with sick leave, the rules governing sick leave will apply with regard to the employee's benefits).

3. Maintenance of Health Insurance of the Employee: Employees will continue to receive the same medical benefits while on FMLA/CFRA leave for up to 12 workweeks in a 12-month period. The District shall be responsible for the continued payment of the District's share of the cost of the employee's health benefits during that 12-workweek period. ~~Benefits for absences beyond the allotted period will be handled in the same manner as benefits for employees on any other type of unpaid leave of absence.~~

4. Maintenance of Benefits Requiring Employee Contributions:

a. During any period of unpaid leave, unless otherwise prohibited by applicable law, an employee may elect to discontinue monthly payments into the flexible benefits account, and any other benefits offered or sponsored by the District to which the employee is required to make monthly contributions, other than group medical benefits. Employees must notify the District in writing of such an election.

i. Employees returning from unpaid leave who have discontinued payments into their flexible benefits

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account have a right to elect to reinstate coverage at the same level of participation as before their leave.

- ii. Employees that experience an event that qualifies as a Qualified Status Change under IRS regulations are allowed to change the amount of their monthly payments into either the miscellaneous medical or dependent care flexible spending accounts. If this option is chosen, employees have thirty (30) days from the date of the qualified status change or from the date, they return from FMLA leave to change their payments. (See Policy No. 41-Flexible Advantage Program for more specific information on the Flexible Benefits Program).
- iii. Expenses that are incurred during the time that employees are not making monthly payments are not eligible for reimbursement.

b. An employee will continue to be responsible for making the payment of his/her share of premiums for group medical benefits and any other contributions for which the District has not received advanced notice of election to discontinue. If any premium amounts are increased or decreased for other employees similarly situated, the employee will be required to pay the new premium rates.

c. All monthly contributions are due and payable to the District at the same time as they would be if made through payroll deduction.

d. The District and employees who are CalPERS members will continue to make contributions in accordance with the terms of the plan during any period of FMLA/CFRA leave in which the employee uses paid leave time. The District will not make plan payments for employees during any leave period which is unpaid, and the unpaid leave period will not be counted for purposes of service credit under the plan.

e. If the District provides a new health plan or benefits or changes health plans or benefits while an employee is on CFRA leave, the District will give written notice to the employee to advise that he/she is subject to the new or changed plan/benefits in the same manner, and to the same extent, as if the employee were not on leave.

5. Failure to Return from Leave: The District may recover the entire premium it paid for maintaining health insurance benefits for an employee during any period of unpaid leave if the employee fails to return to work promptly upon the expiration of a leave for a reason other than the continuation, recurrence or onset of a serious health condition that entitles the employee to leave or other circumstances beyond his/her control.

M. Reinstatement:

1. Restoration to Position: When an employee returns from a leave under the FMLA/CFRA, he/she will be restored to the position held when the leave began, or to a comparable position, with equivalent (i.e. virtually identical) employment benefits, pay, and other conditions of employment.

a. The duties of the position must be capable of being performed in the same or similar geographic location, and involve the same or substantially similar duties as the position held when leave began, with responsibilities that entail equivalent skill, effort, responsibility, and authority.

2. Denial of Restoration Rights: The District may refuse to reinstate an employee to his/her pre-leave position at the conclusion of an FMLA and/or /CFRA leave when either of the following conditions exists:

a. **Key Employee (FMLA only):** For FMLA leave only, Tthe employee is a salaried eligible employee who is among the highest paid ten percent of the District's employees; and the following steps take place:

i. The District notifies the employee at the time the employee gives notice of the need for leave, or when leave commences, if earlier, that he/she is a key employee, and also notifies the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the District should determine that reinstatement will result in substantial and grievous economic injury to its operations; and

ii. As soon as the District makes a good faith determination that substantial and grievous economic injury will result if the District reinstates that key employee at the end of the requested FMLA/~~CFRA~~ leave period, the District notifies the employee that it intends to deny reinstatement at the end of the requested leave period.

A. The notice from the District will include an explanation for the basis for the District's determination and provide the key employee with a reasonable time in which to return to work, taking into account the circumstances, such as the requested duration of the leave and the urgency of the need for the employee to return.

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- iii. The key employee has already begun the FMLA/~~CFRA~~ leave at the time of receiving the notice, and he/she does not return to work within the specified timeframe after receiving such notice from the District.
 - A. The key employee will remain entitled to the maintenance of health benefits under Section III.L.3. for the duration of the originally requested leave, but the District will not be entitled to recover its contributions to premiums under Section III.L.5.
 - B. The key employee's rights will then continue under the ~~FMLA~~/~~CFRA~~ unless and until the employee either gives notice that he/she will not seek to return to work or the employee requests to return to work at the conclusion of the leave and receives notice that the District has denied that request.
- iv. If the key employee requests to return to work upon completion of the originally requested leave, the District again determines that substantial and grievous economic injury will result if the District reinstates the employee, based on the facts at hand, and the District provides written notice of the denial.

b. Position No Longer Exists: The employee's position and any comparable position have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA/CFRA leave. In this case, the District shall reasonably accommodate the employee through alternative means that will not cause undue hardship to the District's operation. The District may offer an employee any other position that is available and suitable. The District is not required to create new employment that would not otherwise be created, discharge or transfer another employee, or promote another employee who is not qualified to perform the job.

3. Opportunity to Fulfill Missed Requirements: If an employee is unable to attend a necessary course, renew a license, or is otherwise adversely affected in terms of fulfilling minimum requirements or qualifications for the position as a result of the FMLA/CFRA leave the employee will be given a reasonable opportunity to fulfill those requirements or qualifications upon returning to work from FMLA/CFRA leave.

III. PREGNANCY DISABILITY LEAVE OR TRANSFER.

A. Eligibility and Duration:

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1. Eligibility

- a. Any employee who is disabled on account of pregnancy, childbirth, or related medical conditions may take a pregnancy-related disability leave, regardless of the number of hours worked or her length of employment with the District. However, unless an employee has met the eligibility requirements under Section II.A. of this Policy, she shall not be subject to the additional terms and conditions that apply to an employee who is eligible for FMLA leave.
- b. An employee's pregnancy-related disability is not considered a serious health condition under the CFRA and is not counted against an employee's CFRA leave eligibility.

2. **Amount of Leave Entitlement:** An eligible employee may take a pregnancy-related disability leave for the period of disability, up to four months (an equivalent of 17 1/3 weeks). The pregnancy disability leave shall run concurrently with any family care or medical leave to which the employee may be entitled under the FMLA. An employee is entitled to take off the number of days or hours that the employee would normally work during 17 1/3 weeks of employment. For example, an employee, who regularly works 40 hours per week, is entitled to take 693 hours of leave, and an employee who regularly works 20 hours per week, would be entitled to 346.5 hours of leave.

3. **Temporary Transfer:** Any employee affected by conditions related to pregnancy, childbirth, or related medical conditions is entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties upon the certification of the employee's health care provider that the transfer is medically advisable, if the transfer can be reasonably accommodated.

4. **Reasonable Accommodation:** The District will provide reasonable accommodation to an employee who is affected by pregnancy, childbirth or related medical conditions as required by law.

B. Use of Accrued Leave: An employee taking pregnancy-related disability leave must coordinate any available sick leave with her pregnancy-related disability leave. An employee taking pregnancy-related disability leave may, at her option, coordinate any other accumulated paid leaves, including, but not limited to, vacation time, holiday pay, or other paid leaves for which she is eligible, with her pregnancy-related disability leave. The paid leave shall run concurrently with the pregnancy-related disability leave, and shall not extend the employee's entitlement to pregnancy-related disability leave beyond the amount specified in Section III.A.2 of this Policy.

1. Coordination with Wage Replacement Plans:

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- a. This provision only applies when the employee’s pregnancy-related disability leave is also designated as a serious health condition under the FMLA.
 - b. Pursuant to the provisions of the FMLA, if an employee is receiving a wage replacement payment from State Disability Insurance, Short-Term Disability, and/or Long-Term Disability, the employee and the District may mutually agree to coordinate the employee’s accrued paid leaves with the amount received from the wage replacement plan, up to an amount equal to the employee’s regular salary.
 - c. If the employee is still receiving SDI benefits when her twelve workweeks of leave under the FMLA expire, the District will require that she begin coordinating any additional accrued sick leave with the wage replacement benefits. The employee may also elect to coordinate all other accrued paid leaves with the wage replacement benefits.
- C. **Notice:** An employee should notify her supervisor of her need for pregnancy-related disability leave or transfer as soon as she is aware of the need for such leave.
1. **Foreseeable Events:** Where the need for pregnancy-related disability leave or transfer is foreseeable, the employee must provide at least 30 days’ advance notice to the District of the need for pregnancy-related disability leave or transfer. If the leave or transfer is required in connection with any planned, non-emergency medical treatment or supervision, the employee shall consult with the District and make a reasonable effort to schedule any such planned medical treatment or supervision to minimize disruption to the District’s operations, subject to the approval of the health care provider of the employee.
 2. **Unforeseeable Events:** For non-emergency events that are not foreseeable 30 days in advance, or when 30 days’ advance notice is not practicable, the employee must notify the District as soon as practicable under the circumstances, ordinarily within two working days after the employee learns of the need for leave.
 3. **Notice of Intermittent Leave:** In the event that an employee requires intermittent pregnancy-related disability leave, she shall notify the District of the anticipated dates for the absences as much in advance as possible.
 4. **Failure to Provide Notice:** If the employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, the District reserves the right to delay the employee’s right to take the FMLA/~~CFRA~~ leave for up to 30 days after the date the employee provides notice of the need for pregnancy-related disability leave or transfer.

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D. Contents of Notice or Request for Extension:

1. Employees must either use a Request for Leave of Absence Form or otherwise submit a request to Human Resources for pregnancy-related disability leave or transfer that includes the anticipated timing and duration of the leave or transfer and be sufficient to make the District aware that the employee requires a pregnancy-related disability leave or transfer. Any requests for extensions of a pregnancy-related disability leave or transfer must be received at least five working days before the date on which the employee was originally scheduled to return to work, where practicable, and must include the revised anticipated date(s) and duration of the pregnancy-related disability leave or transfer.
2. If the employee has exhausted her leave entitlement under Section III.A.2., the District will evaluate on a case-by-case basis whether additional leave may be available as a reasonable accommodation; however, any such additional leave shall not be subject to the provisions of this Section III.

