



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time Change

**LEGISLATIVE/ HUMAN RESOURCES
COMMITTEE**

Tuesday, March 11, 2025

9:45 a.m.

Boardroom

375 11th Street

Oakland, CA 94607

Notice is hereby given that the Tuesday, March 11, 2025 Legislative/ Human Resources Committee meeting of the Board of Directors has been rescheduled from 10:00 a.m. to 9:45 a.m. The meeting will be held in the Administration Building Boardroom at 375 11th Street, Oakland, California.

Dated: March 6, 2025

A handwritten signature in blue ink that reads 'Rischa S. Cole'.

Rischa S. Cole
Secretary of the District

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**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Legislative/Human Resources Committee
Tuesday, March 11, 2025
9:45 a.m.
Boardroom
375 11th Street
Oakland, CA 94607**

***** Please see appendix for public participation instructions*****

Committee Members: Directors Luz Gómez {Chair}, Jim H. Oddie, and Joey D. Smith

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update (Viatella)
 - Receive Legislative Report No. 02-25 and consider positions on the following bills: SB 823 (Boerner) Solid waste: plastic microbeads; SB 31 (McNerney) Water quality: recycled water; and SB 394 (Allen) Water theft: fire hydrants; and receive information on Water Rate Assistance Legislation
2. Diversity, Equity, and Inclusion Strategic Plan Update (Moten)
3. Assembly Bill No. 1484 – Temporary Public Employees (Charan)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.



APPENDIX

Legislative/Human Resource Committee Meeting

*EBMUD Board committee meetings will be conducted in person and via Zoom.
These meetings are recorded and live-streamed.*

Online* Online

<https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

Webinar ID: 980 2221 3415

Passcode: 352334

By Phone

Telephone: 1 669 900 6833

Webinar ID: 980 2221 3415

Passcode: 352334

International numbers available: <https://ebmud.zoom.us/j/98022213415?pwd=Q0JkaXptbSt3eW5XRElvRUNIZHRpUT09>

*To familiarize yourself with Zoom, please visit <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

Providing public comment - *The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.*

- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will track time and inform each speaker when the allotted time has concluded
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- The Secretary will call each speaker in the order received

In person

- Fill out and submit a blue speaker card which is available in the meeting room

Via Zoom

- Use the raise hand feature in Zoom to indicate you wish to make a public comment
<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>
 - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic

Submitting written comments or materials

- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com
- Please indicate the meeting date and agenda item number or non-agenda item topic in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled regular meeting;** written comments and other materials submitted to the Board of Directors will be filed in the record.

To observe the Legislative/Human Resources Committee Meeting,
please visit: <https://www.ebmud.com/about-us/board-directors/board-meetings/>

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 6, 2025

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Kathy Viatella, Manager of Legislative Affairs *KV*

SUBJECT: Legislative Report No. 02-25

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on March 11, 2025.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 823 (Boerner) Solid waste: plastic microbeads; 2) Support SB 31 (McNerney) Water quality: recycled water; 3) Support SB 394 (Allen) Water theft: fire hydrants; and receive information on water rate assistance legislation.

STATE LEGISLATION

RECOMMENDED POSITION

AB 823 (Boerner)	SOLID WASTE: PLASTIC MICROBEADS	SUPPORT
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Existing law prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. Under existing law, a civil penalty may be imposed not to exceed \$2,500 per day for each violation of the prohibition, with the Attorney General and local officials authorized to enforce the prohibition.

AB 823 (Boerner), introduced on February 19, 2025, is a pollution prevention measure that expands the existing ban on microbeads in rinse-off personal care products to include non-rinse-off personal care products, cleaning products, and coatings such as paint.

AB 823 would, as of January 1, 2027, ban the sale and distribution of personal care and cleaning products containing plastic microbeads used as abrasives to clean, exfoliate, or polish. Beginning January 1, 2028, the bill would also ban the sale and distribution of personal care products, cleaning products, and coatings such as paint containing plastic microbeads that are not used as abrasives.

According to the author's office, current law bans plastic microbeads (a type of microplastic) in rinse-off cosmetic products. However, microplastics are still added to leave-on cosmetics, household cleaners, industrial detergents, and coatings. Plastic microbeads degrade "causing widespread environmental contamination and posing serious health risks to humans and wildlife." Microplastics are "a pervasive pollutant that can be found nearly everywhere on earth, including in oceans, rivers, soil, the air, and in peoples' bodies. Microplastics absorb toxic chemicals and bioaccumulate in the food chain, endangering ecosystems and public health."

Microplastics in the form of plastic microbeads are small plastic pellets added to personal care and cleaning products as exfoliants and abrasives. Unlike other forms of plastic pollution, the microplastics in personal care and cleaning products are designed to be washed down the drain, where they make their way to wastewater treatment systems. However, some microplastics pass through treatment processes into plant effluent, ultimately reaching waterways and the ocean. This contributes to the accumulation of plastic marine debris, threatening aquatic ecosystems.

EBMUD has actively participated in microplastic-related studies and pollution prevention efforts. EBMUD has contributed numerous wastewater effluent samples to studies of microplastics in the San Francisco Bay, conducted by the San Francisco Estuary Institute through Regional Monitoring Program partners and the 5 Gyres Institute. Additionally, EBMUD staff played a role in the American Society for Testing and Materials International committee responsible for developing standardized methods for collecting and processing wastewater samples for microplastic identification and quantification. These efforts will support a deeper understanding of the risks posed by microplastics.

Since plastic microbeads are commonly found in products designed to go down the drain and are not easily removed or transformed through the wastewater treatment process, limiting the production and sale of microplastic-containing products appears to be the most effective pollution prevention strategy. AB 823 would reduce the amount of microplastics entering the aquatic system through wastewater discharges, ultimately benefitting the San Francisco Bay.

The bill is not expected to incur additional costs for EBMUD and may benefit EBMUD and its ratepayers by promoting marine ecosystem health through the removal of microplastic sources.

EBMUD has previously supported microplastic-related pollution prevention measures.

- In 2022, EBMUD supported AB 2787 (Quirk) which, similar to AB 823, would have banned plastic microbeads in cosmetics and cleaning products. AB 2787 failed to advance out of the legislature.
- In 2018, EBMUD supported SB 1263 (Portantino) which required the Ocean Protection Council to adopt and implement a Microplastics Strategy. SB 1263 was signed into law (Chapter 609 of 2018).
- In 2015, EBMUD supported AB 888 (Bloom), which prohibited the sale of personal care products containing plastic microbeads. AB 888 was signed into law (Chapter 594 of 2015).

AB 823 is co-sponsored by the 5 Gyres Institute, Breast Cancer Prevention Partners, Californians Against Waste, and Clean Water Action. An official support/opposition list for AB 823 is not currently available.

SB 31 WATER QUALITY: RECYCLED WATER SUPPORT
(McNerney)

Existing law requires the State Water Resources Control Board to establish uniform statewide recycling criteria for each varying type of recycled water where the use involves the protection of public health. Under existing law, state and local agencies are prohibited from using potable water for non-potable uses, such as watering at cemeteries, golf courses, parks, and highway landscaped areas, if recycled water is available. State and local agencies may also require recycled water be used for the irrigation of residential landscaping and toilet and urinal flushing in structures.

SB 31 (McNerney), as amended on February 10, 2025, is intended to facilitate the use of non-potable recycled water by updating the state regulations that govern its use – Title 22 of the California Code of Regulations.

SB 31 would update Title 22 to do the following: 1) require homeowners' associations to use recycled water to irrigate outdoor common areas when recycled water is available; 2) ensure that homeowners' associations are not required to install expensive and cumbersome new dual-plumbed systems to use recycled water if the recycled water does not enter a residence; 3) clarify that parks with outdoor eating areas may use recycled water if specific requirements are met; 4) make it easier to use recycled water in decorative bodies of water, such as lakes on golf courses; and, 5) allow food handling and processing facilities to use recycled water for toilet or urinal flushing or outdoor irrigation, provided the recycled water does not enter a room where food handling or processing occurs.

According to the author's office, the Title 22 regulations for non-potable uses of recycled water have not been updated in twenty years. "The outdated regulations unnecessarily discourage the use of recycled water in certain spaces like landscape irrigation by homeowners' associations, decorative bodies' of water, public parks, and food handling facilities. In order to maximize the advancements in water treatment technology, Title 22 should be updated to expand opportunities to safely use recycled water."

EBMUD is a strong proponent of recycled water and has a long track record of recycling its wastewater for non-potable uses. EBMUD began using recycled water for various industrial purposes and to irrigate landscaping at its own facilities in the 1970s. EBMUD has been distributing recycled water to customers since the 1980s. Additionally, EBMUD has developed several landmark projects, including the Richmond Advanced Recycled Expansion Water Project, the East Bayshore Recycled Water Project, and the San Ramon Valley Recycled Water Program.

Currently, EBMUD has a recycled water production capacity of approximately 9 million gallons per day (MGD). EBMUD's Recycled Water Strategic Plan Update includes the goal of increasing recycled water use in its service area to 20 MGD by 2050 by continuing to expand and implement non-potable reuse projects and considering potable reuse. Projects and opportunities for potable reuse will be periodically re-evaluated as EBMUD's water supply needs are updated.

SB 31 is intended to assist water and wastewater agencies, including EBMUD, by making it easier to use recycled water for outdoor irrigation at homes, businesses, and golf courses. The bill is not expected to result in additional costs to EBMUD.

EBMUD has historically supported measures intended to facilitate the use of recycled water.

- In 2019, EBMUD supported AB 292 (Quirk), which would have facilitated the use of recycled water by updating and simplifying the definition of potable reuse. AB 292 failed to advance out of the legislature.
- In 2017, EBMUD supported AB 574 (Quirk) which updated the definition of potable reuse to include four distinct types of potable reuse projects. AB 574 was signed into law (Chapter 528 of 2017).
- Between 2010 and 2013, EBMUD supported two measures designed to aid the investigation into the feasibility of developing criteria for direct potable reuse; SB 322 (Hueso) and SB 918 (Pavley). Both measures were signed into law (Chapter 627 of 2013 and Chapter 700 of 2010, respectively).

SB 31 is sponsored by WateReuse California. The official list of support/opposition to SB 31 is not currently available.

**SB 394
(Allen)**

WATER THEFT: FIRE HYDRANTS

SUPPORT

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance prohibiting water theft and subjecting water theft to an administrative fine or penalty. Existing law sets forth a schedule of fines for a violation of an ordinance adopted pursuant to these provisions, including instances where the violation is committed via meter tampering. Limits on fines for water theft through metering tampering range from no more than \$130 for a first violation to \$1,300 for a third or subsequent violation of the same ordinance within one year of the first violation. Limits on fines for all other forms of water theft range from no more than \$1000 for a first violation to a fine not exceeding \$3,000 for a third or subsequent violation of the same ordinance within one year. Existing law also allows utilities to pursue remedies under the state's Civil Code for the diversion of utility services and to seek three times the damages as a remedy.

SB 394 (Allen), as introduced on February 14, 2025, would primarily allow local agencies providing retail water service to impose increased administrative fines for water theft from fire hydrants. Specifically, SB 394 would allow water theft via an unauthorized connection to a fire hydrant to be subject to fines of no more than \$2,500 for a first violation, no more than \$5,000 for a second violation, and no more than \$10,000 for a third and each subsequent violation.

