



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

Tuesday, March 9, 2021

10:30 a.m.

*****Virtual*****

Notice is hereby given that the Tuesday, March 9, 2021 Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:30 a.m.

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via webinar and teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: March 4, 2021

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**

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Office of the Secretary: (510) 287-0440

AGENDA
Legislative/Human Resources Committee
Tuesday, March 9, 2021
10:30 a.m.
****Virtual****

Location

Due to COVID-19 and in accordance with the most recent Alameda County Health Order, and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted by webinar or teleconference only.** In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

*Committee Members John A. Coleman {Chair}, Lesa R. McIntosh,
and William B. Patterson will participate by webinar or teleconference*

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

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: (Dumaine)
- Receive Legislative Report No. 03-21 and consider a position on the following bills: AB 818 (Bloom) Solid Waste: Premoistened Nonwoven Disposable Wipes; SB 810 (Committee on Governance and Finance) Validations; SB 811 (Committee on Governance and Finance) Validations; and SB 812 (Committee on Governance and Finance) Validations; and receive information on: AB 361 (R. Rivas) Open Meetings: Local Agencies: Teleconferences; and State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD

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.

Legislative/Human Resources Committee Meeting
Tuesday, March 9, 2021
10:30 a.m.

EBMUD public Board meetings will be conducted via Zoom.
Board committee meetings are recorded, and live-streamed on the District's website.

Please visit this page beforehand to familiarize yourself with Zoom.
<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

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>

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.

If you wish to provide public comment please:


- 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
- The Secretary will call each speaker in the order received
- 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
- 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 keep track of time and inform each speaker when his/her allotted time has concluded


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 4, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager 

FROM: Marlaigne Dumaine, Manager of Legislative Affairs 

SUBJECT: Legislative Report No. 03-21

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 9, 2021.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 818 (Bloom) Solid waste: premoistened nonwoven disposable wipes; 2) Support SB 810 (Committee on Governance and Finance) Validations; 3) Support SB 811 (Committee on Governance and Finance) Validations; and 4) Support SB 812 (Committee on Governance and Finance) Validations; and receive information on: 1) AB 361 (R. Rivas) Open meetings: local agencies: teleconferences; and 2) State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

RECOMMENDED POSITION

AB 818 (Bloom)	SOLID WASTE: PREMOISTENED NONWOVEN DISPOSABLE WIPES	SUPPORT
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The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

AB 818 (Bloom), as introduced on February 16, 2021, would require certain premoistened nonwoven disposable wipes (wet wipes) that are unsuitable for flushing down sewer systems to be clearly and conspicuously labeled to communicate that they should not be flushed. AB 818 is substantially similar to AB 1672 (Bloom) from 2019, which EBMUD supported and which failed to advance out of the legislature.

AB 818 would authorize civil penalties not to exceed \$2,500 per day, up to a maximum of \$100,000, for each violation and allow enforcement actions to be brought by the state Attorney General, a district attorney, a city attorney, or a county counsel.

AB 818 would also establish the California Consumer Education and Outreach program, that among other things, would require the manufacturers of non-flushable wet wipes to do the following: 1) participate in a study coordinated in conjunction with the California Association of Sanitation Agencies for the purpose of understanding consumer behavior regarding flushing of non-flushable wet wipes; 2) conduct a consumer opinion survey to identify baseline consumer behavior and awareness regarding flushing or other disposal of wet wipes; 3) conduct a comprehensive education and outreach program to promote consumer awareness and understanding of and compliance with the label and symbol notice requirements; 4) measure the effectiveness of the consumer education and outreach program; and 5) report annually to the State Water Resources Control Board and specified legislative committees on their activities related to the education and outreach program.

According to the Senate Committee on Environmental Quality, “an increasingly diverse range of disposable products has become available for consumer use. The growth of the market for such products is evidence of their popularity with the public, but their increased use brings with it discussion about their disposal, especially the topic of flushability. For disposable products that address public health and hygiene considerations, consumers often mistakenly use the wastewater system as a preferred means of disposal.”

When items, such as wet wipes, that are not designed for safe disposal in the sewer system are flushed, these items can cause sewer blockages, potentially damage sewer lines, and lead to costly sanitary sewer overflows. These materials can also clog machinery at the wastewater treatment plant, resulting in increased costs for sewage treatment.

For EBMUD, significant amounts of fibrous material have been found when cleaning the digesters at the Main Wastewater Treatment Plant. This material is likely the result of non-flushable materials, such as wet wipes, being flushed into the system. The fibrous material catches grit and retains it in the digesters, causing problems for digester operations.

AB 818 would help reduce the amount of non-flushable wet wipes being disposed into sewer systems, including EBMUD’s wastewater treatment system, by ensuring that non-flushable wet wipes are properly labeled.

With regard to anticipated costs and benefits to EBMUD and its ratepayers, benefits are anticipated in terms of reducing the amount of maintenance required for cleaning pumps and other equipment that is currently required to deal with non-flushable material. Some cost savings could accrue in the form of reduced maintenance and decreased disposal costs. Additional costs are not expected to accrue as a result of AB 818.