E. Intermittent or Reduced Schedule Leave: Pregnancy-related disability leave can be taken on an intermittent or on a reduced schedule basis when medically advisable, as determined by the employee's health care provider. The minimum pregnancy-related disability leave increment that can be taken by an employee is fifteen minutes. If pregnancy-related disability is taken on an intermittent or reduced schedule basis and it is foreseeable based on planned medical treatment because of pregnancy, the District retains the discretion to temporarily transfer the employee to an alternative position, for which the employee is qualified, with equivalent pay and benefits, which better accommodates the employee's leave schedule, but need not have equivalent duties.

F. District Response to a Request for Pregnancy-Related Disability Leave or Transfer or Request for Extension: Within five working days of an employee's request for pregnancy-related disability leave or transfer, the District shall provide the employee with a written Eligibility Notice, which shall conform to the provisions of Section II.I. The Eligibility Notice shall also inform the employee of her additional rights under the California Pregnancy Disability Leave Law. If the employee has exhausted her leave entitlement under Section II.A.2., the District will advise whether additional leave will be granted as a reasonable accommodation; however, any such additional leave shall not be subject to the provisions of this Section III.

G. Medical Certification:

1. **Timing of Certification:** Any request for pregnancy-related disability leave or transfer must be supported by a medical certification from a health care provider.
 - a. For foreseeable pregnancy-related disability leaves or transfers, employees must provide the required medical certification before the leave/transfer begins. When this is not possible, employees must provide the required certification within 15 days, unless it is

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not practicable under the circumstances to do so. Failure to provide the required medical certification may result in the denial or delay of foreseeable pregnancy-related disability leaves or transfers until such certification is provided.

- b. In the case of unforeseeable leaves, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee’s continued leave until certification is eventually provided. Any request for an extension of the leave/transfer must also be supported by an updated certification.
 2. **Contents of the Certification for Pregnancy-Related Leave:** Employees are encouraged to use the District’s medical certification when requesting pregnancy-related disability leave to ensure that all pertinent information is obtained. The following information must be included: (1) date the employee became or will become disabled due to pregnancy; (2) the probable duration of the period or periods of disability; and (3) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, to the successful completion of her pregnancy, or to other persons.
 3. **Contents of the Certification for Pregnancy-Related Transfers:** Employees are encouraged to use the District’s medical certification when requesting pregnancy-related disability transfer to ensure that all pertinent information is obtained. The medical certification for pregnancy-related transfer shall include: (1) date the employee became or will become disabled due to pregnancy; (2) the probable duration of the period or periods of disability; and (3) an explanatory statement that, due to the disability, the transfer is medically advisable.
 4. **No Second/Third Opinions Allowed:** There will not be a second or third opinion regarding pregnancy-related disability leave or transfer.
 5. **Return to Work Certification:** As a condition of restoration to her former position, an employee taking leave under the FMLA/PDL is required to provide the District with certification from her health care provider stating that she is able to resume her original job duties.
- H. District’s Designation of Leave:** Once an employee requests pregnancy-related disability leave or transfer, Human Resources shall notify the employee in writing whether the requested leave or transfer is approved and qualifies as pregnancy-related disability leave or transfer. This designation shall comply with the provisions of Section II.K., and shall inform the employee of any additional rights and obligations under the California Pregnancy Disability Leave Law.
- I. Employment and Benefits Protection:** The provisions set forth in Section II.L. of this Policy regarding employment and benefits protection in connection with

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FMLA/CFRA leave also, apply to all pregnancy-related disability leaves.

- J. Reinstatement:** Upon the completion of the employee’s pregnancy-related disability leave or transfer period, and upon submission of the return-to-work notice, the employee shall be returned to the same position she previously held, or to a comparable position as permitted by law. However, for pregnancy-related disabilities, there is no reinstatement exception for key employees.

IV. MILITARY FMLA/CFRA LEAVE.

The FMLA provides for two types of military family leave: military exigency leave and military caregiver leave. The CFRA also provides for military exigency leave. Terms and conditions for military family leave are addressed in Section IV.B. of this Policy.

- A. Military Exigency Leave:** The District permits employees who have a covered military family member in the Armed Forces (including the National Guard or Reserves) to take up to twelve workweeks of FMLA/CFRA leave due to a qualifying exigency resulting from the covered military family member’s active military duty (or call to active duty status) in support of a contingency operation. *Leave granted under this Section shall count against the FMLA/CFRA leave granted under Section II.*

1. **Definitions:**

- a. **Armed Forces:** The Army, Navy, Air Force, Marine Corps, or Coast Guard, including the National Guard and Reserves.
- b. **Covered Active Duty or Call to Active Duty Status:** One of the following:
 - i. For a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; or
 - ii. For a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation under a provision of law referred to in section 101(a)(13) (B) of Title 10, United States Code.
- c. **Covered Military Family Member:** An employee may take leave under FMLA/CFRA for the employee’s spouse, son, daughter, or parent who is a member of the Armed Forces and is on Covered Active Duty or Call to Active Duty Status. An employee may take leave under CFRA for the employee’s domestic partner who is a member of the Armed Forces and is on Covered Active Duty or Call to Active Duty status.
 - i. For purposes of this definition only, "son" or "daughter"

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means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood *in loco parentis*, within the meaning of Section II.C.1. of this Policy, regardless of age.

- d. **Covered Military Family Member's Child:** The biological, adopted, or foster child, stepchild, legal ward, or child for whom the Military Family Member stands *in loco parentis*, within the meaning of Section III.C.2. of this Policy, who is either under the age of 18 or who is aged 18 or older but incapable of self-care because of a physical or mental disability at the time leave under this Section IV.A. is to commence.
 - e. **Covered Military Family Member's Parent:** The biological, adoptive, step, or foster father or mother, or an individual who stood *in loco parentis*, within the meaning of Section II.C.2. of this Policy, to a Covered Military Family Member who was under 18 years of age.
2. **Qualifying Reasons for Military Exigency Leave:** Military exigency leave can be taken for the following non-medical, non-routine activities only:
- a. **Short-Notice Deployment Activities:** If a Covered Military Family Member receives seven or less calendar days' notice prior to the date of deployment, an employee may take FMLA/CFRA leave to address any issue arising from an impending call or order to active duty in support of a contingency operation. The employee may take FMLA/CFRA leave for up to seven days beginning on the date the Covered Military Family Member receives the notice of impending call or order to active duty.
 - b. **Military Events and Related Activities:** An employee may take FMLA/CFRA leave to attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of the Covered Military Family Member. An employee may also take FMLA/CFRA leave to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or American Red Cross that are related to the active duty or call to active duty status of a Covered Military Family Member.
 - c. **Childcare and School Activities:** An employee may take FMLA/CFRA leave for the following reasons, if the reason is necessitated by the Covered Military Family Member's active duty or call to active duty status, or circumstances arising from it:
 - i. To make alternative childcare arrangements of a Covered Military Family Member's Child;

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- ii. To provide childcare for a Covered Military Family Member's Child on an urgent, immediate need basis, but not on a regular, routine, or everyday basis;
 - iii. To enroll in or transfer a Covered Military Family Member's Child in a new school or day care facility; and/or
 - iv. To attend meetings with staff at a school or day care facility, such as regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a Covered Military Family Member's Child.
- d. **Financial and Legal Arrangements:** An employee may take FMLA/CFRA leave in order to make or update financial or legal arrangements to address the Covered Military Family Member's absence while on active duty or call to active duty status; and/or to act as the Covered Military Family Member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the Covered Military Family Member is on active duty or call to active duty status (up to a period of 90 days following the termination of the Covered Military Family Member's active duty status).
- e. **Counseling Activities:** An employee may take FMLA/CFRA leave to attend counseling, provided that:
 - i. The need for counseling arises from the Covered Military Family Member's active duty or call to active duty;
 - ii. Such counseling is provided by someone other than a health care provider; and
 - iii. The counseling is for the employee, the Covered Military Family Member, and/or the Covered Military Family Member's Child. (Note that if medical counseling is needed due to a serious health condition, the employee may be able to take FMLA/CFRA leave under Section II instead.)
- f. **Rest and Recuperation Activities:** If a military member is granted short-term, temporary, rest and recuperation leave during the period of deployment, an employee may take FMLA/CFRA leave to spend time with the military member. An employee may take FMLA/CFRA leave for this purpose for up to fifteen working days for each instance of rest and recuperation, beginning on the date the Covered Military Family Member commences each instance of rest and recuperation leave.
- g. **Post-Deployment Activities:** An employee may take

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FMLA/CFRA leave to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following termination of the Covered Military Family Member's active duty status. An employee may also take FMLA/CFRA leave to address issues that arise from the death of a Covered Military Family Member while on active duty status, such as meeting and recovering the body of the Covered Military Family Member.

- h. **Parental Care:** An employee may take FMLA/CFRA leave for care of a Covered Military Family Member's Parent who is incapable of self-care.
 - i. "Incapable of self-care" means that the individual requires active assistance to provide daily self-care in three or more of the following activities: caring appropriately for one's grooming and hygiene; bathing; dressing; eating; cooking; cleaning; shopping; taking public transportation; paying bills; maintaining a residence; using telephones and directories; using a post office; or other activities or instrumental activities of daily living.
 - ii. An employee may take parental care leave for the following purposes when the need arises from the covered active duty or call to active duty of the Covered Military Family Member:
 - A. To arrange for alternative care of the Covered Military Family Member's Parent from the existing care arrangement;
 - B. To provide care for the Covered Military Family Member's Parent on an urgent, immediate need basis (as opposed to a routine, regular, or everyday basis);
 - C. To admit to or transfer to a care facility the Covered Military Family Member's Parent; or
 - D. To attend meetings with staff at a care facility, such as meetings with hospice or social service workers, that are not regular or routine.
- i. **Additional Activities:** An employee may take FMLA/CFRA leave for another form of exigency, provided that:
 - i. The reason for the leave arises out of the Covered Military Family Member's active duty or call to active duty;
 - ii. The District and the employee mutually agree that such

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leave shall be considered taken for a qualifying exigency;
and

- iii. The District and employee mutually agree on the timing and duration of the leave.

3. **Employee Notice of Need for Military Exigency Leave.**

- a. **Timing of Notice:** Employees are required to give notice of the need for military exigency leave as soon as practicable under the circumstances.
- b. **Content of Notice:** Employees are required to use a Request for Leave of Absence Form or otherwise provide the District with sufficient information, depending on the situation, to notify the District as to the anticipated timing and duration of the leave, that a Covered Military Family Member is on active duty or call to active duty status, and that one of the qualifying exigencies in Section IV.A.2. is present.
- c. **Updates from Employee:** The employee is required to advise the District as soon as is practicable when the dates of leave or other circumstances change.

- 4. **District Response to Notice of Need for Military Exigency Leave:** The District will request any additional, necessary information needed to process the employee's request and will also follow the procedures set forth under Section II of this Policy in responding to an employee's notice that he/she has a need for military exigency leave.