Under the bill, higher penalties for the third and subsequent instances of all forms of water theft would be allowed regardless of whether the additional violations occurred within one year. SB 394 also clarifies that utilities may bring civil actions for tampering with a fire hydrant or diverting water from a fire hydrant.

According to the Association of California Water Agencies (ACWA), water agencies are experiencing significant water theft from fire hydrants. “Large-capacity water trucks that can haul up to 6,000 gallons of water connect to and fill from fire hydrants, illegally taking the water. The current penalties regarding this type of water theft are not a strong enough deterrent to prevent the activity; instead for some, the penalties may be viewed as the cost of doing business. For example, there have been cases of stolen water from fire hydrants sold to neighboring areas for profit or used illegally for commercial purposes such as construction.” Water theft from fire hydrants also poses serious public health and safety risks, as contamination can occur when non-potable sources are illegally connected to a drinking water system without backflow prevention devices. ACWA contends that due to the threat to public safety and the volume of water stolen through this method, a greater deterrence is needed than the penalties provided under existing law.

EBMUD has an existing Water Theft Penalty Ordinance that prohibits water theft and sets administrative penalties based on the type of water theft. For water theft via meter tampering, fines range from \$0 for a first violation to \$400 for the third and subsequent violations within a year – lower than the fines allowed under current law. For all other types of water theft, EBMUD’s penalties align with the limit set by existing law, ranging from \$1000 for a first violation to \$3000 for a third and subsequent violation. In addition to the administrative penalties, the Water Theft Penalty Ordinance allows EBMUD to seek additional remedies, including charging the offender three times the rate of water taken as allowed in the state’s Civil Code.

There have been instances of water theft from EBMUD fire hydrants, including landscape companies illegally filling large containers or tanks from fire hydrants without authorization. Some contractors have used non-EBMUD hydrant meters at worksites, either to access water or to haul water without properly tracking usage or paying for the water. While increased water theft penalties are a relatively new legislative topic that EBMUD has not previously taken a position on, SB 394 would provide another tool for water agencies, including EBMUD, to impose higher administrative penalties for fire hydrant water theft. The bill is not expected to impose new costs or requirements on EBMUD.

SB 394 is co-sponsored by the Association of California Water Agencies (ACWA) and Las Virgenes Municipal Water District. An official support/opposition list for SB 394 is not currently available.

INFORMATION ITEM

WATER RATE ASSISTANCE LEGISLATION

INFORMATION

Existing law, as established by AB 401 (Dodd, Statutes of 2015), required the State Water Resources Control Board (SWRCB) to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program and to provide a report to the legislature on the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken. This report, referred to as the AB 401 report, was released in February 2020.

Several legislative attempts to establish a low-income water rate assistance program since the release of the AB 401 report have been unsuccessful, including SB 222 (Dodd), and SB 1255 (Durazo). SB 222 was vetoed by Governor Newsom in 2022 for lack of identified funding source, and SB 1255 failed to advance out of the legislature in 2024.

In February 2025, two bills were introduced in the legislature: AB 532 (Ransom) and SB 350 (Durazo). Summaries of the introduced versions are provided below.

AB 532 (Ransom)

Sponsored by the California Municipal Utilities Association (CMUA), AB 532 would make changes to existing law in three main ways:

- AB 532 grants express authority for urban retail water suppliers (water suppliers) to establish and fund low-income rate assistance programs for residential ratepayers and gives maximum flexibility in how those programs can be structured. This authority is permissive.
 - Programs may include rate assistance, arrearage assistance, and crisis assistance for drinking water customers.
 - An annual household income of at or below 200% of federal poverty level (FPL) is specified for residential ratepayers. However, the bill language allows for local program determination to offer “assistance that would allow [the water supplier] to better meet its community’s needs, better administer or provide for a more sustainable program, or better balance competing policy objectives, such as water quality, water efficiency, and water affordability.”
 - Funding for rate assistance may include “any funding [a water supplier] has available to provide water rate assistance to its ratepayers provided it does not use any funding derived from a fee or charge levied pursuant to Article XIII D of the California Constitution.” [Article XIII D specifies requirements for local agencies in levying

- assessments and imposing new, or increasing existing property-related fees and charges, and limits the use of these collected revenues].
- Water suppliers may also seek and use voluntary contributions of funds from ratepayers and other sources to support a water rate assistance program.
- AB 532 repeals a prior statute enacted as part of the Fiscal Year (FY) 2021-2022 State Budget, which required the Department of Community Services and Development (CSD) to implement and administer the Low-Income Household Water Assistance Program (LIHWAP), funded through federal COVID-19 relief funds. Instead, AB 532 specifies the Legislature's intent to create a revised LIHWAP, similarly run by CSD, but specifically targeting water systems with fewer than 3,000 connections, or those serving predominantly disadvantaged communities.
 - The bill requires CSD to use local service providers, following the model of the previous program.
 - This section of the bill is contingent upon appropriation by the legislature.
- AB 532 requires enhanced reporting by water suppliers as part of the Electronic Annual Report (EAR), including:
 - Whether the water supplier provides water rate assistance to its customers.
 - The amount of funding used to provide any water rate assistance during the previous reporting period.
 - If the supplier did not provide water rate assistance, an explanation of any progress made toward implementation of a program, or a description of barriers encountered that prevented water rate assistance.
 - Whether the supplier has sought any voluntary contributions to fund its program, including the total amount collected.
 - The total number of eligible households that were provided with water rate assistance.
- AB 532 contains legislative findings and declarations providing greater detail and background on the statutory changes proposed in the bill. This section contains language to declare the intent of the legislature to ensure that "existing programs can continue to provide rate assistance."

SB 350 (Durazo)

SB 350 is sponsored by three environmental justice groups: Clean Water Action, Community Water Center, and Leadership Counsel for Justice and Accountability. SB 350 is similar in concept to SB 222 (Dodd) from 2022 and would make the following changes:

- SB 350 establishes a Water Rater Assistance Fund (Fund) in the State Treasury to provide water affordability assistance for both drinking water and wastewater services to low-income residential ratepayers.
 - Moneys in the Fund shall be available to the SWRCB to provide direct water bill assistance to low-income rate payers served by eligible systems. Eligible systems

- include a community water system, wastewater system, or participating tribal water or wastewater system.
 - The SWRCB may use various revenue sources for the Fund, including federal or state funding, voluntary contributions, gifts, grants or bequests, and may enter into funding agreements with the federal government, local or state agencies, private entities, or nonprofit organizations.
 - Moneys in the Fund shall be available to the SWRCB upon appropriation by the legislature.
- SB 350 requires the SWRCB to administer the Fund:
 - Track and manage revenues in the Fund.
 - Develop and implement a process for the SWRCB to disburse program funds to eligible systems, contract operators, or third-party providers for “direct application to the system’s low-income residential ratepayer accounts, including controls to prevent fraud, waste and abuse.” The SWRCB may contract this duty out to a third-party provider.
 - Expend moneys in the Fund to provide benefits to eligible residential ratepayers as follows:
 - Allow services to include technical assistance to eligible systems serving fewer than 3,300 connections.
 - Require the SWRCB to identify and contract with one or more third-party providers. The scope of work shall include eligibility determinations and may include call center services, internet-based enrollments, document intake and processing and distribution of funds to eligible systems.
 - Provide funds to eligible systems for reasonable administrative costs, not to exceed the greater of 5% of the total funds for water bill assistance or two thousand dollars (\$2,000).
 - Require annual verification of eligibility from a sample of enrolled eligible ratepayers to verify the ratepayer’s low-income status and eligibility for assistance. SB 350 allows for verification to be carried out by a third-party provider and also allows for removal of ratepayers if found ineligible.
- SB 350 requires the SWRCB, in consultation with relevant agencies and after a public hearing, to adopt guidelines for program implementation, as follows:
 - SB 350 requires the guidelines, at a minimum, to include all of the following:
 - Direction to eligible systems to automatically enroll households in the program if:
 - Available information shows that any member of the residential ratepayer’s household is a current enrollee in or recipient of various specified assistance programs; or,
 - The residential ratepayer’s household is a utility customer enrolled in the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) program.
 - Minimum requirements for eligible systems, to include both of the following:
 - Participation in the statewide program.

- The ability to confirm enrollment eligibility through a request for self-certification under penalty of perjury.
- A process for the SWRCB or third-party providers to distribute funding to eligible systems for application to eligible low-income residential ratepayer accounts.
- A provision to audit eligible systems.
- A process for determining how implementation will be prioritized among eligible systems, in the event that full funding is not immediately available. SB 350 specifies that this process shall prioritize eligible systems that have historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.
- SB 350 requires the SWRCB to adopt an annual report identifying how the Fund has performed, how many households were served, number of eligible households, and other specified information.
- SB 350 requires the Public Utilities Commission (PUC) to establish a mechanism for electrical and gas corporations to regularly share data with the SWRCB or relevant third-party providers for CARE and FERA customers.
- SB 350 provides that funding shall be provided to eligible systems on, at minimum, an annual basis, but provides for funding prioritization, if full funding is not immediately available, as mentioned above. The bill allows for advance payments to eligible systems if certain requirements are met.
- Additionally, SB 350 allows up to 5% of program funding to establish pilot projects that improve water or wastewater affordability for low-income residential households through installation of water efficiency measures or assistance programs that otherwise improve residential household water or wastewater affordability in mobilehome parks, multifamily housing, or other households that do not directly pay a water or wastewater bill.
- SB 350 provides a timeline for the SWRCB to meet the requirements above, as well as specified dates by which eligible systems must begin providing assistance.
- SB 350 allows the Attorney General to bring an action in state court to restrain, by temporary or permanent injunction, the use of any method, act, or practice declared in this chapter to be unlawful, including nonparticipation by a public water system in the program. This bill authorizes the SWRCB to condition financial assistance awards on participation in the program.

SB 350 allows eligible systems to offer assistance to ratepayers in addition to, or on top of, the assistance provided through the program. It clarifies that a system exceeding the program's requirements will still receive funds for the eligible portion of the assistance provided. These amendments were originally sought by EBMUD in SB 222 (Dodd) to recognize EBMUD's Customer Assistance Program (CAP).

Next Steps

Staff is assessing impacts to EBMUD, including to CAP. In previous legislative efforts, EBMUD has expressed concerns regarding program funding and Proposition 218 and Proposition 26 requirements for water systems. Additionally, EBMUD has sought greater clarity on the state's role and obligations versus those of the water system. Staff will bring the measures back for consideration at a future meeting.

CCC:KCV:DM/JW

Attachments: Assembly Bills 832 and 532; Senate Bills 31, 394, and 350

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CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL**No. 823**

Introduced by Assembly Member Boerner
(Coauthor: Senator Gonzalez)

February 19, 2025

An act to amend Sections 42361 and 42362 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as introduced, Boerner. Solid waste: plastic microbeads.

The Plastic Microbeads Nuisance Prevention Law prohibits a person, as defined, from selling or offering for promotional purposes in this state a personal care product containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. Existing law exempts a product containing less than one part per million (ppm) by weight of plastic microbeads from the prohibition. The Plastic Microbeads Nuisance Prevention Law imposes a civil penalty not to exceed \$2,500 per day for each violation of the prohibition, as provided, and authorizes the Attorney General and local officials to enforce the prohibition.