- 5. **Certification of Need for Military Exigency Leave:** The District will request certification of the employee's need for military exigency leave when it provides notice under Section II., and will provide the employee with a form to complete or an explanation of the information needed. Employees requesting military exigency leave for the first time for a particular active duty or call to active duty are also required to provide the District with a copy of the military member's active duty orders.

- a. **Required Information for Certification:**

- i. A signed statement or description by the employee of the facts supporting the request for leave for one or more of the reasons set forth in Section IV.A.2 and any available supporting written documentation, including, but not limited to, meeting announcements, appointment confirmations, or a copy of a bill for services.
- ii. The approximate date on which the reason for the leave commenced, or will commence.

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- iii. The applicable timeframe.
 - A. If for a single, continuous period, the beginning and end dates for the employee's absence from work;
 - B. If on an intermittent or reduced schedule basis, the estimated frequency and duration of the employee's absences.
 - iv. For leave involving a meeting with a third party, appropriate contact information for the individual or entity, such as name, title, organization, address, telephone number, fax number, and email address, as well as a brief description of the purpose of the meeting.
 - v. For leave involving rest and recuperation activities, a copy of the Covered Military Family Member's Rest and Recuperation orders, or other documentation issued by the military indicating that the Covered Military Family Member has been granted Rest and Recuperation leave and identifying the dates of that Rest and Recuperation leave.
- b. **Timing of District's Notice of Required Certification:** The District will request the certification in accordance with the timeframes set forth in Section II.J. of this Policy.
 - c. **Insufficient or Incomplete Certification:** Employees are required to provide a complete and sufficient certification. If an employee provides an incomplete or insufficient certification, the District will give the employee written notice of the deficiencies and seven calendar days to cure the deficiencies, unless seven days is not practicable, despite the employee's diligent, good faith efforts. The employee's leave may be denied if he/she fails to provide timely a required certification.
 - d. **Verification of Certification:** The District may verify the employee's certification by contacting the appropriate Department of Defense unit to verify the military member is on active duty or call to active duty status. If the exigency involves meeting with a third party, the District may contact the entity or individual with whom the employee is meeting to verify the meeting or appointment schedule and the nature of the meeting. The District will not request additional information. No permission from the employee is required for such verification.
- B. **Military Caregiver Leave:** An employee who is the spouse, ~~registered domestic partner~~, son, daughter, parent, or next of kin of a Covered Servicemember in the Regular Armed Forces, National Guard, or Reserves who has incurred a serious injury or illness in the line of duty while on active duty may take up to 26

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

workweeks in a single 12-month period per covered servicemember and per injury/illness of the servicemember. *Leave granted under this Section shall run concurrently with the FMLA and CFRA leave where applicable. Leave granted under this Section shall be included in computing the employee's 12 weeks of leave granted under the FMLA, so that an employee may not, under any circumstances, exceed 26 total weeks of FMLA leave in a rolling 12-month period.*

1. Definitions:

- a. **Armed Forces:** The Army, Navy, Air Force, Marine Corps, or Coast Guard, including the National Guard and Reserves
- b. **Authorized Health Care Provider:** For purposes of completing, the certification required under Section IV.3.b., any one of the following:
 - i. United States Department of Defense ("DOD") health care provider;
 - ii. A United States Department of Veterans Affairs ("VA") health care provider;
 - iii. A DOD TRICARE network authorized private health care provider;
 - iv. A DOD non-network TRICARE authorized private health care provider; or
 - v. Any health care provider permitted to provide medical certification under Section II of this Policy.
- c. **Covered Servicemember:**
 - i. A current member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or
 - ii. A veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces, at any time during the period of five years preceding the date on which the employee commences FMLA leave to care for the veteran. ~~If the veteran was discharged or released under conditions other than dishonorable, the period from October 28, 2009 through February 8, 2013 shall not be counted in determining whether the veteran's last day of service falls within the five-year period.~~

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- d. Next of Kin:** The nearest blood relative of a Covered Servicemember (other than his/her spouse, registered domestic partner, parent, son, or daughter), in the following priority order:
- i. A blood relative designated in writing by the servicemember as his/her nearest blood relative for purposes of military caregiver leave under the FMLA, who, if so designated, shall be the only next of kin for purposes of this Policy;
 - ii. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
 - iii. Brothers or sisters;
 - iv. Grandparents;
 - v. Aunts or uncles; and
 - vi. First cousins.

If no blood relative has been designated under Section IV.B.1.d.i., all blood relatives at the next applicable level of priority shall be considered "next of kin" who may take FMLA leave to provide care for the Covered Servicemember, either simultaneously or not.

- e. Outpatient Status:** The status of a Covered Servicemember who is assigned to a military medical treatment facility as an outpatient, or a unit established for the purpose of providing command and control of members of the military receiving medical care as outpatients.
- f. Parent of a Covered Servicemember:** A Covered Servicemember's biological, adoptive, step or foster father or mother, or an individual who stood *in loco parentis* to a Covered Servicemember, within the meaning of Section II.C.2. of this Policy.
- g. Son or Daughter of a Covered Servicemember:** A Covered Servicemember's biological, adopted, or foster child, step child, legal ward, or child for whom the Covered Servicemember stood *in loco parentis*, within the meaning of Section II.C.1. of this Policy, except that this definition shall apply regardless of the child's age.
- h. Serious Injury or Illness:**
- i. For a current member of the Armed Forces an injury or illness incurred by a Covered Servicemember in the line of duty on active duty (or that existed before the beginning of

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

the member's active duty and was aggravated by service in the line of duty or active duty), and that may render the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating.

- ii. For a veteran who is a Covered Servicemember:
 - A. an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) and that manifested itself before or after the member became a veteran; and
 - B. is one of the following:
 - 1. a continuation of a Serious Injury or Illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating; or
 - 2. a physical or mental condition for which the veteran has received a U.S. Department of Veteran Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the VASRD rating is based, in whole or in part, on the condition precipitating the need for the military caregiver leave; or
 - 3. a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - 4. an injury, including a psychological injury, on the basis of which the veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- i. **Veteran:** A person who served in the Armed Forces, and who was discharged or released therefrom under conditions other than dishonorable.

2. **Terms of Military Caregiver Leave.** Except for the differences set

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

forth in this Section IV.B., the District shall grant military caregiver leave under the same terms that FMLA/CFRA leave is granted under Section II to care for a ~~parent, spouse, registered domestic partner, or child~~family member with a serious health condition.

3. **Required Certifications:** The District will provide the employee with a form to complete that certifies the service member's family relationship, military status, and Serious Injury or Illness. The employee is required to ensure that this form, or an equivalent form containing the information set forth in this Section, is completely and sufficiently completed and returned within the same time periods set forth in Section II.J. of this Policy. If the employee fails to provide a complete and sufficient form, the District will inform him/her of the deficiencies, and grant the employee at least seven calendar days to cure them.

- a. **Certification of Family Relationship and Military Status:**

The District will require proof of the servicemember's family relationship to the employee and proof of the servicemember's military status for the employee's first request of military caregiver leave for a particular illness or injury for a particular servicemember.

- b. **Certification of Serious Illness or Injury:** The District will require certification from an Authorized Health Care Provider that the servicemember is suffering from a Serious Illness or Injury. However, the employee will not be required to reveal the servicemember's diagnosis.

- i. The Authorized Health Care Provider may base the certification upon his/her personal determination and/or may certify his/her reliance upon determination(s) made by an authorized DOD representative or an authorized VA representative. The certification must also include:

- A. The name, address, appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and the basis on which he/she is an authorized health care provider, as set forth in Section IV.B.1.b, above;
- B. The approximate date on which the injury or illness commenced, or was aggravated, and its probable duration; and
- C. Information sufficient to establish that the Covered Servicemember is in need of care

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

and addressing the following matters:

1. Whether the need for care is for a single continuous period, and if so, an estimate of the beginning and ending dates, including any time needed for treatment and recovery;
2. Whether there is a medical necessity for periodic care, based on a schedule of planned medical treatment, and if so an estimate of the treatment schedule;
3. Whether there is a medical necessity for periodic care for reasons other than planned medical treatment, such as episodic flare-ups, and if so, an estimate of the frequency and duration of the periodic care.

4. **Alternative Certifications:**

- a. **Special Automatic Certification:** The DOD may issue a special invitation to a member(s) of a servicemember's family when a DOD health care provider has determined that the injury or illness is serious enough to warrant the immediate presence of a family member at the servicemember's bedside. If the DOD issues an invitational travel order ("ITO") or invitational travel authorization ("ITA") for "medical purposes" to any member(s) of the servicemember's family (even if the employee's name is not on it), the ITO or ITA constitutes automatic certification of military status and Serious Injury or Illness for the period of time specified in the ITO or ITA for the employee to take leave on either a continuous or intermittent basis, and the District will not require further certification of those matters for the specified period of time. However, in this circumstance, the District may still require proof of the covered family relationship between the employee and the servicemember. The ITO or ITA is in effect for the duration specified on it. If the employee wishes to request leave to care for a Covered Service Member beyond the period of time specified in an ITO or ITA, he/she must submit additional certification in accordance with Section IV.B.3.b., above.
- b. **Documentation of Enrollment in Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers:** As another alternative to the certification required under Section IV.B.3.b., the District will accept as sufficient certification documentation of the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers,

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

whether or not the employee is the named caregiver in the enrollment documentation. However, the District may still require proof of the covered family relationship between the employee and the servicemember. The District may also require proof of the servicemember's date of discharge and proof that the servicemember's discharge was other than dishonorable.

5. **Authentication and Clarification:** The District may seek authentication and clarification of a certification issued under Section IV.B.3.d., or of an ITO or ITA, or of documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
6. **Second and Third Opinions:** No second or third opinions of the servicemember's Serious Illness or Injury will be sought from an Authorized Health Care Provider who meets the criterion set forth in V.B.1(a)(i)-(iv); however, the District may request a second or third opinion by an Authorized Health Provider who meets the criterion in V.B.1(a)(v). No second or third opinions will be sought regarding an ITO or ITA for the period of time specified in the ITO or ITA.
7. **Recertification:** No recertifications of the servicemember's Serious Illness or Injury will be sought.
8. **Administrative Delays in Issuance of Military Documents:** When an employee is unable to submit required documentation within the timeframe required under Section II.J, despite his/her diligent, good faith efforts to obtain such documents, the District will not delay or deny leave on the grounds of such administrative delay.

V. EMPLOYEE RESPONSIBILITIES AND DUTY TO COOPERATE

Employees are expected to fully cooperate with the District in meeting the obligations and requirements set forth under this Policy, as well as those set forth in state and federal law. An employee's cooperation includes, but is not limited to, timely completion of all requested forms and responding to all inquiries for additional information. Cooperation also requires that an employee respond to the District's inquiries for information to determine whether the employee is requesting leave under the FMLA, CFRA, and/or PDL. Employees are also required to consult with the District and make a reasonable effort to schedule foreseeable treatments so as to not unduly disrupt the District's operations. Employees on family care or medical leave must respond to the District's reasonable inquiries and keep the District updated as to the status of the employee's family care or medical leave.

Failure to cooperate with the District or failure to meet the employee's responsibilities may result in a delay in granting the employee's leave, a denial of leave, and/or a denial of the protections and benefits afforded by the FMLA, CFRA, and/or PDL. Employees who have questions about their responsibilities under this Policy should direct their inquiries to Human Resources.

POLICY 19 – FAMILY AND MEDICAL CARE LEAVES OF ABSENCE

Adopted by IRWD Board of Directors on: ~~December 13, 2021~~

Exhibit "B"

RESOLUTION NO. 2023 - 3

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
IRVINE RANCH WATER DISTRICT,
SUPERSEDING RESOLUTION NO. 2021-26 AND
ESTABLISHING REVISED PERSONNEL POLICIES AND PROCEDURES

The Irvine Ranch Water District (IRWD) is a California Water District formed pursuant to Division 13 of the Water Code of the State of California; and

Section 34900 of said Code provides that the Board of Directors shall employ and appoint such agents, officers and employees as may be required and prescribe their duties and fix their salaries; and

By adoption of Resolution No. 2021-26 dated December 13, 2021, the Board established revised Personnel Policies and Procedures; and

The Board of Directors of Irvine Ranch Water District deem it advisable and in the best interest of said District to revise Personnel Policies and Procedures periodically to ensure compliance with current employment and labor laws and regulations.

The Board of Directors of Irvine Ranch Water District hereby resolve, determine and order as follows:

Section 1. That Resolution No. 2021-26 be and hereby is superseded.

Section 2. That the Personnel Policies and Procedures for Irvine Ranch Water District be, and hereby are, approved and adopted as more specifically set forth in Attachment I of this Resolution, attached hereto and by this reference made a part hereof.

ADOPTED, SIGNED AND APPROVED this 13th day of March 2023.


President, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

District Secretary, IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:
Hanson Bridgett LLP

By: _____
General Counsel

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March 13, 2023
Prepared by: T. Bonkowski / M. Cortez
Submitted by: K. Burton
Approved by: Paul A. Cook 

CONSENT CALENDAR

RIPARIAN VIEW PAVEMENT REHABILITATION CONSTRUCTION AWARD

SUMMARY:

The Riparian View Pavement Rehabilitation project will rehabilitate the northern half of Riparian View from Michelson Drive to the Michelson Water Recycling Plant (MWRP). Staff recommends that the Board authorize the General Manager to execute a construction contract with All American Asphalt in the amount of \$558,855.50 for the Riparian View Pavement Rehabilitation.

BACKGROUND:

Riparian View is the primary access road for IRWD's MWRP and Biosolids facilities. The road is roughly 1.2 miles long, extending from Michelson Drive to Campus Drive as shown in Exhibit "A". Riparian View was constructed and improved over the years to varying design standards, and the pavement in many areas is showing substantial cracking and disrepair. Staff retained Labelle Marvin to evaluate the entire length of Riparian View and it was determined that the northern segment from Michelson Drive to MWRP Gates 1, 2 and 13 (lift arm gate) ranged from fair to poor condition with widespread cracking and isolated failures while the southern segment from MWRP Gate 13 down to Campus Drive was in fair condition.

The cause of the northern segment's existing condition of disrepair is attributed to its extensive use by high gross weight District and construction vehicles, chemical delivery vehicles, material shipping vehicles, trucking related to the biosolids operations, and staff vehicles. In comparison, the southern segment from MWRP Gate 13 to Campus Drive is only seldomly used by high gross weight vehicles. Based on the evaluation, this project will repair approximately 80,000 square feet of asphalt concrete pavement on the northern segment of Riparian View by installing a new pavement section designed for heavy traffic use (including the two parking areas along Riparian), adjust existing valve cans to new grade, restripe, and replace the existing traffic loops near Michelson. To minimize traffic disruptions, the work to remove and replace the asphalt will be performed on Fridays, Saturdays, and Sundays only, with one lane always remaining open for ingress and egress. Rehabilitation of the southern portion of Riparian View will be addressed in the future as needed.

Construction Bid:

Labelle Marvin completed the pavement rehabilitation design in January 2023 and the project was advertised to a select list of ten paving contractors on February 1, 2023. The bid opening was held on February 28, 2023, with bids received from All American Asphalt, A&Y Asphalt, and Hardy & Harper. All American Asphalt was the apparent low bidder with a bid amount of \$558,855.50. All American Asphalt's bid information is attached as Exhibit "B", and a summary of the three bids received is provided in the following table:

Bidder	Bid Amount
All American Asphalt	\$558,855.50
Hardy & Harper, Inc.	\$566,235.00
A&Y Asphalt Contractors, Inc.	\$568,380.00
<i>Engineer's Estimate</i>	<i>\$540,665.00</i>

Staff reviewed All American Asphalt's bid and determined that it is responsive. All American Asphalt has completed previous District asphalt replacement projects and is well qualified to construct this project. Staff recommends that the Board authorize the General Manager to award a construction contract to All American Asphalt in the amount of \$558,855.50.

FISCAL IMPACTS:

Project 12215 is included in the FY 2022-23 Capital Budget. The existing budget is sufficient for the construction.

ENVIRONMENTAL COMPLIANCE:

This project is exempt from the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15301. Section 15301 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.

COMMITTEE STATUS:

Construction awards are not routinely taken to Committee prior to submittal to the Board.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH ALL AMERICAN ASPHALT IN THE AMOUNT OF \$558,855.50 FOR THE RIPARIAN VIEW PAVEMENT REHABILITATION, PROJECT 12215.

LIST OF EXHIBITS:

- Exhibit "A" – Project Site Map
- Exhibit "B" – Bid Results

**EXHIBIT "A"
RIPARIAN VIEW PAVEMENT REHABILITATION
SITE MAP**



**PAVEMENT
REPLACEMENT
AREA**

GATE 2

GATE 1

GATE 13

Panasonic Avionics Corporation

Park P

Michelson Water Reclamation Plant

IRWD San Joaquin Marsh & Wildlife Sanctuary

Campus Dr

Michelson Dr

Riparian View

Riparian View

San Diego Creek

San Diego Creek

Harvard Ave

Harvard Ave

Harvard Ave

Riparian View

Riparian View

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Exhibit "B"

Bid Results

Bidder Details

Vendor Name All American Asphalt
Address 400 E. 6th Street
Corona, California 92879
United States
Respondee Edward Ryu
Respondee Title Project Manager
Phone 951-736-7600
Email publicworks@allamericanasphalt.com
Vendor Type CADIR
License # 267073
CADIR 1000001051

Bid Detail

Bid Format Electronic
Submitted 02/28/2023 1:45 PM (PST)
Delivery Method
Bid Responsive
Bid Status Submitted
Confirmation # 319974

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
Bid Proposal Package_All American Asphalt.pdf	Bid Proposal Package_All American Asphalt.pdf	Bid Form

Subcontractors

Showing 2 Subcontractors

Name & Address	Desc	License Num	CADIR	Amount	Type
PCI 2896 Orange Ave #210 Signal Hill, California 90755	Striping	415490	100813536	\$10,200.00	
Smithson Electric Inc. 1938 E. Katella Orange, California 92867	Traffic Loops	614518	1000001610	\$4,200.00	

Line Items

Discount Terms No Discount

Item #	Item Code	Type	Item Description	UOM	QTY	Unit Price	Line Total	Response	Comment
BASE BID ITEMS							\$558,855.50		
1			Mobilization, demobilization cleanup and spoils disposal	LS	1	\$68,000.00	\$68,000.00	Yes	
2			Remove and reconstruct 6 inches of asphalt concrete over existing base.	SF	80000	\$5.22	\$417,600.00	Yes	
3			Install 6 inches of Class II Aggregate Base	CY	300	\$120.00	\$36,000.00	Yes	
4			Mill and inlay asphalt concrete 1.25 inches	SF	4145	\$1.90	\$7,875.50	Yes	
5			Replace existing manhole frame and cover per IRWD STD DWG S-1	EA	1	\$3,800.00	\$3,800.00	Yes	
6			Adjust existing valve cans to grade per IRWD STD DWG W-22	EA	8	\$900.00	\$7,200.00	Yes	
7			Remove and dispose of temporary AC ramp and PVC drainpipe	LS	1	\$2,900.00	\$2,900.00	Yes	
8			Install Traffic Loop Detectors	EA	8	\$560.00	\$4,480.00	Yes	
9			Striping and Stenciling	LS	1	\$11,000.00	\$11,000.00	Yes	
ADDITIVE AND DEDUCTIVE BID ITEMS							\$0.00		
10			ADDITION (+) OR DEDUCTION (-)	LS	1	\$0.00	\$0.00	Yes	

Line Item Subtotals

Section Title	Line Total
BASE BID ITEMS	\$558,855.50
ADDITIVE AND DEDUCTIVE BID ITEMS	\$0.00
Grand Total	\$558,855.50

March 13, 2023
Prepared by: T. Bonkowski / M. Cortez
Submitted by: K. Burton
Approved by: Paul A. Cook *PA*

CONSENT CALENDAR

IRVINE BUSINESS COMPLEX APPURTENANCE RELOCATIONS
FINAL ACCEPTANCE

SUMMARY:

The Irvine Business Complex Appurtenance Relocations project is complete. The contractor, T.E. Roberts, Inc., completed the required work and all punch list items. The project has received final inspection and acceptance of construction is recommended.

BACKGROUND:

The City of Irvine notified staff of its project to construct concrete sidewalks in the Irvine Business Complex on the streets of Cartwright Road, Beckman, Derian, Gillette, Hale, Kelvin, McGaw, Murphy and Noyes Avenues. Since the locations of existing IRWD facilities such as meters, fire hydrants, and backflow devices conflicted with the proposed sidewalks, this project relocated and replaced these facilities to allow the City's proposed sidewalk to be unimpeded.

MBF Consulting, Inc. completed the design in April 2022 and T.E. Roberts, Inc. was awarded the construction contract on June 14, 2022. T.E. Roberts, Inc. completed construction of all improvements on February 21, 2023.