This bill would, on and after January 1, 2027, prohibit a person from selling, distributing, or offering for promotional purposes in this state a cleaning product, as defined, or a personal care product in a rinse-off product, containing one ppm or more by weight of plastic microbeads that are used as an abrasive, as specified. The bill would, on and after January 1, 2028, prohibit a person from selling, distributing, or offering for promotional purposes in this state a coating, as defined, cleaning product, or personal care product, that contains one ppm or more by weight of plastic microbeads that are not used as an abrasive. By adding

these prohibitions to the Plastic Microbeads Nuisance Prevention Law, the bill would impose the civil penalty for violations of these prohibitions.

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

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

1 SECTION 1. Section 42361 of the Public Resources Code is
2 amended to read:

3 42361. As used in this chapter, the following terms have the
4 following meanings:

5 (a) “Cleaning product” has the same meaning as “designated
6 product” in Section 108952 of the Health and Safety Code.

7 (b) “Coating” means a material applied onto or impregnated
8 into a substrate for protective, decorative, or functional purposes,
9 and includes, but is not limited to, paints, sealers, stains, and
10 varnishes.

11 ~~(a)~~

12 (c) “Person” means an individual, business, or other entity.

13 ~~(b)~~

14 (d) (1) “Personal care product” means an article intended to be
15 rubbed, poured, sprinkled, or sprayed on, introduced to, or
16 otherwise applied to, the human body or any part thereof for
17 cleansing, beautifying, promoting attractiveness, or altering the
18 appearance, and an article intended for use as a component of that
19 type of article.

20 ~~(2)~~

21 (e) “Personal care product” does not include a prescription drug,
22 as defined in Section 110010.2 of the Health and Safety Code.

23 ~~(e)~~

24 (f) “Plastic microbead” means an intentionally added solid
25 plastic particle measuring five millimeters or less in every
26 dimension.

27 SEC. 2. Section 42362 of the Public Resources Code is
28 amended to read:

29 42362. ~~On and after January 1, 2020, a~~ (a) A person shall not
30 sell or offer for promotional purposes in this state ~~any~~ a personal
31 care ~~products~~ product containing plastic microbeads that are used

1 to exfoliate or cleanse in a rinse-off product, including, but not
2 limited to, toothpaste.

3 *(b) On and after January 1, 2027, a person shall not sell, offer*
4 *for sale, distribute, or offer for promotional purposes in this state*
5 *either of the following:*

6 *(1) A personal care product containing plastic microbeads that*
7 *are used as an abrasive to clean, exfoliate, or polish, in a*
8 *non-rinse-off product.*

9 *(2) A cleaning product containing plastic microbeads that are*
10 *used as an abrasive to clean, exfoliate, or polish.*

11 *(c) On and after January 1, 2028, a person shall not sell, offer*
12 *for sale, distribute, or offer for promotional purposes in this state*
13 *any of the following products:*

14 *(1) A personal care product containing plastic microbeads that*
15 *are not used as an abrasive.*

16 *(2) A cleaning product containing plastic microbeads that are*
17 *not used as an abrasive.*

18 *(3) A coating containing plastic microbeads that are not used*
19 *as an abrasive.*

AMENDED IN SENATE FEBRUARY 10, 2025

SENATE BILL

No. 31

Introduced by Senator McNerney

December 2, 2024

An act to amend ~~Section 13512~~ Sections 13529.2, 13551, 13552.4, 13553, and 13554 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, McNerney. Water quality: ~~water recycling facilities; state policy.~~ recycled water.

(1) *The Water Recycling Law generally provides for the use of recycled water. Existing law requires any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water in or on any waters of the state to immediately notify the appropriate regional water board.*

This bill would, for the purposes of the above provision, redefine "recycled water" and provide that water discharged from a decorative body of water during storm events is not to be considered an unauthorized discharge if recycled water was used to restore levels due to evaporation.

(2) *Existing law regulating the use of recycled water prohibits the use of prescribed potable water by state and local agencies for any nonpotable uses, including cemeteries, golf courses, parks, and highway landscaped areas if prescribed recycled water is available, and deems use of the recycled water in lieu of the potable water to constitute a reasonable beneficial use of that water.*

This bill would add common areas of a residential community irrigated by a homeowners' association as prohibited uses of potable water. The bill would provide that incidental amounts of spray, mist,

or runoff are not prohibited from entering outdoor eating areas of parks and open spaces when irrigated with disinfected tertiary recycled water that complies with specified regulations regarding irrigation.

(3) Existing law authorizes any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, to require the use of recycled water for irrigation of residential landscaping, as specified.

The bill would provide that outdoor landscape irrigation of common areas operated by a homeowners association, as specified, is not to be considered a dual-plumbed system and would require recycled water used for this purpose to comply with specified provisions.

(4) Existing law authorizes any public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, to require the use of recycled water for toilet and urinal flushing in structures, as specified. Existing law defines “structures” for the purposes of these provisions.

This bill would include food handling and processing facilities as part of the definition of “structures.” The bill would authorize the use of recycled water for toilet or urinal flushing or outdoor irrigation in and around food handling or processing facilities, commercial, institutional, and industrial buildings, and cafeterias, provided the recycled water does not enter the room where food handling or processing occurs, as specified.

~~Existing law states the intention of the Legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.~~

~~This bill would make a nonsubstantive change to that statement.~~

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

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

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) California’s water supply strategy sets a goal to reuse at*
4 *least 800,000 acre-feet of water per year by 2030 and 1.8 million*
5 *acre-feet by the year 2040.*

6 *(b) Section 13521 of the Water Code requires the State Water*
7 *Resources Control Board to establish uniform statewide recycling*

1 *criteria for each varying type of use of recycled water where the*
2 *use involves the protection of public health.*

3 *(c) The regulations establishing the uniform statewide criteria*
4 *for recycled water uses are set forth in Chapter 3 (commencing*
5 *with Section 60301.050) of Division 4 of Title 22 of the California*
6 *Code of Regulations. The regulations that pertain to nonpotable*
7 *recycled water uses have not been updated since the year 2000.*

8 *(d) Achieving increased use of recycled water to help*
9 *droughtproof California communities requires regulations to keep*
10 *pace with the best available science and technology regarding*
11 *recycled water use.*

12 *SEC. 2. Section 13529.2 of the Water Code is amended to read:*

13 *13529.2. (a) Any person*~~*who*~~*, who*, without regard to intent
14 *or negligence, causes or permits an unauthorized discharge of*
15 *50,000 gallons or more of recycled water, as defined in subdivision*
16 *(c), or 1,000 gallons or more of recycled water, as defined in*
17 *subdivision (d), in or on any waters of the*~~*state*~~*, state, or causes*
18 *or permits such unauthorized discharge to be discharged where it*
19 *is, or probably will be, discharged in or on any waters of the state,*
20 *shall, as soon as (1) that person has knowledge of the discharge,*
21 *(2) notification is possible, and (3) notification can be provided*
22 *without substantially impeding cleanup or other emergency*
23 *measures, immediately notify the appropriate regional board.*

24 *(b) For the purposes of this section, an unauthorized discharge*
25 *means a discharge not authorized by waste discharge requirements*
26 *pursuant to Article 4*~~*of Chapter 4*~~ *(commencing with Section*
27 ~~*13260*~~*, 13260) of Chapter 4, water reclamation requirements*
28 *pursuant to Section 13523, a master reclamation permit pursuant*
29 *to Section 13523.1, or any other provision of this division.*

30 *(c) For the purposes of this section, “recycled water” means*
31 *wastewater treated as “disinfected tertiary 2.2 recycled water,” as*
32 *defined or described by the State Department of Health Services*
33 *or wastewater receiving advanced treatment beyond disinfected*
34 *tertiary 2.2 recycled*~~*water*~~*; water once it completes the required*
35 *treatment process and enters a storage tank, pipeline, or canal for*
36 *conveyance or distribution.*

37 *(d) For purposes of this section, “recycled water” means*
38 *“recycled water,” as defined in subdivision (n) of Section 13050,*
39 *which is treated at a level less than “disinfected tertiary 2.2 recycled*

1 water,” as defined or described by the State Department of Health
2 Services.

3 *(e) For the purposes of this section, water discharged from a*
4 *decorative body of water during storm events shall not to be*
5 *considered an unauthorized discharge if recycled water was used*
6 *to restore levels due to evaporation.*

7 ~~(e)~~

8 *(f) The requirements in this section supplement, and shall not*
9 *supplant, any other provisions of law.*

10 SEC. 3. *Section 13551 of the Water Code is amended to read:*

11 13551. *(a) A person or public agency, including a state agency,*
12 *city, county, city and county, district, or any other political*
13 *subdivision of the state, shall not use water from any source of*
14 *quality suitable for potable domestic use for nonpotable uses,*
15 *including cemeteries, golf courses, parks, highway landscaped*
16 *areas, common areas of a residential community irrigated by a*
17 *homeowners’ association, and industrial and irrigation uses if*
18 *suitable recycled water is available as provided in Section 13550;*
19 ~~however, 13550.~~

20 *(b) Notwithstanding subdivision (a), any use of recycled water*
21 *in lieu of water suitable for potable domestic use shall, to the extent*
22 *of the recycled water so used, be deemed to constitute a reasonable*
23 *beneficial use of that water and the use of recycled water shall not*
24 *cause any loss or diminution of any existing water right.*

25 *(c) Incidental amounts of spray, mist, or runoff shall not be*
26 *prohibited from entering outdoor eating areas of parks and open*
27 *spaces when irrigated with disinfected tertiary recycled water that*
28 *complies Sections 490.1 and 493.4 of Title 23 of the California*
29 *Code of Regulations.*

30 SEC. 4. *Section 13552.4 of the Water Code is amended to read:*

31 13552.4. *(a) Any public agency, including a state agency, city,*
32 *county, city and county, district, or any other political subdivision*
33 *of the state, may require the use of recycled water for irrigation of*
34 *residential landscaping, if all of the following requirements are*
35 *met:*

36 (1) Recycled water, for this use, is available to the user and
37 meets the requirements set forth in Section 13550, as determined
38 by the state board after notice and a hearing.

39 (2) The use of recycled water does not cause any loss or
40 diminution of any existing water right.

(3) The irrigation systems are constructed in accordance with Chapter 3 (commencing with Section ~~60301~~ 60301.050) of Division 4 of Title 22 of the California Code of Regulations.

(b) This section applies to both of the following:

(1) New subdivisions for which the building permit is issued on or after March 15, 1994, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1994, for which the State Department of Public Health has approved the use of recycled water.

(2) Any residence that is retrofitted to permit the use of recycled water for landscape irrigation and for which the State Department of Public Health has approved the use of recycled water.

(c) (1) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project that only involves the repiping, redesign, or use of recycled water for irrigation of residential landscaping necessary to comply with a requirement prescribed by a public agency under subdivision (a).

(2) The exemption in paragraph (1) does not apply to any project to develop recycled water, to construct conveyance facilities for recycled water, or any other project not specified in this subdivision.