One contract change order was issued to T.E. Roberts for additional work at staff's direction: construction of landscape block walls around relocated facilities where grade differences between the facility and adjacent ground elevations required them. A construction change order summary is provided as Exhibit "A".

Project Title:	Irvine Business Complex Appurtenance Relocations
Project No.:	12053
Design Engineer:	MBF Consulting, Inc.
Construction Management by:	IRWD Staff
Contractor:	T.E. Roberts, Inc.
Original Contract Cost	\$557,303.00
Final Contract Cost:	\$585,448.43
Original Contract Days:	240
Final Contract Days:	252
Final Change Order Approved On:	February 22, 2023

FISCAL IMPACTS:

Project 12053 is included in the FY 2022-23 Capital Budget. The existing budget is sufficient to fund the final payment for the project.

ENVIRONMENTAL COMPLIANCE:

The City of Irvine is the lead agency for CEQA compliance for the Irvine Business Complex (IBC). The appurtenances are included as part of the Environmental Impact Report (EIR) for the Draft IBC Vision Plan and Mixed-Use Zoning Code, SCH #2007011024. The City of Irvine City Council certified the IBC Vision Plan and Mixed-use Zoning Code EIR on July 13, 2010, and a Notice of Determination was filed on July 15, 2010.

COMMITTEE STATUS:

This item was not reviewed by a Committee.

RECOMMENDATION:

THAT THE BOARD ACCEPT CONSTRUCTION OF THE IRVINE BUSINESS COMPLEX APPURTENANCE RELOCATIONS PROJECT, 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 12053.

LIST OF EXHIBITS:

Exhibit "A" – Construction Change Order Summary

Exhibit "A"


Irvine Business Complex Appurtenance Relocations
PR 12053
Construction Change Order Summary

Date: February 23, 2023
Contractor: T.E. Roberts, Inc.
Design Engineer: MBF Consulting, Inc.

			Contract Amount						Contract Days				Original Completion Date:
			Original Contract Amount: \$557,303.00						Original Days: 240				2/9/2023
Change Order No.	Description	Category	Change Order Line Item Amount	Change Order Amount	Previous Change Orders	Cumulative Total of Change Orders	% of Original Contract Amount	Revised Contract Amount	Change Order Days	Previous Change Order Days	Cum. Change Order Days	Revised Total Contract Days	Revised Completion Date
1	Approved by Executive Director of Technical Services Approved on February 22, 2023 Installation of landscape walls around appurtenances and non-compensable time extension	B	\$28,145.43	\$28,145.43	\$ -	\$ 28,145.43	5.05%	\$585,448.43	12	0	12	252	2/21/2023

Category	Total Amount	% of Original Contract
A - Owner Directed Change	\$0.00	0.00%
B - Differing/Unknown Condition	\$28,145.43	5.05%
C - External Agency, Regulatory, and/or Permit Required Change	\$0.00	0.00%
D - Design Oversight	\$0.00	0.00%
Total Change Order Amount (A + B + C + D)	\$28,145.43	5.05%

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March 13, 2023
Prepared by: C. Smithson
Submitted by: C. Clary
Approved by: Paul A. Cook 

CONSENT CALENDAR

IRWD'S OTHER POST-EMPLOYMENT BENEFITS TRUST GUIDING PRINCIPLES AND INITIAL FUNDING

SUMMARY:

On January 23, 2023, the IRWD Board approved establishing a new Section 115 Trust for the purpose of funding a portion of IRWD's Other Post-Employment Benefits (OPEB) liability. Staff is proposing Guiding Principles to implement the funding of the OPEB 115 Trust and the transfer of funds from the OPEB 115 Trust. Staff recommends the Board approve the OPEB Guiding Principles and approve an initial funding of \$10 million into the OPEB 115 Trust.

BACKGROUND:

IRWD recognizes that defined benefit plans and related future pension obligations can pose significant financial issues for government agencies. The District has taken a proactive approach to address the issue, and in 2013 established an irrevocable trust to substantially fund its CalPERS pension unfunded liability. The IRWD Board has also approved establishing a OPEB Section 115 Trust to fund a portion of its unfunded OPEB liability. The Plan document for this 115 Trust is currently under development. As of June 30, 2022, the District's unfunded OPEB liability was \$25 million.

Future contributions to a OPEB Section 115 Trust will be made at the District's discretion, as well as the eventual transfers of funds from this Trust to meet OPEB obligations. Similar to IRWD's 115 Trust for its pension unfunded liability, investment policy and asset allocation decisions relating to the OPEB Trust will be made by the 115 Trust Board, which is composed of two members from the IRWD Board of Directors (specifically, the members of the Finance and Personnel Committee) and the IRWD General Manager.

At the Finance and Personnel Committee meeting, staff presented a PowerPoint (provided as Exhibit "A") which describes the proposed OPEB Trust Guiding Principles and staff's recommendation for an initial funding of \$10 million. The Guiding Principles will be re-evaluated by the 115 Trust Board on a periodic basis.

FISCAL IMPACTS:

Unable to determine at this time.

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 March 6, 2023.

RECOMMENDATION:

That the Board approve the proposed OPEB Guiding Principles and initial funding of \$10 million into the OPEB Section 115 Trust.

LIST OF EXHIBITS:

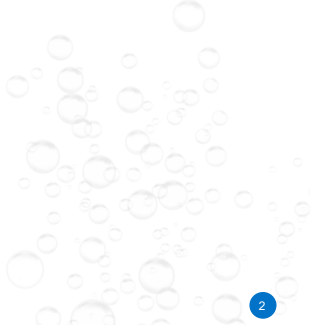

Exhibit "A" – OPEB Guiding Principles and Initial Funding Presentation



1

AGENDA

1. Purpose of the OPEB 115 Trust Guiding Principles
2. Proposed Guiding Principles
3. Staff Recommendation



2

2

PURPOSE OF OPEB 115 TRUST GUIDING PRINCIPLES

To guide IRWD's approach to determine the eventual funding and transfer of funds from the IRWD OPEB 115 Trust.



3

3

PROPOSED GUIDING PRINCIPLES

1. The OPEB 115 Trust Fund is limited to specific purposes.
2. Uses can include all costs associated with IRWD's OPEB obligation including:
 - ✓ PEMHCA – California public employees medical and hospital care act (PERS health) \$151/month/retiree
 - ✓ RHCAP – Retiree Health Cost Assistance Program, which provides medical reimbursement based on years of service up to a maximum of \$800 per month/retiree
 - ✓ Retiree Death Only Plan ("death benefit") – 100% of annual salary for employees hired prior to January 1, 2009
3. IRWD Board approval required for fund transfers from the irrevocable trust.



4

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PROPOSED GUIDING PRINCIPLES, CONTINUED

4. Fund Target Balance Range:
 - ✓ Minimum: 25% of the District's OPEB liability
 - ✓ Maximum: 80% of the District's OPEB liability unless approved by the Board
5. Use of the Trust Fund to be reviewed periodically with the 115 Trust Board



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INITIAL FUNDING OF THE OPEB TRUST FUND

Utilize the same approach as initial funding of the Pension 115 Trust:

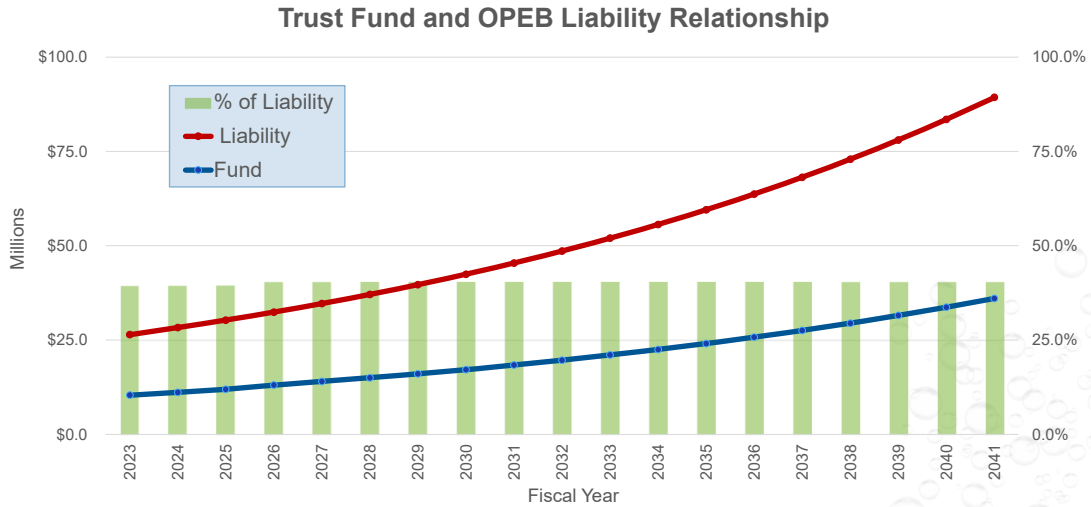
- Funding amount: \$10.0 million (approximately 40% of the current OPEB liability)
- Funds borrowed from the Replacement Fund to be repaid over time
- Begin repayment of the borrowing in FY 2025-26 when OPEB pension annual cost decreases
- Returns from investment of funds will offset an increasing OPEB liability



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INITIAL FUNDING OF THE OPEB TRUST FUND



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STAFF RECOMMENDATION


That the IRWD Board:

1. Approve the OPEB 115 Trust Guiding Principles; and
2. Approve an initial \$10.0 million funding of the OPEB 115 Trust.



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March 13, 2023
Prepared by: E. Zanetti / A. McNulty
Submitted by: F. Sanchez / P. Weghorst
Approved by: Paul A. Cook 

ACTION CALENDAR

LAND USE CLASSIFICATION DATA UPDATE

SUMMARY:

The “Conservation as a Way of Life Legislation,” enacted in 2018, will require urban water suppliers to comply with and report on agency-specific water budget targets – known as the Water Use Objective – beginning in November 2023. Accurate measurement of irrigable areas is an integral part of calculating the outdoor water use component of the Water Use Objective. The legislation requires the California Department of Water Resources (DWR) to provide residential landscape area measurements to all water suppliers. IRWD staff has observed significant inaccuracies in the measurements provided to the District. IRWD has used aerial imagery, combined with 2016 Land Use Classification (LUC) data, to develop more accurate measurements of irrigable area for IRWD’s service area.

Since 2016, DWR has modified the algorithms used to classify landscape area and IRWD has grown significantly. As a result, IRWD’s LUC data needs to be updated. Staff recommends that the Board authorize the General Manager to execute a Professional Services agreement in the amount of \$221,646 with Eagle Aerial Solutions to update IRWD’s LUC data.

BACKGROUND:

In 2018, the California Legislature enacted two bills, SB 606 and AB 1668, to establish a new foundation for long-term improvements in water conservation. The bills are known as the “Conservation as a Way of Life” legislation. The legislation includes requirements for the development of individual water supplier water budgets, known as a Water Use Objective. The objective includes various components, including a residential indoor standard, residential and non-residential outdoor standards, water loss standards, variances and a bonus credit for potable reuse. To facilitate the development of the Water Use Objective, DWR was directed to provide residential landscape area measurements to water suppliers based on 2018 LUC and parcel assessor data.

DWR Landscape Area Measurements:

Upon review of the landscape area measurements provided by DWR for IRWD’s service area, staff found significant data inaccuracies. The data is inaccurate primarily due to:

- A majority of common residential areas within the District being irrigated by dedicated landscape irrigation meters;
- DWR’s approach assigning those non-residential dedicated landscape areas to residential use; and
- DWR’s methodology not discriminating between uses of potable and recycled water.

DWR was not required in the legislation to provide landscape area measurement data for dedicated landscape irrigation meters and commercial, industrial and institutional mixed-use areas, which are common in IRWD's service area.

IRWD Landscape Area Measurement Data:

IRWD's Meter to Parcel Project was initiated in 2017 to provide a superior methodology for measuring irrigable landscape areas as compared to DWR's approach. The primary goal of the project was to use aerial imagery combined with 2016 LUC data to improve the accuracy of District's landscape measurement data. The project identified the boundaries of irrigated landscape areas and linked them to corresponding meter and parcel assessor numbers. The most recent LUC data that IRWD acquired was in 2016 from Eagle Aerial Solutions and Quantum Spatial.

Limitations of 2016 Land Use Classification Data:

The 2016 LUC data has the following limitations that make it unreliable to calculate IRWD's outdoor water use component of its Water Use Objective:

- The remote sensing algorithm used to classify land use cover in 2016 does not fully align with DWR's final land use classifications;
- Since 2016, IRWD has grown considerably, and LUC data for all the new development areas are not available; and
- The landscape cover types have undergone significant changes since 2016 due to drought, as well as the District's promotion and rebate incentives for replacing non-functional turf areas with more drought-tolerant plants.

Updating IRWD's Land Use Classification Data:

To improve the reliability of IRWD's landscape area measurement data, staff is working to obtain updated LUC data. There are also several legislative and regulatory initiatives targeted toward reducing or eliminating non-functional turf. Having updated LUC data would be helpful to the District in related policy discussions and in potential implementation of any future statutes or regulations. Updating IRWD's LUC data would provide additional benefits to the District, such as improving the ability to target outdoor water efficiency programs and assessing landscape transformation between data sets.

Eagle Aerial is uniquely qualified, as a sole source vendor, to provide IRWD with updated LUC data. Eagle Aerial and Quantum Spatial conducted the state-wide analysis for DWR and developed the algorithms to classify land use cover based on DWR standards. Eagle Aerial also worked with IRWD to prepare the initial aerial imagery and LUC data that was the foundation of the Meter to Parcel Project. They also customized the process to IRWD's requirements. Other firms offer remote sensing analysis services but cannot provide LUC data that is aligned with DWR's landscape classification methodology. Accordingly, staff requested that Eagle Aerial prepare a scope of work to develop updated LUC data for IRWD. The firm's scope of work is provided as Exhibit "A".

In updating IRWD's LUC data, Eagle Aerial would partner with NV5 (formerly Quantum Spatial), with NV5 serving as a sub-consultant. Eagle Aerial would provide the updated LUC data and an optional analysis of non-functional turf versus functional turf for a total cost of \$221,646.

To ensure IRWD's LUC data aligns with DWR's methodology and algorithms, staff recommends entering into a Professional Services Agreement with Eagle Aerial to deliver the LUC data using the 2022, 3-in-4 band aerial imagery provided by the Municipal Water District of Orange County.

FISCAL IMPACTS:

The proposed total cost for Eagle Aerial Solutions to update IRWD's LUC data is \$221,646 and would be funded by over-allocation revenues.

ENVIRONMENTAL COMPLIANCE:

The preparation of Land Use Classification Data is not a project as defined in the California Environmental Quality Act as authorized under the California Code of Regulations, Title 14, Chapter 3, and Section 15378.

COMMITTEE STATUS:

This item was reviewed at the March 6, 2023, Water Resources Policy and Communications Committee meeting.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH EAGLE AERIAL SOLUTIONS AS A SOLE SOURCE IN THE AMOUNT OF \$221,646 TO UPDATE IRWD'S LAND USE CLASSIFICATION DATA.

LIST OF EXHIBITS:

Exhibit "A" – Eagle Aerial Solutions Scope of Work

Note: This page is intentionally left blank.



Proposal to Irvine Ranch Water District

03/01/2023

Scope of Work

Eagle Aerial Solutions will provide work in accordance with the agreement below.

Summary

Eagle Aerial Solutions will work with Irvine Ranch Water District to determine accurate irrigated area of all parcels/areas of interest within the IRWD_boundaries_lucd.shp to map to the Standard Land Use Classification Dataset (LUCD). This area totals 143.05 square miles. The final boundary and parcels will be approved by IRWD and agreed to by all parties. The deliverable options are outlined below.

1. Development of an irrigated vegetation dataset compatible with the current CA DWR irrigated landscape program using the LUCD classification scheme for all areas within the shapefile 143.05
2. Separation of ground cover and turf
3. Mapping of Non-Functional Turf (NFT)
4. Mapping of solar panels on rooftops

Datasets will be developed from the 2022 3" 4 band spring/summer imagery. The imagery will be provided by EA at the correct gsd and in the correct end client desired spatial reference system.

The mapped landscape areas associated with this project will achieve an overall accuracy of 95% with a per class positive predictive accuracy of 90% or higher at a 95% confidence interval. The mapped accuracy will be assessed by independent randomly sampled checkpoints across the project(s) extent(s).

Geographic Extents

The geographic area addressed in this Statement of Work (SOW) is the whole area within the IRWD_boundaries_lucd.shp boundary file provided by IRWD to Eagle Aerial Solutions. Further summarization of this data to a subsetted vector layer, i.e. parcel layer, is included within this scope of work and price but the cost of the acquiring a new parcel dataset is not. If parcel summarization is desired, the parcel dataset is assumed to be provided by the end client prior to this step occurring. **There will be no adjustment of AOI boundaries or parcel boundaries as part of this project.**

If any refinement of the boundary is necessary (i.e. additions of newly developed parcels), additional area can be added to the scope of work on a price per square mile (mi²) basis – see pricing section.

The project manager will work closely with the EA and EA will sub-contract with NV5G to ensure that all relevant information is made available at the onset of the project. Timelines and delivery schedules will be adjusted to account for late or incomplete transfer of data to the production team.

Data required includes:

- All source imagery required to complete the analysis, ex. spring/summer 3" 4 band imagery from 2022.
- Service Area (IRWD_boundaries_lucd.shp) in Esri shapefile format
- Parcel boundary file with parcels provided by IRWD in esri format – LUC classifications will be assumed based on attributes in this dataset
- Most current building footprints from IRWD GIS
- Previously generated/edited landscape area mapping data
- Any other data considered of value to the analysis



Imagery

Imagery will contain 4 band tiled tiff files in the correct projection system and covering the whole project area. Imagery will be delivered at the 3" gsd and will be provided by Eagle Aerial at the outset of the project.

Classification Scheme

The modified turfgrass specific LUCD classification schema is shown below.

LUCD Canopy Priority Classification System		
Level 1	Level 2	Irrigation Status
1. Impervious	Impervious	Not Irrigable
2. Pools	Swimming pools/man made water features	Irrigated
3. Irrigated	3.1.1 Turf grass 3.1.2 Other vegetated ground cover	Irrigated (Optional – CII Turf grass separated in functional and non-functional turf)
	3.2 Canopy 3.3 Bare	
4. Irrigable not irrigated	4.1.1 Turf grass/ground cover 4.1.2 Other vegetated ground cover	Irrigable not irrigated Irrigable not irrigated
	4.2 Canopy 4.3 Bare	
5. Non irrigated vegetation	Undeveloped for the purposes of irrigation	Not Irrigable
6. Undeveloped lands	Undeveloped Lands	Not Irrigable
7. Horse Corrals	Horse Corrals	Irrigated
8. Open Water	Other open natural water (rivers/ponds)	Not Irrigable
9. Artificial Turf	Artificial Turf	Not Irrigable
10. Agricultural Land	Agricultural Land (0.25 acre mmu)	Irrigated

The LUCD classification scheme matches the definitions developed for the California Department of Water Resources (DWR) Program. The classification system is a “canopy priority”. Each class has a unique irrigation status associated:

- Not irrigable: areas that have no irrigation
- Irrigated: areas that are presumed to be irrigated at the time the imagery was collected
- Irrigable not irrigated: areas that show high potential of being irrigated at one time, but are presumed to not be currently irrigated, based on the imagery used to conduct the analysis

The Minimum Mapping Unit (MMU) used for capturing features and accuracy assessment from the imagery is 64 square feet. The classification data will be summarized to the client provided parcel location data if desired.

Quality Control and Accuracy Assessment

The value of using the Eagle Aerial/NV5 Team is that we conduct a detailed quality control and we conduct an accuracy assessment to ensure we provide a dataset that meets a specific accuracy standard and that the data is useable by the client. This is not something most other companies do, or something they do incorrectly. Our accuracy assessment adheres to industry standards. Often companies use a pixel based accuracy assessment metric that means that if a large field of 100 pixels is considered correct then they take that as 100 samples. We use an object based analysis where a single object is determined to whether it is right or wrongly classified so the 100 pixel field



discussed above is considered as 1 sample not 100. Our assessment more correctly identifies the accuracy and therefore reliability of the dataset.

Eagle Aerial will ensure that sub-contractor NV5 Geospatial will map the classification dataset to an overall accuracy of 95%. To ensure this accuracy level is met, an assessment will be performed through independent interpretation of check points distributed throughout the service areas. Checkpoint distribution will be stratified by Level 2 LUCD classes (defined in the classification table) as well as geography. A minimum of 25 checkpoints (objects) per square mile will be randomly distributed across the sites in addition, 25 sites will be allocated to specific land use classes not sufficiently represented by the randomly distributed points. Photo interpreters will independently classify each checkpoint with the outline of the classified product, but with no information of the mapped class. Each classified point will be interpreted and evaluated to an appropriate classification of both land cover and land use within the context of the overall line work associated with the mapped classification. A confusion matrix will be developed to assess user and producer accuracies for each class as well as the overall accuracy across classes. Overall accuracy will meet or exceed 95%, with individual per-class user accuracies at 90% or better at a 95% confidence interval.