(d) Outdoor landscape irrigation of common areas operated by a homeowners' association that does not enter the boundaries of a residence is not to be considered a part of the same premises as an individual residence and shall not be considered a dual plumbed system. Recycled water used for this purpose shall comply with Section 13550.

SEC. 5. Section 13553 of the Water Code is amended to read:

13553. (a) The Legislature hereby finds and declares that the use of potable domestic water for toilet and urinal flushing in structures is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to furnish any information that may be relevant to making the determination required in subdivision (a).

(c) For purposes of this section and Section 13554, "structure" or "structures" means commercial, retail, and office buildings,

1 theaters, auditoriums, condominium projects, schools, hotels,
2 apartments, barracks, dormitories, jails, prisons, ~~and~~ *food handling*
3 *and processing facilities*, reformatories, and other structures as
4 determined by the State Department of Public Health.

5 (d) Recycled water may be used in condominium projects, as
6 defined in Section 4125 or 6542 of the Civil Code, subject to all
7 of the following conditions:

8 (1) Prior to the indoor use of recycled water in any condominium
9 project, the agency delivering the recycled water to the
10 condominium project shall file a report with, and receive written
11 approval of the report from, the State Department of Public Health.
12 The report shall be consistent with the provisions of Title 22 of
13 the California Code of Regulations generally applicable to
14 dual-plumbed structures and shall include all the following:

15 (A) That potable water service to each condominium project
16 will be provided with a backflow protection device approved by
17 the State Department of Public Health to protect the agency's
18 public water system, as defined in Section 116275 of the Health
19 and Safety Code. The backflow protection device approved by the
20 State Department of Public Health shall be inspected and tested
21 annually by a person certified in the inspection of backflow
22 prevention devices.

23 (B) That any plumbing modifications in the condominium unit
24 or any physical alteration of the structure will be done in
25 compliance with state and local plumbing codes.

26 (C) That each condominium project will be tested by the
27 recycled water agency or the responsible local agency at least once
28 every four years to ensure that there are no indications of a possible
29 cross connection between the condominium's potable and
30 nonpotable systems.

31 (D) That recycled water lines will be color coded consistent
32 with current statutes and regulations.

33 (2) The recycled water agency or the responsible local agency
34 shall maintain records of all tests and annual inspections conducted.

35 (3) The condominium's declaration, as defined in Section 4135
36 or 6546 of the Civil Code, shall provide that the laws and
37 regulations governing recycled water apply, shall not permit any
38 exceptions to those laws and regulations, shall incorporate the
39 report described in paragraph (1), and shall contain the following
40 statement:

1
2 “NOTICE OF USE OF RECYCLED WATER

3
4 This property is approved by the State Department of Public
5 Health for the use of recycled water for toilet and urinal
6 flushing. This water is not potable, is not suitable for indoor
7 purposes other than toilet and urinal flushing purposes, and
8 requires dual plumbing. Alterations and modifications to the
9 plumbing system require a permit and are prohibited without
10 first consulting with the appropriate local building code
11 enforcement agency and your property management company
12 or owners’ association to ensure that the recycled water is not
13 mixed with the drinking water.”

14
15 (e) The State Department of Public Health may adopt regulations
16 as necessary to assist in the implementation of this section.

17 (f) This section shall only apply to condominium projects that
18 are created, within the meaning of Section 4030 or 6580 of the
19 Civil Code, on or after January 1, 2008.

20 (g) This section and Section 13554 do not apply to a pilot
21 program adopted pursuant to Section 13553.1.

22 *SEC. 6. Section 13554 of the Water Code is amended to read:*

23 13554. (a) Any public agency, including a state agency, city,
24 county, city and county, district, or any other political subdivision
25 of the state, may require the use of recycled water for toilet and
26 urinal flushing in structures, except a mental hospital or other
27 facility operated by a public agency for the treatment of persons
28 with mental disorders, if all of the following requirements are met:

29 (1) Recycled water, for these uses, is available to the user and
30 meets the requirements set forth in Section 13550, as determined
31 by the state board after notice and a hearing.

32 (2) The use of recycled water does not cause any loss or
33 diminution of any existing water right.

34 (3) The public agency has prepared an engineering report
35 pursuant to Section 60323 of Title 22 of the California Code of
36 Regulations that includes plumbing design, cross-connection
37 control, and monitoring requirements for the use site, which are
38 in compliance with criteria established pursuant to Section 13521.

39 (b) This section applies only to either of the following:

(1) New structures for which the building permit is issued on or after March 15, 1992, or, if a building permit is not required, new structures for which construction begins on or after March 15, 1992.

(2) Any construction pursuant to subdivision (a) for which the State Department of Public Health has, ~~prior to~~ *before* January 1, 1992, approved the use of recycled water.

(c) Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any project which only involves the repiping, redesign, or use of recycled water by a structure necessary to comply with a requirement issued by a public agency under subdivision (a). This exemption does not apply to any project to develop recycled water, to construct conveyance facilities for recycled water, or any other project not specified in this subdivision.

(d) (1) Recycled water for toilet or urinal flushing or outdoor irrigation shall be permissible in and around food handling or processing facilities, commercial, institutional, and industrial buildings, and cafeterias, provided the recycled water does not enter the room where food handling or processing occurs.

(2) Closed piping conveying recycled water may pass through the room where food handling or processing occurs.

(3) Outdoor irrigation with recycled water at facilities that handle or process food outside is prohibited while food is being handled or processed outside.

~~SECTION 1. Section 13512 of the Water Code is amended to read:~~

~~13512. It is the intention of the Legislature that the state undertake all possible steps to encourage the development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.~~

Introduced by Senator Allen

February 14, 2025

An act to amend Sections 1882.1 and 1882.3 of the Civil Code, and to amend Section 53069.45 of, and to add Section 53069.46 to, the Government Code, relating to water theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 394, as introduced, Allen. Water theft: fire hydrants.

Existing law authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts certain acts, including, diverting or causing to be diverted, utility services by any means whatsoever. Existing law creates a rebuttable presumption that there is violation of these provisions if, on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, certain actions occur, including that there is an instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge for the utility.

This bill would add to the list of acts for which a utility may bring a civil cause of action under these circumstances to include tampering with a fire hydrant, fire hydrant meter, or fire detector check, or diverting water, or causing water to be diverted, from a fire hydrant with knowledge of, or reason to believe, that the diversion or unauthorized connection existed at the time of use for nonfirefighting purposes or without authorization from the appropriate water system or fire department. The bill would also expand the rebuttable presumption for a violation of these provisions to include, among other things, if a person tampers with or uses a fire hydrant, fire hydrant meter, or fire detector

check without authorization to obtain water and without paying the full lawful charge of the water.

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Existing law sets forth a schedule of fines for a violation of an ordinance adopted pursuant to these provisions, including, if the violation is committed via meter tampering, a fine not exceeding \$1,300 for a third or additional violation of the same ordinance within one year of the first violation, and for a violation of all other forms of water theft, a fine not exceeding \$3,000 for a third or additional violation of the same ordinance within one year.

This bill would revise those fines to apply to the third or additional violation without regard to whether the violation occurred within one year of the first violation.

This bill would authorize a legislative body of a local agency, as defined, that provides retail water services, to adopt an ordinance that prohibits unauthorized connection to a fire hydrant, as defined, subject to an administrative fine or penalty, as specified. The bill would set forth a schedule of fines for a violation of the ordinance. The bill would prohibit a local agency from imposing a fine for the same offense under both an ordinance adopted by a local agency pursuant to these provisions that prohibits unauthorized connection to a fire hydrant and an ordinance adopted by the local agency pursuant to the provisions described above that prohibits water theft.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Unauthorized connection to and use of a fire hydrant and
- 4 unauthorized use of a fire hydrant meter to take water from a fire
- 5 hydrant is water theft, is typically conducted by commercial actors
- 6 subverting the law for profit, and undermines the local water
- 7 system process.
- 8 (b) The state supports the Making Conservation a California
- 9 Way of Life regulation adopted by the State Water Resources
- 10 Control Board and finds that theft of water from fire hydrants

1 violates those goals by leading to water loss that is not adequately
2 deterred by current statutory authorities.

3 (c) Unauthorized connections to fire hydrants can lead to public
4 health and safety issues, including potential contamination of a
5 drinking water source due to a lack of backflow prevention and
6 damage to water system facilities and infrastructure, or
7 depressurization of the water system, which could make
8 communities more vulnerable in the event of a fire.

9 (d) Affordability of water is impacted by water theft from a fire
10 hydrant as the cost of water loss and damages to infrastructure is
11 ultimately borne by ratepayers.

12 (e) It is the intent of the Legislature to uphold its values of water
13 efficiency, affordability, and public health and safety by enacting
14 a statute that is a greater deterrent to water theft via the
15 unauthorized connection to a fire hydrant or unauthorized use of
16 a hydrant meter.

17 SEC. 2. Section 1882.1 of the Civil Code is amended to read:

18 1882.1. A utility may bring a civil action for damages against
19 any person who commits, authorizes, solicits, aids, abets, or
20 attempts any of the following acts:

21 (a) Diverts, or causes to be diverted, utility services by any
22 means whatsoever.

23 (b) Makes, or causes to be made, any connection or reconnection
24 with property owned or used by the utility to provide utility service
25 without the authorization or consent of the utility.

26 (c) Prevents any utility meter, or other device used in
27 determining the charge for utility services, from accurately
28 performing its measuring function by tampering or by any other
29 means.

30 (d) Tampers with any property owned or used by the utility to
31 provide utility services.

32 (e) Uses or receives the direct benefit of all, or a portion, of the
33 utility service with knowledge of, or reason to believe that, the
34 diversion, tampering, or unauthorized connection existed at the
35 time of the use, or that the use or receipt, was without the
36 authorization or consent of the utility.

37 (f) *Tampers with a fire hydrant, fire hydrant meter, or fire*
38 *detector check, or diverts water, or causes water to be diverted,*
39 *from a fire hydrant with knowledge of, or reason to believe, that*
40 *the diversion or unauthorized connection existed at the time of use*

1 *for nonfirefighting purposes or without authorization from the*
2 *appropriate water system or fire department.*

3 SEC. 3. Section 1882.3 of the Civil Code is amended to read:

4 1882.3. There is a rebuttable presumption that there is a
5 violation of Section 1882.1 ~~if, or~~ *on if either of the following occurs:*

6 (a) *On premises controlled by the customer or by the person*
7 *using or receiving the direct benefit of utility service, including*
8 *through the use of a vehicle, there is either, or both, of the*
9 *following:*

10 ~~(a)~~

11 (1) Any instrument, apparatus, or device primarily designed to
12 be used to obtain utility service without paying the full lawful
13 ~~charge therefor.~~ *charge for the utility service.*

14 ~~(b) Any~~

15 (2) A meter that has been altered, tampered with, or bypassed
16 so as to cause no measurement or inaccurate measurement of utility
17 services.

18 (b) *A person tampers with or uses a fire hydrant, fire hydrant*
19 *meter, or fire detector check without authorization to obtain water*
20 *and without paying the full lawful charge of the water.*

21 SEC. 4. Section 53069.45 of the Government Code is amended
22 to read:

23 53069.45. (a) (1) Notwithstanding any other law, the
24 legislative body of a ~~“local agency,”~~ *local agency*, as defined in
25 Section 54951, that provides water services, may adopt an
26 ordinance that prohibits water theft and makes a violation of an
27 ordinance enacted by the local agency regarding water theft subject
28 to an administrative fine or penalty, as provided in this section.