To ensure we meet this level of accuracy there are four levels of QC before the data is released to the client

- Level 1: Trained analysts will process edited data through internal QC tools developed by NV5G prior to handoff for secondary review. This ensures all primary edits have improved horizontal positioning and thematic accuracy without introducing unintended errors.
- Level 2: Production team members will review each other's work weekly during the editing process. This allows for internal calibration of feature collection and interpretation.
- Level 3: Production supervisor will review all analysts' work and compare productivity and quality against benchmarks set for the project. Deviation from benchmarks will identify staff that require additional training or supervision.
- Level 4: The final dataset will be reviewed by the production quality control lead before being submitted to the client. This review will verify metadata and the data format, extent, and quality are signed off on before submission.

Our goal is a first time right delivery, this reduces unintended costs on both the side of the client and the contractor and avoids unintended delays and iterations of the datasets.

Optional Deliverables

Option 1: Separation of ground cover and turf and mapping of Non-Functional Turf (NFT)

The class in DWR of turf/ground cover can be separated into turf and ground cover and the turf on CII parcels can be separated into functional and non-functional turf based on CA DWR's classification of NFT. This additional work incurs extra labor costs that are detailed in the pricing section.

Deliverable: LUCD database will be updated with these additional classes.

Option 2: Mapping of solar panels on rooftops

During the classification process, training data will be taken from solar panels on the roofs of houses. These training data will be used to identify houses within IRWD that have solar panels. The output of this machine learning model will be reviewed and edited through manual heads-up digitization to ensure accuracy of the final product. This dataset will have a MMU of 64 square feet and will be delivered as a separate data layer.

Deliverable: Feature class with extent of solar panels or as a separate database of solar panels – this can be incorporated into a client provided building footprints feature class if desired.



Deliverables

The spatial reference system for all deliverables will be determined at the kickoff meeting or before. Project timelines will not begin until this information as well as all source data necessary for completing work is provided from IRWD/Eagle Aerial.

Imagery Derivatives

1. Esri compatible feature class or shapefile with mapped irrigated land use Level 2 LUCD classes and irrigation status mapped from an imagery base dataset over the selected AOI.
2. Esri compatible feature class or shapefile with parcels summarized by irrigated land use Level 2 LUCD and irrigation status over the selected AOI.
3. Report and metadata with accuracy assessment
4. Option 1: With the addition of ground cover and turf separation and NFT
5. Option 2: Solar panel database



Area of Interest

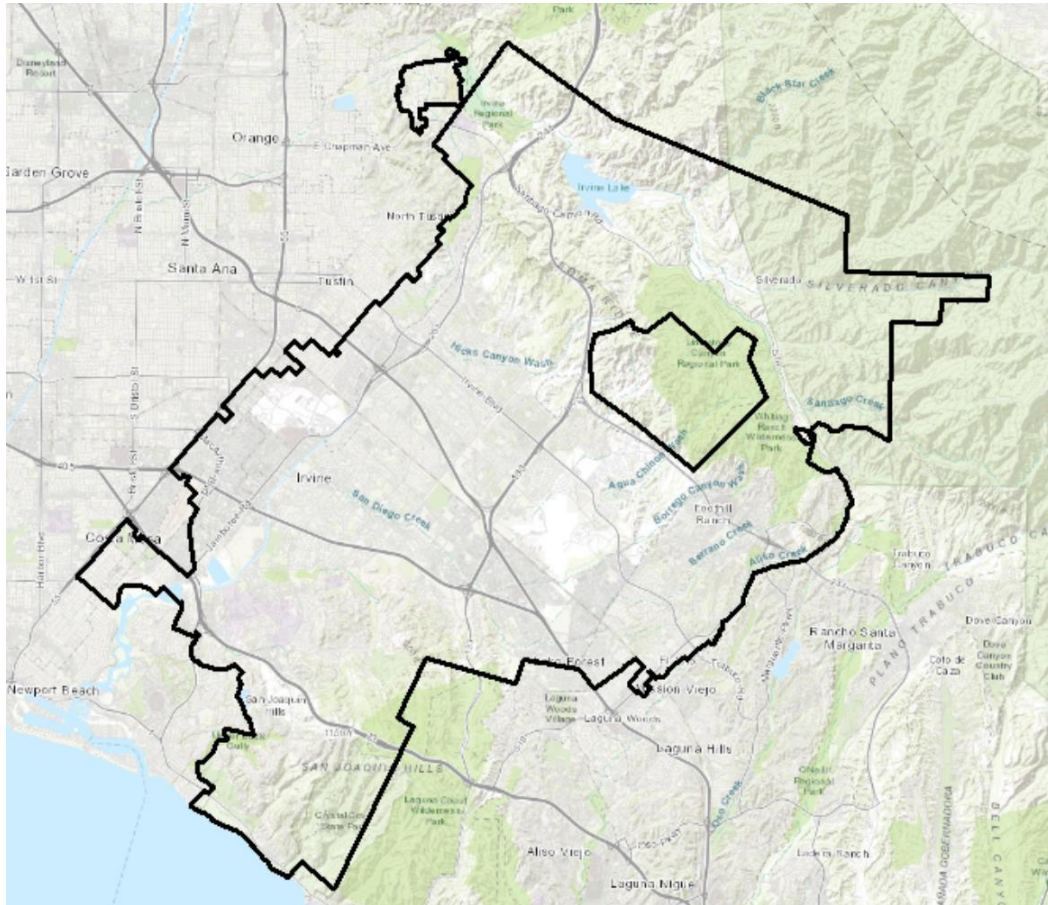


Figure 1: Area to be classified is shown in the map.

Delivery timeline

- For Selected AOI, LUCD classification scheme: 6 month after delivery of all source data
- It is understood that IRWD needs the data delivered by the end of June 2023
- Schedule assumes that contracting will be completed in January 2023 (possible phased deliveries)

Task	Task Title	Week 1	Week 2	Week 3 - 8	Week 9-22	Week 23	Week 24	Week 25	Week 26
1	Project Management								
1.1	Kick off meetings (internal/external)								
1.2	Review / Progress Meetings (internal)								
1.3	Resourcing / Oversight of Production								
1.4	Closeout Meeting / Client Support								
2	LUCD / Solar Panel / NFT Production								
2.1	Project Instantiation / Database Management								
	Model Development and Model Application								
	QA/QC of Data to Ensure 95% Accuracy								
3	Finalization / Deliverable Creation								
3.1	Mapped Irrigated Land Use - LUCD Level 2								
3.2	Parcel Summary of Land Use - LUCD Level 2								
3.3	Report and Accuracy Assessment / Metadata								
3.4	Option 1 - Turf classified into Functional and Non-Functional								
3.5	Option 2 - Solar Panel Database								




Pricing

Deliverable	Area	Price
Base LUCD classification	Total AOI	\$214,572.30
Option 1: NFT and ground cover/turf separation	Total AOI	\$7,072.73
Option 2: Rooftop solar panel data layer	Total AOI	\$12,475.55
Total with all options		\$234,120.58

Fee Schedule		Task						Option 1		Option 2	
Staffing	Price	Mngmt	Classific	Edit/QC	Accuracy Reports	Total Hrs	Price	NFT	Price	Solar Panels	Price
Technician	\$53.84	0	320	1732	8	2060	\$110,910.40	0	-	0	-
Analyst	\$63.58	0	174	399	0	573	\$36,431.34	20	\$1,271.60	48	\$3,051.84
Senior Analyst	\$78.74	0	124	0	66	190	\$14,960.60	60	\$4,724.40	106	\$8,346.98
Lead Analyst	\$86.06	0	23	0	0	24	\$2,072.80	8	\$688.48	8	\$688.48
Technical Expert	\$114.24	0	0	0	9	9	\$1,028.16	0	-	0	-
Domain Expert	\$121.67	0	120	0	0	120	\$14,600.40	0	-	0	-
Associate Team Leader	\$77.65	86	220	0	42	348	\$27,022.20	5	\$388.25	5	\$388.25
Project Manager	\$94.33	80	0	0	0	80	\$7,546.40	0	-	0	-
Processing Hours	\$	166	982	2131	125	3404	\$214,572.30	93	\$7,072.73	154	\$12,475.55

Total Project Cost	
Base LUCD classification	\$214,572.30
Option 1: NFT ground cover/turf separation	\$7,072.73
	\$221,645.03

March 13, 2023
Prepared by: K. Welch
Submitted by: F. Sanchez / P. Weghorst
Approved by: Paul A. Cook 

ACTION CALENDAR

TERMS FOR PILOT WATER MANAGEMENT PROGRAM WITH HOMER LLC

SUMMARY:

The California Department of Water Resources (DWR) is expected to make Article 21 water available to the State Water Project (SWP) Contractors in the coming weeks. IRWD will have access to Article 21 water through Dudley Ridge Water District but will likely not have access to the Cross Valley Canal (CVC) to deliver the water to IRWD's Water Bank. Staff has prepared terms for a Pilot Water Management Program that would provide IRWD with urgently needed access to CVC capacity available from Homer LLC. To facilitate implementation of the pilot program, staff recommends that the Board authorize the General Manager to execute a Letter Agreement for a Water Management Pilot Program with Homer LLC based on the terms presented.

BACKGROUND:

Homer LLC is a landowner in Berrenda Mesa Water District with the right to use SWP water. Homer also has the rights to 217 cubic feet per second (cfs) of CVC capacity in Kern County that exceeds their needs. IRWD has the right to 4.87 cfs of CVC conveyance capacity and relies on Rosedale-Rio Bravo Water Storage District to deliver IRWD and its partners water in the CVC using its excess CVC capacity. In wet years, Rosedale may not have excess capacity to convey IRWD's Article 21 water in the CVC.

Over the past year, staff explored with Homer the possibility of implementing a mutually beneficial water management program. The proposed program would allow Homer to deliver water into the IRWD Water Bank on a 1-for-1 basis with IRWD being compensated with access to Homer's CVC capacity during periods when IRWD would otherwise not be able to deliver its own water into the IRWD Water Bank.

DWR is expected to declare – in the coming weeks – the availability of SWP Article 21 water, which is surplus water from the SWP that is available only in wet years. Staff anticipates that IRWD will not have access to the CVC to bank Article 21 water available to IRWD through Dudley Ridge. To facilitate IRWD's urgent need for access to Homer's CVC capacity, staff has prepared the mutually beneficial draft terms for a Pilot Water Management Program, as provided in Exhibit "A".

Overview of Pilot Program Terms:

The draft terms for a Pilot Water Management Program with Homer would provide for the delivery of Article 21 water into the IRWD Water Bank in March through May of 2023. Implementation of the pilot program would provide for the following:

1. IRWD would have access to Homer's CVC capacity to deliver to up to 2,500 AF of its Article 21 water to the IRWD Water Bank;
2. Homer could deliver up to 2,500 AF of its Article 21 water to the IRWD Water Bank;
3. IRWD would only pay CVC power costs for the use of Homer's CVC capacity;
4. Within three years, Homer would either transfer 85 percent of its stored water to another water banking program or IRWD would recover the water for Homer by pumping from the IRWD Water Bank;
5. Any Homer water recovered from the ground would occur after IRWD's use of the wells for itself or IRWD's other banking and exchange program partners; and
6. Homer and IRWD would pay all recharge and recovery costs associated, with the recharge and recovery of their respective supplies delivered into storage.

At the Board meeting, staff will present an overview of the proposed terms of this pilot program. Staff and Homer have reviewed the proposed terms with staff at Rosedale-Rio Bravo Water Storage District. Rosedale will facilitate the operation of the proposed pilot program.

FISCAL IMPACTS:

Under the proposed Pilot Water Management Program, IRWD and Homer would each pay the recharge and recovery costs associated with their share of Article 21 water delivered into storage at the IRWD Water Bank. IRWD would only pay CVC power costs for the proportional use of Homer's CVC Capacity.

ENVIRONMENTAL COMPLIANCE:

Final Environmental Impact Reports for the Strand Ranch and Stockdale Integrated Banking Project were prepared, certified, and approved 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. Rosedale, as lead agency, filed Notices of Determination for both the Strand Ranch and Stockdale Integrated Banking Projects with the County of Kern. IRWD, as a responsible agency, filed Notices of Determination with the County of Orange and with the County of Kern.

COMMITTEE STATUS:

Based on timing and urgent necessity, this item was not reviewed with the Supply Reliability Programs Committee.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE GENERAL MANAGER TO EXECUTE A LETTER AGREEMENT FOR A PILOT WATER MANAGEMENT PROGRAM WITH HOMER LLC BASED ON TERMS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – Terms for a Pilot Water Management Program Between IRWD and Homer LLC

Exhibit "A"

DRAFT

Terms for a Pilot Water Management Program
Between Irvine Ranch Water District and Homer LLC
(March 13, 2023)

Parties	The Irvine Ranch Water District (IRWD) and Homer LLC (Homer)
Existing Water Banking Facilities and Capacities	<p>The IRWD Water Bank, located in Kern County, is owned by IRWD and operated by Rosedale-Rio Bravo Water Storage District (Rosedale). IRWD holds first priority rights to the use of the recharge and recovery facilities within the IRWD Water Bank and at least 200 cubic feet per second (cfs) of turnout capacity available on the Cross Valley Canal (CVC). IRWD's first priority recharge rights may be superseded when the Kern River Watermaster offers water to all takers willing to sign a notice/order or when Kern River water is offered to the California Aqueduct/Kern River Intertie or when it is expected to be delivered out-of-county.</p> <p>Homer has the right to the use of at least 200 cfs of CVC Capacity held by the Lower-Tule River Irrigation District & Pixley Irrigation District (LTRID&PID).</p>
Purpose	<p>IRWD and Homer plan to implement a Pilot Water Management Program whereby Homer will utilize its CVC capacity to deliver Homer's Article 21 State Water Project (SWP) water to the IRWD Water Bank. Water would be returned to Homer as described below. The implementation of the program would occur upon execution of an Exchange Program Agreement.</p> <p>In exchange for IRWD regulating Homer's supplies, IRWD would be compensated with access to Homer's CVC capacity to deliver to the IRWD Water Bank IRWD's Article 21 water secured from Dudley Ridge Water District's (DRWD) that IRWD would not otherwise be able to deliver.</p> <p>Subject to IRWD's recharge limits or other recharge deliveries, it is expected that the delivery of IRWD's and Homer's Article 21 water using Homer's CVC Capacity would occur in the same total amounts between March through May 2023 and not to exceed the Exchange Water amounts described below.</p>
Term	The term of the Program would be through December 31, 2026.
Exchange Water	Exchange Water includes up to 2,500 acre-feet (AF) of Homer's Article 21 water to be delivered to the IRWD Water Bank in March through May 2023. Up to 2,500 AF of IRWD's Article 21 water shall also be delivered to the IRWD Water Bank during the same period for IRWD's benefit. The Parties will coordinate to ensure that equal amounts of water delivered into storage.
Return Water	Within three years from delivery of Exchange Water to the IRWD Water Bank, Homer will either transfer out its stored water or IRWD shall return all of Homer's Exchange Water to Homer, less losses (Return Water). For every one acre-foot of Homer's Exchange Water to the IRWD Water Bank, IRWD shall return 0.85 AF of Return Water to accommodate losses as described below.

Delivery of Return Water	By the end of the term of the Exchange Program Agreement, all Return Water shall be delivered to Homer either by (1) in-ground transfer(s) to the Rosedale, Pioneer or Berrenda Mesa banking projects (Homer's Banking Projects), and/or by (2) IRWD utilizing its recovery capacity in the IRWD Water Bank. Homer shall obtain all approvals for delivery by in-ground transfer(s) to Homer's Banking Projects. If delivery is by well recovery, IRWD shall utilize its recovery capacity, after all other IRWD water banking and exchange program needs have been met including IRWD's own. No later than May 1 of each year of this agreement, Homer shall provide IRWD with a schedule requesting delivery for Return Water in that year. Return Water would be recovered and delivered at an annual rate of not more than one-third of the total amount delivered into storage by Homer, after losses. The Parties will cooperate in scheduling the Return Water deliveries with deliveries associated with other IRWD banking and exchange programs.
Quality	The quality of Exchange Water delivered to the IRWD Water Bank and Return Water will be limited as follows: if and to the extent that either party delivers water to and into the California Aqueduct, the quality of water shall meet the water quality standards established by DWR for pump-in to the California Aqueduct.
Delivery Points	The Point of Delivery for the Exchange Water under this program shall be at an IRWD Water Bank Turnout on the CVC. The Point of Delivery for the Return Water shall be at an IRWD Water Bank Turn-in to the CVC. Point of Delivery for Return Water transferred in-ground would be a designated Homer Banking Project. Homer shall coordinate with Kern County Water Agency (KCWA) for the conveyance of Exchange Water and Return Water utilizing the CVC. If needed, Homer shall coordinate any required approval with the Department of Water Resources (DWR) for delivery of Homer's Exchange Water and Return Water.
Losses	Water banking losses shall be shared equally between IRWD and Homer (estimated to be 15%). Homer and IRWD each may incur additional conveyance losses of 1% to 2% in the CVC for conveyance of each agency's share of the water, as measured and assessed by KCWA.
Recharge Costs	<p>Homer shall pay all costs associated with the use of the LTRID&PID CVC capacity and IRWD will reimburse Homer for the CVC electricity costs to deliver IRWD's Article 21 to the IRWD Water Bank Turnouts at the CVC.</p> <p>IRWD shall pay all costs assessed to IRWD by Rosedale for recharging both Homer's and IRWD's water at the IRWD Water Bank. Homer would reimburse IRWD for 50 percent of these costs paid by IRWD upon completion of recharge. Costs are assessed by Rosedale consistent with that certain Water Banking and Exchange Program Agreement between Rosedale and IRWD dated January 13, 2009. These estimated costs may include Rosedale's administrative charge of about \$3 per acre-foot (AF), third party wheeling charges assessed by KCWA of \$5 per AF (a minimum of \$7,500), and O&M costs of about \$15 per AF, and applicable fixed and variable O&M Water Bank costs of about \$3 per AF. IRWD and Homer would each be responsible for paying the KCWA transaction request fees of \$3,000 for delivery of their respective shares of the Exchange Water delivered in into storage.</p>

<p>Recovery Costs</p>	<p>IRWD and Homer would each be responsible for actual costs of recovery for each organization's respective share of the water either through well pumping or by exchange as assessed by Rosedale. Recovery costs associated with extraction are estimated at \$126 per AF and are comprised of average groundwater pumping costs of \$115 per AF, Rosedale's administrative charge of about \$3 per AF, and applicable fixed and variable O&M Water Bank costs of about \$4 per AF. Homer would reimburse IRWD for its share of these costs upon delivery of Return Water to Homer. Each party will also be responsible for paying the KCWA transaction request fee of \$3,000 when their share of recovered water is delivered.</p> <p>IRWD and Homer would each share any costs assessed by Rosedale under its Long-Term Operations Plan for implementing provisions to prevent impacts from recovery operations. It is expected that banking projects, such as the IRWD Water Bank, may be required to contribute \$2.00 per AF for recovered water to a fund, which may be used to meet mitigation obligations.</p> <p>Homer shall be responsible for any costs assessed for an in-ground transfer of Return Water to a Homer Banking Project.</p>
<p>SWP Variable OMP&R Costs</p>	<p>IRWD and Homer will each pay the DWR Variable Operation, Maintenance, Power, and Replacement (OMP&R) charges estimated at \$30 per AF associated with the delivery of the Exchange Water from the Delta to IRWD POD. For delivery of Return Water to Homer, Homer will pay any associated DWR Variable OMP&R charges.</p>
<p>Agency Coordination</p>	<p>IRWD and Homer would cooperate with DWR and KCWA in preparing all necessary agreements and approvals to facilitate the Program. IRWD and Homer shall each be responsible for their own costs associated with such coordination.</p>
<p>Environmental Compliance</p>	<p>Both parties shall comply with California Environmental Quality Act (CEQA) and cooperate with one another with respect to CEQA compliance that may be required by the DWR for the proposed Program. IRWD has already conducted environmental review under CEQA for the Strand and Stockdale Integrated Banking Projects that takes into consideration the delivery, storage and recovery of SWP water. Rosedale certified and IRWD approved the CEQA documents for the Strand and Stockdale Integrated Banking Projects. Corresponding Notices of Determination were filed by both Rosedale and IRWD. Both IRWD and Homer shall each be responsible for any other environmental review or permitting necessary to implement the Program within their own respective service areas.</p>
<p>Water Rights</p>	<p>It is expressly agreed, understood, and acknowledged by IRWD and Homer that any recharge or recovery of water for Homer or the transfer of Return Water to a Homer Banking Project will not result in or be considered a sale or transfer of Homer or IRWD's contractual rights to SWP water or a sale or transfer of IRWD's ownership in the IRWD Water Bank.</p>
<p>General Expenses</p>	<p>Each Party would be responsible for its own fees and expenses arising out of the negotiation and execution of this Exchange Program Agreement, obtaining necessary approvals, and the like.</p>

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