29 (2) The local agency shall adopt an ordinance that sets forth the
30 administrative procedure that shall govern the imposition,
31 enforcement, collection, and administrative review by the local
32 agency of the administrative fines or penalties for water theft.

33 (3) The local agency shall establish a process for granting a
34 hardship waiver to reduce the amount of the fine imposed for water
35 theft upon a showing by the responsible party that payment of the
36 full amount of the fine would impose an undue financial burden
37 on the responsible party.

38 (b) If the water theft is committed via meter tampering in
39 violation of an ordinance adopted under this section, it is
40 punishable as follows:

1 (1) A fine not exceeding one hundred thirty dollars (\$130) for
2 a first violation.

3 (2) A fine not exceeding seven hundred dollars (\$700) for a
4 second violation of the same ordinance within one year of the first
5 violation.

6 (3) A fine not exceeding one thousand three hundred dollars
7 (\$1,300) for the third violation and each additional violation of
8 the same ordinance within one year of the first violation. ordinance.

9 (c) All other forms of water theft in violation of an ordinance
10 adopted under this section are punishable as follows:

11 (1) A fine not exceeding one thousand dollars (\$1,000) for a
12 first violation.

13 (2) A fine not exceeding two thousand dollars (\$2,000) for a
14 second violation of the same ordinance within one year.

15 (3) A fine not exceeding three thousand dollars (\$3,000) for
16 each additional violation of the same ordinance within one year.
17 ordinance.

18 (d) For purposes of this section, the following definitions apply:

19 (1) "Irrigation district" has the same meaning as "district," as
20 that term is defined in Section 20513 of the Water Code.

21 (2) "Water theft" means an action to divert, tamper, or reconnect
22 water utility services, as defined in Section 498 of the Penal Code.

23 (e) An irrigation district may impose fines or penalties for water
24 theft in accordance with this section or Division 11 (commencing
25 with Section 20500) of the Water Code. This section shall not cap
26 or limit the fines that an irrigation district may impose in
27 accordance with Division 11 (commencing with Section 20500)
28 of the Water Code.

29 SEC. 5. Section 53069.46 is added to the Government Code,
30 to read:

31 53069.46. (a) (1) Notwithstanding any other law, the legislative
32 body of a local agency, as defined in Section 54951, that provides
33 retail water services, may adopt an ordinance that prohibits
34 unauthorized connection to a fire hydrant, and makes a violation
35 of an ordinance enacted by the local agency regarding water theft
36 committed via the unauthorized connection to a fire hydrant subject
37 to an administrative fine or penalty, as provided in this section.

38 (2) The local agency shall adopt an ordinance that sets forth the
39 administrative procedure that shall govern the imposition,
40 enforcement, collection, and administrative review by the local

1 agency of the administrative fines or penalties for water theft
2 committed via the unauthorized connection to a fire hydrant.

3 (b) Water theft committed via the unauthorized connection to
4 a fire hydrant in violation of an ordinance adopted under this
5 section is punishable as follows:

6 (1) A fine not exceeding two thousand five hundred dollars
7 (\$2,500) for a first violation.

8 (2) A fine not exceeding five thousand dollars (\$5,000) for a
9 second violation of the same ordinance.

10 (3) A fine not exceeding ten thousand dollars (\$10,000) for the
11 third violation and each additional violation of the same ordinance.

12 (c) For purposes of this section, “unauthorized connection to a
13 fire hydrant” includes the unauthorized use of a fire hydrant, fire
14 hydrant meter, or fire detector check.

15 (d) (1) A local agency shall not impose fines under both this
16 section and Section 53069.45 for the same offense.

17 (2) Except as provided in paragraph (1), this section does not
18 preclude remedies available under any other law, including
19 provisions in the Penal Code or the Civil Code.

ASSEMBLY BILL

No. 532

Introduced by Assembly Member Ransom

February 11, 2025

An act to repeal and add Section 12087.2 of the Government Code, and to add Chapter 6.5 (commencing with Section 116950) to Part 12 of Division 104 of the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as introduced, Ransom. Water rate assistance program.

(1) Existing federal law, the Consolidated Appropriations Act, 2021, among other things, requires the federal Department of Health and Human Services to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, which is also known as the Low Income Household Water Assistance Program, for making grants to states and Indian tribes to assist low-income households that pay a high proportion of household income for drinking water and wastewater services, as provided. Existing law requires the Department of Community Services and Development to administer the Low Income Household Water Assistance Program in this state, and to receive and expend moneys appropriated and allocated to the state for purposes of that program, pursuant to the above-described federal law. The Low Income Household Water Assistance Program was only operative until March 31, 2024.

This bill would repeal the above-described requirements related to the Low Income Household Water Assistance Program. The bill would instead require, upon appropriation by the Legislature, the Department of Community Services and Development to establish and administer the California Low Income Household Water Assistance Program to

provide water rate assistance to residential ratepayers of community water systems with under 3,000 connections, or water systems serving predominantly disadvantaged communities, as specified.

(2) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

Existing law requires the state board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program, as prescribed. Existing law requires the state board, by February 1, 2018, to report to the Legislature on its findings regarding the feasibility, financial stability, and desired structure of the program, including any recommendations for legislative action that may need to be taken. Existing law requires a public water system to submit a technical report to the state board as part of the permit application or when otherwise required by the state board.

This bill would authorize an urban retail water supplier to provide water rate assistance to its ratepayers, as specified, and would define the term “water rate assistance” to mean any offset of the cost of water service provided through a low-income water rate assistance program, including, but not limited to, a reduction in a volumetric or fixed water fee or charge, a percentage reduction of a water utility bill, a water account credit, or crisis assistance used to reduce or eliminate a water bill arrearage or potential arrearage. The bill would authorize the water rate assistance to be provided to specified eligible ratepayers, including, among others, residential ratepayers with an annual household income at or below 200 percent of the federal poverty guideline level. The bill would authorize an urban retail water supplier to use any funding it has available to provide water rate assistance to its ratepayers, as specified, including voluntary contributions sought from other ratepayers. The bill would require an urban retail water supplier to, beginning January 1, 2028, include in the technical report to the state board specified information regarding its water rate assistance program.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Urban retail water suppliers serve over 92 percent of the
4 state's population, while community water systems with under
5 3,000 connections serve the remaining 8 percent.

6 (2) It is important to efficiently and cost-effectively expand
7 water rate assistance to a greater number of low-income residential
8 water ratepayers in California.

9 (3) After two decades of policy discussions and debate on
10 establishing and funding a sweeping statewide low-income water
11 rate assistance program to no avail, and in recognition of the
12 diversity of water suppliers and community water rate assistance
13 needs in California, communities' varying levels of needs, the
14 level of sustainable water rate assistance a community can support,
15 the proportion of a community's ratepayers needing assistance as
16 a percent of the overall rate base, and how that assistance can most
17 efficiently and cost-effectively be provided to low-income
18 residential water ratepayers, California should focus on expanding
19 water rate assistance to low-income residential water ratepayers
20 by doing all of the following:

21 (A) Giving urban retail water suppliers express authority to
22 establish and fund local water rate assistance programs that are
23 designed to meet each community's specific needs and would be
24 administrated efficiently and transparently without violating
25 Proposition 218.

26 (B) Ensuring that existing programs can continue to provide
27 water rate assistance.

28 (C) Clarifying that locally derived funding that supports a local
29 program shall stay within the water system's service area to support
30 its program.

31 (D) Creating a targeted state program to directly assist
32 low-income residential ratepayers with their water bills served by
33 community water systems with under 3,000 connections or water
34 systems serving predominantly disadvantaged communities.

35 (4) Granting urban retail water suppliers express authority to
36 provide a local water rate assistance program to its residential
37 ratepayers will give statutory certainty to suppliers that establish
38 and fund a water rate assistance program, thereby expanding access

1 to water rate assistance across California while protecting existing
2 programs that are currently providing that assistance.

3 (5) To track the progress California is making to expand
4 low-income water rate assistance for residential ratepayers, water
5 systems should report summary information through the electronic
6 annual report administered by the State Water Resources Control
7 Board about the types of programs suppliers are able to provide
8 in helping to meet the affordability elements of the human right
9 to water.

10 (b) It is the intent of the Legislature that an entity eligible for
11 any state or federal funding authorized or appropriated in
12 furtherance of providing water rate assistance to low-income
13 residential ratepayers shall include an urban retail water supplier
14 with an existing water rate assistance program and an urban retail
15 water supplier with a water rate assistance program established by
16 the authority granted in this measure.

17 SEC. 2. Section 12087.2 of the Government Code is repealed.

18 ~~12087.2. (a) It is the intent of the Legislature that one-time~~
19 ~~funding appropriated for the Low Income Household Water~~
20 ~~Assistance Program shall be used to prioritize and expedite services~~
21 ~~that reduce arrearages for low-income households.~~

22 ~~(b) The Department of Community Services and Development~~
23 ~~shall administer the Low Income Household Water Assistance~~
24 ~~Program in this state, and shall receive and expend moneys~~
25 ~~appropriated and allocated to the state for purposes of that program,~~
26 ~~pursuant to Section 533 of Title V of Division H of the federal~~
27 ~~Consolidated Appropriations Act, 2021 (Public Law 116-260).~~

28 ~~(c) The Department of Community Services and Development~~
29 ~~may develop and implement a state plan, requirements, guidelines,~~
30 ~~and subgrantee contract provisions for the program described in~~
31 ~~subdivision (a) in accordance with federal law, regulations,~~
32 ~~reporting requirements, and any other federal requirements.~~
33 ~~Notwithstanding Chapter 3.5 (commencing with Section 11340)~~
34 ~~of Part 1, the department may develop the state plan, requirements,~~
35 ~~guidelines, and subgrantee contract provisions described in this~~
36 ~~subdivision without taking any further regulatory action.~~

37 ~~(d) Pursuant to the requirements of federal law and subject to~~
38 ~~federal approval of a state plan, the Low Income Household Water~~
39 ~~Assistance Program State Plan shall include all of the following~~
40 ~~details regarding program implementation:~~

1 ~~(1) Household eligibility.~~

2 ~~(2) Prioritization.~~

3 ~~(3) Program design and implementation.~~

4 ~~(4) Funding allocation.~~

5 ~~(5) Financial water assistance payments.~~

6 ~~(6) State oversight and program integrity.~~

7 ~~(7) Public participation.~~

8 ~~(8) Data collection and reporting.~~

9 ~~(e) All expenditures of Low Income Household Water~~
10 ~~Assistance Program funding shall be prioritized for services that~~
11 ~~reduce the arrearages of eligible households that have past due~~
12 ~~balances.~~

13 ~~(f) Upon the execution of contracts for Low Income Household~~
14 ~~Water Assistance Program funding with local service providers,~~
15 ~~the department shall report to the Legislature and shall post to the~~
16 ~~department's website the following information by local service~~
17 ~~provider area:~~

18 ~~(1) Total allocation.~~

19 ~~(2) Allocation by service category.~~

20 ~~(g) Beginning six months after the execution of contracts for~~
21 ~~Low Income Household Water Assistance Program funding with~~
22 ~~local service providers, and every six months thereafter until~~
23 ~~funding is exhausted, the department shall provide a report to the~~
24 ~~Legislature that includes the following information by local service~~
25 ~~provider area:~~

26 ~~(1) Total allocation.~~

27 ~~(2) Allocation by service category.~~

28 ~~(3) Total expenditures.~~

29 ~~(4) Expenditures by service category.~~

30 ~~(5) Households served.~~

31 ~~(6) Households served by service category.~~

32 ~~(h) Pursuant to the requirements of federal law, the Department~~
33 ~~of Community Services and Development shall post a draft state~~
34 ~~plan to the department's internet website and hold a public meeting~~
35 ~~prior to submission of the state plan to allow for public comment.~~
36 ~~The final plan shall be posted to the department's internet website.~~

37 ~~(i) All actions to implement the funding in this item, including~~
38 ~~entering into contracts for services or equipment, shall be exempt~~
39 ~~from Chapter 2 (commencing with Section 10290) of Part 2 of~~
40 ~~Division 2 of the Public Contract Code. The department may award~~

1 ~~contracts under this section on a noncompetitive bid basis as~~
2 ~~necessary to implement the purposes of the Low Income Household~~
3 ~~Water Assistance Program grant funds.~~

4 SEC. 3. Section 12087.2 is added to the Government Code, to
5 read:

6 12087.2. (a) It is the intent of the Legislature to establish the
7 California Low Income Household Water Assistance Program,
8 which shall be administered by the Department of Community
9 Services and Development.

10 (b) Upon appropriation by the Legislature, the department shall
11 establish and administer the California Low Income Household
12 Water Assistance Program to provide water rate assistance to
13 residential ratepayers of community water systems with under
14 3,000 connections, or water systems serving predominantly
15 disadvantaged communities.

16 (c) (1) The department shall use local service providers to help
17 administer the program.

18 (2) The department shall post on its internet website the
19 eligibility requirements of the program, local service provider area,
20 local service provider contact information, and total annual
21 assistance available during the current fiscal year.

22 (d) (1) Notwithstanding Section 10231.5, beginning the first
23 fiscal year after the California Low Income Household Water
24 Assistance Program has been established, and each year thereafter,
25 the department shall provide a report to the Legislature that
26 includes the total amount of assistance provided, total
27 administrative cost of the program, and total number of households
28 served by the program during the previous fiscal year.

29 (2) A report to be submitted pursuant to this subdivision shall
30 be submitted in compliance with Section 9795.

31 SEC. 4. Chapter 6.5 (commencing with Section 116950) is
32 added to Part 12 of Division 104 of the Health and Safety Code,
33 to read:

34
35 CHAPTER 6.5. WATER RATE ASSISTANCE PROGRAM
36

37 116950. For the purposes of this chapter, the following
38 definitions apply:

39 (a) "Urban retail water supplier" has the same meaning as
40 defined in Section 10608.12 of the Water Code.

1 (b) “Water rate assistance” means any offset of the cost of water
2 service provided through a low-income water rate assistance
3 program, including, but not limited to, a reduction in a volumetric
4 or fixed water fee or charge, a percentage reduction of a water
5 utility bill, a water account credit, or crisis assistance used to reduce
6 or eliminate a water bill arrearage or potential arrearage.

7 116951. (a) An urban retail water supplier may provide water
8 rate assistance to its ratepayers in furtherance of the state water
9 policy described in Section 106.3 of the Water Code in any manner
10 it determines will best sustainably meet its community’s needs
11 while permitting the efficient administration and distribution of
12 any assistance provided. This includes a supplier having the option
13 of using third parties to administer or provide that assistance.

14 (b) In providing the assistance authorized by this section, an
15 urban retail water supplier may provide water rate assistance to
16 its residential ratepayers with an annual household income at or
17 below 200 percent of the federal poverty guideline level, residential
18 ratepayers with an arrearage or those likely to have an arrearage
19 without assistance, or to other ratepayers if a supplier determines
20 that offering assistance would allow it to better meet its
21 community’s needs, better administer or provide for a more
22 sustainable program, or better balance competing policy objectives,
23 such as water quality, water efficiency, and water affordability.

24 (c) An urban retail water supplier, at its sole discretion, may
25 use any funding it has available to provide water rate assistance
26 to its ratepayers provided it does not use any funding derived from
27 a fee or charge levied pursuant to Article XIII D of the California
28 Constitution.

29 (d) An urban retail water supplier, at its sole discretion, may
30 seek and use voluntary contributions of funds from its ratepayers
31 and others to support a water rate assistance program for ratepayers.
32 Voluntary contributions may be sought on a water bill or through
33 any other legal means. Any voluntary contributions of funds a
34 supplier receives shall not be considered public funds.

35 116952. Beginning January 1, 2028, and annually thereafter,
36 an urban retail water supplier shall include in the technical report
37 required by the state board pursuant to Section 116530 all of the
38 following regarding voluntary contributions and water rate
39 assistance:

- 1 (a) Whether the supplier provides water rate assistance to its
2 customers.
- 3 (b) The amount of funding used to provide any water rate
4 assistance during the previous reporting period.
- 5 (c) If the supplier did not provide water rate assistance during
6 the reporting period, an explanation as to any progress made
7 towards implementation of a water rate assistance program, or
8 information about the barriers encountered that prevented providing
9 water rate assistance.
- 10 (d) Whether the supplier has sought any voluntary contributions
11 to fund its water rate assistance program. If so, the total amount
12 of voluntary contributions collected to fund its water rate assistance
13 program.
- 14 (e) The total number of eligible households that were provided
15 with water rate assistance.

Introduced by Senator Durazo

February 12, 2025

An act to add Chapter 6.5 (commencing with Section 116930) to Part 12 of Division 104 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 350, as introduced, Durazo. Water Rate Assistance Program.

Existing law requires the State Water Resources Control Board, by January 1, 2018, to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program. Existing law requires the plan to include, among other things, a description of the method for collecting moneys to support and implement the program and a description of the method for determining the amount of moneys that may need to be collected from water ratepayers to fund the program.

This bill would establish the Water Rate Assistance Program. As part of the program, the bill would establish the Water Rate Assistance Fund in the State Treasury to provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers, as specified. The bill would require the state board to take various actions in administering the fund, including, among other things, track and manage revenue in the fund separately from all other revenue. The bill would require the state board, in consultation with relevant agencies and after a public hearing, to adopt guidelines for implementation of the program and adopt an annual report to be posted on the state board's internet website identifying how the fund has performed, as specified. The bill would require the guidelines to include minimum requirements for eligible systems, including the ability to confirm eligibility for enrollment through a request for self-certification

of eligibility under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require the state board to take various actions in administering the program, including, but not limited to, providing guidance, oversight, and funding for low-income rate assistance for residential ratepayers of eligible systems. The bill would authorize the Attorney General to bring an action in state court to restrain the use of any method, act, or practice in violation of these provisions, except as provided.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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

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

1 SECTION 1. Chapter 6.5 (commencing with Section 116930)
2 is added to Part 12 of Division 104 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 6.5. WATER RATE ASSISTANCE PROGRAM
6

7 116930. The Legislature finds and declares all of the following:

8 (a) Existing state law declares that it is the established policy
9 of the state that every human being has the right to safe, clean,
10 affordable, and accessible water adequate for human consumption,
11 cooking, and sanitary purposes.

12 (b) In 2015, the Legislature passed Assembly Bill 401 (Chapter
13 662 of the Statutes of 2015) that required the State Water Resources
14 Control Board to develop a plan, informed by the public and the
15 State Board of Equalization, for a statewide low-income rate
16 assistance for water.

17 (c) In 2020, the state board released a report pursuant to
18 Assembly Bill 401 (Chapter 662 of the Statutes of 2015), which
19 is entitled “Recommendations for Implementation of a Statewide
20 Low-Income Water Rate Assistance Program,” that found that it
21 would take over one hundred forty million dollars (\$140,000,000)
22 annually to create a low-income water rate assistance program.

1 (d) The cost of water has continued to rise, outpacing the rate
2 of inflation and putting too many California families at risk of
3 water shutoffs.

4 (e) Climate change adds additional cost pressure to water and
5 sewer systems, which increasingly must invest in climate resilience.

6 (f) While many public water systems offer some form of bill
7 assistance to a limited number of customers, Proposition 218, as
8 approved by the voters at the November 5, 1996, statewide general
9 election, limits their ability to fully fund those programs.

10 (g) California must continue to lead the nation by establishing
11 statewide low-income rate assistance for water and sewer and, by
12 doing so, help to ensure universal access to essential services.

13 116931. For purposes of this chapter, the following definitions
14 apply:

15 (a) “Community water system” has the same meaning as defined
16 in Section 116275.

17 (b) “Effective date” means the effective date of this chapter.

18 (c) “Eligible system” means a community water system,
19 wastewater system, or a participating tribal water or wastewater
20 system.

21 (d) “Fund” means the Water Rate Assistance Fund created
22 pursuant to Section 116932.

23 (e) “Low-income” means an annual household income that is
24 no greater than 200 percent of the federal poverty guideline level
25 and consistent with the guidelines established for the California
26 Alternative Rates for Energy (CARE) program pursuant to
27 subdivision (a) of Section 739.1 of the Public Utilities Code.

28 (f) “Program” means the Water Rate Assistance Program
29 established pursuant to this chapter.

30 (g) “Relevant agencies” means those agencies that have a role,
31 through data collection, regulation, or enforcement, in providing
32 services, oversight, and assistance to public water systems and
33 low-income ratepayers.

34 (h) “Residential ratepayer” means a resident of a single-family
35 or multifamily residence who receives a bill for water or
36 wastewater.

37 (i) “State board” means the State Water Resources Control
38 Board.

(j) “Wastewater system” means a city, county, special district, joint powers authority, or tribal or investor-owned utility that provides wastewater collection, treatment, or disposal service.

116932. (a) The Water Rate Assistance Fund is hereby established in the State Treasury to provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers. Moneys in the fund shall be available upon appropriation by the Legislature to the state board to provide, in consultation with relevant agencies, direct water bill assistance to low-income residential ratepayers served by eligible systems.

(b) The program shall be entirely funded by the fund or other available state or federal funding.

(c) (1) The state board shall, upon appropriation by the Legislature, expend moneys from the fund for reasonable costs associated with the administration of this chapter.

(2) Commencing 365 days after the effective date, funds for the reasonable costs associated with the administration of this chapter shall not exceed 10 percent of the average annual deposits into the fund. “Reasonable costs associated with the administration of this chapter” includes relevant agencies’ administrative costs associated with this chapter. The state board shall reimburse eligible systems for reasonable costs associated with the administration of this chapter, which shall not count toward the 10-percent limitation.

(3) Commencing 450 days after the effective date, a minimum of 80 percent of total expenditures from the fund shall be directly applied to residential ratepayer accounts.

(d) The state board may undertake any of the following actions to implement this chapter:

(1) Provide for the deposit of any of the following moneys into the fund:

(A) Federal or state funding.

(B) Voluntary contributions, gifts, grants, or bequests.

(C) Any returned funds.

(2) Enter into funding agreements with the federal government, local or state agencies, private entities, or nonprofit organizations.

(3) Take additional action as necessary and appropriate for adequate administration and operation of the fund and provision of direct water bill assistance.

1 116933. The state board shall do all of the following in
2 administering the fund:

3 (a) Track and manage revenue in the fund separately from all
4 other revenue.

5 (b) Develop and implement a process for the state board, or a
6 third-party provider contracted by the state board, to disburse
7 program funds to eligible systems, contract operators, or third-party
8 providers for direct application to the system's low-income
9 residential ratepayer accounts, including controls to prevent fraud,
10 waste, and abuse.

11 (c) Manage and maintain fund balances in conjunction with the
12 Controller, the Treasurer, the California State Auditor's Office,
13 and the Department of Finance, as appropriate.

14 (d) (1) Expend, upon appropriation by the Legislature, moneys
15 in the fund for grants, contracts, or services to provide benefits to
16 eligible residential ratepayers.

17 (2) Services may include technical assistance to eligible systems
18 serving fewer than 3,300 connections to administer the application
19 of funds to low-income residential ratepayer accounts, including
20 initial startup costs.

21 (3) The state board shall identify and contract with one or more
22 third-party providers. The scope of work for a third-party provider
23 shall include eligibility determinations, and may include call center
24 services, internet-based enrollments, document intake and
25 processing, and distribution of funds to eligible systems for
26 application to qualified residential ratepayer accounts.

27 (4) Provide funds to eligible systems for reasonable costs for
28 administration of the program, not to exceed the greater of 5
29 percent of the total funds for water bill assistance or two thousand
30 dollars (\$2,000).

31 (e) (1) Require verification of eligibility from a sample of
32 enrolled eligible ratepayers on an annual basis to verify the
33 ratepayer's low-income status and eligibility for assistance. Any
34 ratepayer found to not be eligible for assistance may be removed
35 from this program.

36 (2) The eligibility requirement in paragraph (1) may be carried
37 out by a third-party provider described in paragraph (3) of
38 subdivision (d).

1 116934. (a) Within 270 days of the effective date, the state
2 board, in consultation with relevant agencies and after a public
3 hearing, shall adopt guidelines for implementation of the program.

4 (b) The guidelines shall include, at minimum, all of the
5 following:

6 (1) Direction to eligible systems to automatically enroll
7 households in the program under both of the following
8 circumstances:

9 (A) Available information shows that any member of the
10 residential ratepayer's household is a current enrollee in, or
11 recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal,
12 Supplemental Security Income or the State Supplementary Payment
13 Program, or the California Special Supplemental Nutrition Program
14 for Women, Infants, and Children.

15 (B) The residential ratepayer's household is a utility customer
16 enrolled in the California Alternate Rates for Energy (CARE)
17 program established pursuant to Section 739.1 of the Public
18 Utilities Code or in the Family Electric Rate Assistance program
19 established pursuant to Section 739.12 of the Public Utilities Code.

20 (2) Minimum requirements for eligible systems, including both
21 of the following:

22 (A) Participation in the statewide program.

23 (B) The ability to confirm eligibility for enrollment through a
24 request for self-certification of eligibility under penalty of perjury.

25 (3) A process for the state board or third-party providers to
26 provide funding to eligible systems for application to eligible
27 low-income residential ratepayer accounts. Funding shall be
28 provided to eligible systems on, at minimum, an annual basis.

29 (4) A provision to audit eligible systems receiving funds under
30 this chapter regarding the receipt and distribution of those funds.

31 (5) Parameters and options for providing funding to eligible
32 systems that bill exclusively or partially on the property tax roll.

33 (6) A process for instances when a residential ratepayer moves
34 outside of the eligible system's service area.

35 (7) A process for exemption of eligible systems from providing
36 low-income rate assistance upon determination by the state board
37 that the system does not have eligible residential ratepayers.
38 Exemptions shall be reviewed periodically to determine whether
39 any residential ratepayers of the eligible system have become
40 eligible for assistance.

1 (8) A process for eligible systems to return funds to the state if
2 needed.

3 (9) In the event that full funding is not immediately available,
4 a process for determining how implementation will be prioritized
5 among eligible systems. The process shall prioritize eligible
6 systems that have historically been overburdened by pollution and
7 industrial development or faced other environmental justice
8 hurdles.

9 116935. (a) The state board shall, in consultation with relevant
10 agencies and after a public hearing, adopt an annual report to be
11 posted on the state board's internet website identifying how the
12 fund has performed.

13 (b) The annual report shall contain all of the following:

14 (1) A report of expenditures from the fund for the prior fiscal
15 year, including how many households were served, and estimated
16 expenditures for the current fiscal year.

17 (2) An estimate of the number of households eligible for
18 assistance. The estimate shall not be based on a
19 household-by-household evaluation.

20 (3) An evaluation of available relevant information regarding
21 any household-level water affordability issues that remain after
22 application of bill assistance.

23 (4) A description of methods to include public participation and
24 efforts to encourage enrollment in the program.

25 (5) An estimate of the funding available for the next fiscal year
26 based on the amount available in the fund, anticipated funding
27 needs, other existing funding sources, and other relevant data and
28 information.

29 116936. (a) Within 365 days of the effective date, the Public
30 Utilities Commission shall establish a mechanism for electrical
31 corporations and gas corporations to regularly share data with the
32 state board or relevant third-party providers regarding the utility
33 customers enrolled in, or eligible to be enrolled in, the California
34 Alternate Rates for Energy (CARE) program established pursuant
35 to Section 739.1 of the Public Utilities Code and the Family
36 Electric Rate Assistance program established pursuant to Section
37 739.12 of the Public Utilities Code. Electrical corporations and
38 gas corporations shall regularly share that data with the state board
39 through the mechanism.

(b) (1) The state board and third-party providers may enter into agreements with local publicly owned electric utilities and local publicly owned gas utilities, including, but not limited to, municipal utility districts and irrigation districts, for the purpose of regularly sharing data with the state board or third-party provider regarding utility customers enrolled in, or eligible to be enrolled in, affordability programs benefiting low-income residential ratepayers.

(2) The agreements may authorize the state board to provide data pursuant to this subdivision to third-party providers or eligible systems for the sole purpose of assisting with the administration of the program.

(c) Data shared pursuant to subdivision (a) or (b) is subject to Section 7927.410 of the Government Code and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(d) Data shared pursuant to subdivision (a) or (b) shall not be considered a disclosure under Section 1798.83 of the Civil Code.

116937. (a) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to any guidelines developed by the state board pursuant to this chapter.

(b) (1) Notwithstanding Section 11019 of the Government Code, the state board, or a third-party provider contracted by the state board, shall, to the extent permissible, make advance payments to eligible systems for direct water bill assistance, for related administrative costs, and to implement the purposes of this chapter.

(2) Before distribution of an advance payment, eligible systems shall provide to the state board an estimate of the number of households enrolled in the program and their expected bill discounts.

(3) The state board shall have discretion regarding the terms and conditions that apply to advance payment.

(c) An eligible system shall provide a full accounting of its expenditures on an annual basis and as requested by the state board.

(d) The state board, in consultation with the Public Utilities Commission, may authorize up to 5 percent of program funding to establish pilot projects that include expenditures that improve water or wastewater affordability for low-income residential

1 households through installation of water efficiency measures or
2 assistance programs that otherwise improve residential household
3 water or wastewater affordability in mobilehome parks, multifamily
4 housing, or other households that do not directly pay a water or
5 wastewater bill.

6 116938. (a) The state board shall do all of the following in
7 administering the program:

8 (1) Provide guidance, oversight, and funding for low-income
9 rate assistance for residential ratepayers of eligible systems.

10 (2) Coordinate with the Public Utilities Commission, to the
11 extent reasonable and consistent with this chapter and related policy
12 goals, to align criteria between all existing water rate assistance
13 programs offered by investor-owned utilities, and to ensure timely
14 processing of payments to investor-owned utilities.

15 (3) For an eligible system that is not regulated by the Public
16 Utilities Commission, consult with relevant agencies on options
17 to provide oversight of the eligible system's application of program
18 funds to the system's low-income residential ratepayer accounts
19 pursuant to this chapter to ensure effectiveness and prevent fraud,
20 waste, and abuse.

21 (4) Coordinate with other relevant state agencies and resolve
22 disputes as necessary.

23 (5) Consider identifying alternative entities to distribute and
24 track benefits if the state board determines that an eligible system
25 is incapable of applying program funds to residential ratepayers
26 of the system pursuant to this chapter.

27 (b) This chapter does not prohibit an eligible system from
28 offering assistance to ratepayers that is in addition to, or on top
29 of, the assistance provided through the program.

30 (c) An eligible system that offers assistance that is in addition
31 to the assistance provided through the program to the same
32 ratepayers served by the program shall still receive funds from the
33 program for the eligible portion of the assistance.

34 116939. (a) Within 450 days of the effective date, or by any
35 other date set by the state board based on a process for prioritization
36 among eligible systems established pursuant to paragraph (9) of
37 subdivision (b) of Section 116934, all nontribal community water
38 systems and wastewater systems shall begin providing water rate
39 assistance to residential ratepayers in compliance with the
40 minimum requirements specified in subdivision (c) of Section

1 116932. A tribal water or wastewater system may offer water rate
2 assistance. Eligible systems shall continue to provide water rate
3 assistance to low-income residential ratepayers as long as there is
4 sufficient state or federal funding available to provide water rate
5 assistance and fund eligible systems for reasonable costs for
6 administration of the program.

7 (b) If the state board has not met the deadline in subdivision (a)
8 of Section 116934 for the adoption of program implementation
9 guidelines within 270 days of the effective date, the deadline in
10 subdivision (a) of this section shall be delayed by the total number
11 of additional days the state board takes to adopt program
12 implementation guidelines.

13 (c) Prior to disconnection of service, a community water system
14 shall provide residential ratepayers with arrearages a notice that
15 they may enter into a payment plan and time to enroll in conformity
16 with the requirements of Chapter 6 (commencing with Section
17 116900), notwithstanding limitations relating to a community
18 water system's size. A community water system shall not
19 discontinue water service to a residential ratepayer that remains
20 current on a payment plan.

21 116940. (a) The Attorney General, at the request of the state
22 board or upon the Attorney General's own motion, may bring an
23 action in state court to restrain, by temporary or permanent
24 injunction, the use of any method, act, or practice declared in this
25 chapter to be unlawful, including nonparticipation by a public
26 water system within the program.

27 (b) The state board may qualify awards of financial assistance
28 upon participation in the program.


29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 6, 2025

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Derry L. Moten, Special Assistant to the General Manager 

SUBJECT: Diversity, Equity, and Inclusion Strategic Plan Update

SUMMARY

This memorandum provides an update on implementation of the Diversity, Equity, and Inclusion Strategic Plan (DEISP). The DEISP has five strategic pillars: 1) Leadership Commitment, 2) Workforce Diversity, 3) Inclusive Culture, 4) Supplier Diversity, and 5) Social Responsibility. This memorandum discusses the status of District initiatives within the first three DEISP strategic pillars. This report will be presented at the March 11, 2025 Legislative/Human Resources Committee meeting.

DISCUSSION

The District's diversity, equity, and inclusion initiatives and programs are focused on outreach, barrier removal, and ensuring that all employees, contractors, and vendors have a fair chance to succeed. The District's initiatives and programs are fully compliant with California's Proposition 209, which prohibits preferential treatment based on race, sex, or ethnicity in public employment and contracting. The following is a mid-fiscal year update on implementation of the DEISP.

Pillar 1 – Leadership Commitment

Leadership Competency Model

The District has adopted *The Leadership Challenge* by Kouzes and Posner as its core leadership competency framework for managers and supervisors. This inclusive leadership model is designed to enhance leadership effectiveness through five exemplary practices: Model the Way, Inspire a Shared Vision, Challenge the Process, Enable Others to Act, and Encourage the Heart. Examples of how this model is being integrated into the District's business practices include:

- **Integration into Performance Appraisals:** The leadership competencies have been embedded into the performance appraisals of the Senior Management Team. This ensures that leadership behaviors and accountability for workforce development and inclusive culture objectives are integral to the assessment of leadership performance.
- **Embedding Leadership Development into Training Programs:** The District is embedding the leadership principles into all leadership training and talent development

programs to create a unified and consistent leadership culture that fosters employee engagement and inclusion.

Pillar 2 – Workforce Diversity

The District continues to implement initiatives aimed at increasing opportunities for all current and prospective employees and enhancing career mobility and workforce advancement activities.

Workforce Ads Campaign

The District launched a 10-week digital advertising campaign from October to December 2024, to elevate awareness of EBMUD as a diverse and desirable workplace. The campaign used social media platforms, publication ads, and Bay Area Rapid Transit (BART) placements to highlight mission-critical water careers. The campaign generated 5.6 million impressions, 35,000 clicks to the District's careers webpage, and 1,524 applications for various positions.

Advertising click-through rates significantly outperformed industry benchmarks, indicating the effectiveness of the campaign. Visual content was highly effective, with top-performing video reels generating strong engagement. This campaign reinforced the District's reputation as a desirable employer while providing insights for future recruitments.

Internship Program

The District's internship programs are a critical component of workforce diversity and talent pipeline development. The District offers two types of internships: direct and sponsored internships. In Fiscal Year (FY) 2024, the internship program provided opportunities to over 65 interns, contributing to the District's long-term workforce development goals and supporting diversity and inclusion by reducing barriers to entry for underrepresented groups.

Direct Internships: Individuals are hired into part time (PT) or limited term (LT) classifications including Engineering Aide, Human Resources Intern, Information Technology Intern, and Student Intern. Current upper division college students or recent graduates are hired for one-year terms beginning either summer/fall or winter and are eligible to work an additional year if they meet eligibility requirements. Two Engineering Aides were recently promoted to LT Junior Engineer positions.

The Community Employment Trainee (CET) Program is designed to offer similar opportunities to individuals participating in local community college or pre-apprenticeship programs (e.g., Laney College, Civicorps, and Cypress Mandela Training Center). For FY 2024, CET interns were assigned to Distribution Maintenance, Pipeline, Facilities Maintenance, and Wastewater workgroups. A recent CET intern, placed in Facilities Maintenance, was promoted to a PT Ranger/Naturalist I position.

Sponsored Internships: Sponsored internships provide hands-on training and experience at the District while being employed by either a community-based organization (CBO) or the Peralta Colleges Foundation. Sponsored internships are conducted in partnership with local CBOs,

community college districts, and BAYWORK. These partnerships help attract, recruit, and cultivate a diverse, qualified candidate pool. Sponsored internships include skilled trades and non-trades internships, such as Information Technology Service Desk and Ranger/Naturalist Internship positions. In FY 2024, the District hosted a mechanical maintenance intern who had a previous BAYWORK stackable rotation at a partner Wastewater agency. The District currently has four BAYWORK stackable interns working in the Facilities Maintenance and Construction Department. A stackable internship provides an intern with an opportunity to rotate between multiple BAYWORK agencies over a one-year period.

Additionally, the District successfully implements the High School Summer Internship (HSSI) program annually with the support of local school districts and CBOs. In FY 2024, the District's six-week HSSI program sponsored 27 student interns who were mentored and coached by District staff. The internship provided hands-on work experience and weekly career enrichment to develop skills critical to their future academic and professional success. One hundred percent of HSSI interns surveyed in 2024 stated the HSSI program prepared them for future career and educational opportunities. Similarly, 96 percent of HSSI interns expressed interest in future internships and employment at the District. The 2025 program is scheduled to launch in June 2025.

Another sponsored internship program is a partnership with Toolworks Inc., which creates employment opportunities for individuals with disabilities. During FY 2025, this program is expanding through a new partnership with the Department of Rehabilitation and its Pathways to Success Program (PSP). The PSP offers interns opportunities to gain experience in roles such as Engineering, Administration, Janitorial, and Information Technology. This initiative aligns with the District's Equal Employment Opportunity (EEO) program goals, promoting career pathways for individuals with disabilities.

Internal Promotion and Mobility

The District offers a range of career development and employee support resources to enhance internal advancement and promotion opportunities. Key resources include individual and group career coaching sponsored by the District, as well as mentoring programs developed in partnership with District Affinity Groups, which are open to all staff.

The District has also established an Internal Mobility Working Committee, led by the District's Employee and Organizational Development group, to improve career development and mobility resources. This committee is developing pilot projects focused on 12 developmental activities, including job shadowing, stretch assignments, and work out-of-class preparation.

A standout initiative is the Peralta Cohort Program, a partnership with Laney College that combines onsite and virtual classroom learning, work experience credits, staff support, and mentoring. Employees can complete up to 24 college units through this program, with the District advancing tuition payments to Peralta College, ensuring no out-of-pocket costs for employees who successfully complete their coursework. The current cohort includes 14 participants.

Over the six-year history of the program, 72 percent of the participating employees have promoted a minimum of one time, with some employees promoting up to three times. An example from the first cohort is an employee who started the program as a Heavy Equipment Operator and is currently a Superintendent within the Pipeline Division. Another recent success story highlights a welder who, through the guidance of a mentor and participation in the Peralta Cohort Program, transitioned into a Temporary position as an Engineering Designer I within the Engineering and Construction Department. This example underscores the positive impact of structured development programs on internal mobility and career growth.

Pillar 3 – Inclusive Culture

The Employee Experience Survey is a key component of the District's strategy to foster an inclusive, high-performing workplace. It measures five key performance indicators (KPIs): Engagement, Experience vs. Expectations, Retention, Inclusion, and Well-Being. While results show strengths in engagement and retention, they highlight opportunities to improve alignment between employee expectations and workplace experiences, particularly in Career Development & Mobility and Open & Honest Communication—two drivers with the greatest impact on KPIs.

To address these findings, the District is implementing a District-wide and department-specific action planning process:

- District-wide initiatives: Leadership development, increasing leadership accessibility, policy and procedure updates, and strategic programs to drive consistency and long-term improvement.
- Departmental actions: Expanding career pathways, leadership consistency, and enhancing communication.

Key actions include integrating career planning into performance reviews, creating structured in-place development opportunities, launching leadership office hours, and strengthening manager training on trust-building.

Below are key department-level projects to addressing the findings from the District's recent employee experience survey.

Customer and Community Services Department - Job Shadowing Pilot

- Objective: Enhance career mobility and professional development by allowing employees to explore different roles within the department.
- Implementation: Employees participate in short-term shadowing opportunities, gaining insights into job functions and building networks across divisions.
- Impact: Early feedback has shown increased employee engagement and interest in internal career development pathways.

Engineering and Construction Department - Engineering Development and Growth Experience (EDGE) Program

- Objective: Offer structured rotation opportunities to help employees develop skills, build relationships, and gain diverse experiences within the Engineering and Construction Department.
- Leadership: Managed by the Engineering and Construction Department's leadership team, the program engages divisional leaders and integrates support from the Office of Diversity, Equity, and Culture.
- Current Phase: The program is in the stakeholder engagement phase, with employee placements expected to begin in fall 2025.

Wastewater Environmental Services Division - Task Force Development

- Focus Areas: Addressing key themes from the Employee Experience Survey, including recognition, career development, team building, workload management, and work prioritization.
- Approach: Small teams of two to four members operate in four-week sprints to test and implement solutions, contributing to departmental efficiency and employee satisfaction.
- Results: Positive momentum in enhancing team collaboration and developing practical solutions to departmental challenges.

NEXT STEPS

Staff will continue implementing the DEISP with a strong focus on leveraging Employee Experience Survey data to drive related projects forward. The focus will remain on ensuring alignment with the District's core values.

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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: March 6, 2025

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Cindy R. Charan, Director of Human Resources *CRC*

SUBJECT: Assembly Bill 1484 – Temporary Public Employees

SUMMARY

Assembly Bill 1484 (AB 1484) was signed into law on October 10, 2023. The bill confers to temporary employees the right to join unions, as well as the right to be covered by that union's Memorandum of Understanding (MOU) on terms to be bargained with the employer. This memorandum provides an update on the District's efforts to address AB 1484. This information will be discussed at the March 11, 2025, Legislative/Human Resources Committee meeting.

DISCUSSION

AB 1484, effective January 1, 2024, is a California law designed to enhance the rights of temporary public employees. The legislation mandates several key requirements for public employers:

- **Inclusion in Bargaining Units:** Upon request from the recognized employee organization, temporary employees performing the same or similar work as permanent employees must be included in the same bargaining unit as their permanent counterparts. This inclusion does not necessitate identical terms and conditions of employment for both groups.
- **Bargaining Obligations:** Once temporary employees are added to a bargaining unit, public employers are required to engage in timely collective bargaining with the union to establish wages, hours, and other employment terms specific to these temporary employees.
- **Provision of Employment Information:** At the time of hire, public employers must provide each temporary employee with:
 - A job description
 - Wage rates
 - Eligibility criteria for benefits
 - The anticipated duration of employment
 - Procedures for applying to open, permanent positions

This information must also be supplied to the recognized employee organization within five business days of the temporary employee's hiring. The District has three categories of “temporary” employees: Temporary Construction, Limited-Term, and six-month Temporary.

- Temporary Construction positions are of a limited and specified duration associated with the completion of a public works project or facility.
- Limited-Term positions augment regular District staff in accomplishing operational programs and activities for a limited duration. Limited-Term positions are limited to two (2) and can be extended to a maximum of four (4) years.
- Temporary positions are allocated for six months in duration. Employees in Temporary Construction and Limited-Term positions are already included in the bargaining units and are not subject to the AB 1484. However, six-month temporary positions were not included in the bargaining units prior to the passing of AB 1484.

The American Federation of State, County and Municipal Employees (AFSCME) Locals 444 and 2019 have requested that temporary employees be included in their respective unions, and the District has honored those requests. Changes made include:

- Including temporary employees in the monthly membership report provided to the unions.
- Allowing temporary employees to attend their union presentation at New Employee Orientation.
- Providing newly hired temporary employees with information including job description, wage rates, eligibility for benefits, anticipated length of employment, and procedures to apply for open, permanent positions.
- Adding each temporary employee’s union membership to their People & Places profile located on the District intranet.

NEXT STEPS

The District is engaged in ongoing negotiations with AFSCME Locals 444 and 2019 regarding the terms and conditions of employment for temporary employees. Both unions have agreed to bargain these matters at the MOU negotiation table.

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