EBMUD has previously supported measures intended to reduce the amount of non-flushable wipes that are flushed into the sewer system. In 2019, EBMUD supported AB 1672 (Bloom), which was substantially similar to AB 818. AB 1672 failed to advance out of the legislature.

In 2010, EBMUD supported AB 2256 (Huffman) which would have required products labeled as “flushable” to meet certain criteria. AB 2256 failed to advance out of the legislature.

An official support/opposition list for AB 818 is not currently available.

SB 810, SB 811, VALIDATIONS
SB 812
(Committee on
Governance and
Finance)

SUPPORT

SB 810, SB 811, and SB 812 (Committee on Governance and Finance), as introduced on February 23, 2021, would enact the Validating Acts of 2021. The legislature usually enacts three bills known as the Validating Acts each year to retroactively correct procedural errors or omissions that public officials of state agencies, cities, counties, and special districts may make inadvertently.

Banks, pension funds, and other investors will not buy municipal securities unless they are sound investments. Without the enactment of Validating Acts to cure minor errors that could undermine a bond’s legal integrity, bond counsel would be reluctant to certify public agencies’ bonds as good risks because of potential mistakes that could invalidate future payments. Safer bonds mean higher ratings and lower costs.

While the three Validating Acts save California taxpayers millions of dollars by protecting investors from minor procedural mistakes that might otherwise imperil bonds, boundary changes, proceedings, and other official acts, they will not cure fraudulent, illegal, or unconstitutional actions. A Validating Act cannot protect public officials who have acted illegally from prosecution.

With regard to cost benefit to EBMUD, this measure could benefit EBMUD by protecting investors from any minor procedural mistakes in bond issuances or other official acts. These measures are not expected to impose additional cost burdens on EBMUD ratepayers.

EBMUD has historically supported the Validating Acts. Most recently, in 2020, EBMUD’s Board adopted a “support” position on the Validating Acts of 2020, SB 928, SB 929, and SB 930, which were signed into law (Chapter 132, Chapter 133, and Chapter 134 of 2020, respectively).

An official support/opposition list for SB 810, SB 811, and SB 812 is not currently available.

AB 361 **OPEN MEETINGS: LOCAL AGENCIES: INFORMATION**
(R. Rivas) **TELECONFERENCES**

Existing law, the Ralph M. Brown Act (Brown Act), generally requires all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The Brown Act allows for meetings to occur via teleconference subject to certain requirements, including but not limited to requirements that notice be provided for each teleconference location, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. In addition, the California Emergency Services Act authorizes the governor to proclaim a state of emergency under specified circumstances and authorizes a specified legislative body or an official designated to proclaim a local emergency.

AB 361 (R. Rivas), as introduced on February 1, 2021, is a work in progress sponsored by the California Special Districts Association intended to provide local agencies with flexibility to meet via teleconference during a governor declared state of emergency or a city or county declared local emergency.

On March 4, 2020, Governor Newsom declared a state of emergency due to the COVID-19 pandemic. Subsequently, the governor issued two executive orders that waived certain Brown Act requirements to provide local governments with needed flexibility to conduct meetings via teleconference during the pandemic. The executive orders only apply to the current pandemic and do not address the potential need to meet via teleconference during future emergencies.

The goal of AB 361 is to codify certain provisions of the executive orders to allow local agencies to meet via teleconference during future emergencies while maintaining transparency and public access. Under the circumstances listed below and during an emergency declared by the governor or the applicable city or county, AB 361 would permit a quorum of local agency officials that meet via teleconference to participate from locations outside the local agency's jurisdiction. In addition, local agencies would not be required to post agendas at all teleconference locations or make teleconference locations available to the public. The specific circumstances for which these provisions would apply are:

- the local agency is meeting to declare or ratify a local emergency;
- the local agency is meeting during a proclaimed state of emergency or declared local emergency, and state or local officials have imposed or recommended measures to promote social distancing; and
- the local agency is meeting during a proclaimed state of emergency or declared local emergency and the legislative body of the local agency determines that the attendance of one or more members of the legislative body in person is hindered, or meeting in person would present risks to the health or safety of attendees.

AB 361 would still require local agencies to provide notice of meetings and agendas in advance, as well as provide opportunities for the public to access the meeting and provide public comment, though local agencies would not be required to provide a physical location for attendance or public comment.

In accordance with EBMUD's 2020 and 2021 state legislative initiatives, staff has been pursuing legislation to update the statutory requirements for reaching a board quorum to declare an emergency by eliminating the requirement that a quorum be present in the service area when meeting via teleconference to declare or ratify an emergency. AB 361 includes language that would partially address this initiative. However, the bill's provisions would only apply during an emergency that has been declared by the governor or the applicable city or county and not to emergencies that are intended to or have only been declared by other local agencies, such as special districts.

AB 361 is one of several legislative vehicles that have been introduced in the policy area of open meetings and use of teleconferences. Discussions on the topic are ongoing and the legislative vehicles are expected to evolve.

Next Steps

As this measure and the other measures on this topic evolve, staff will continue to engage with stakeholders and pursue the inclusion of the legislative change to allow the governing bodies of local agencies, including special districts, to meet via teleconference from locations outside the local agency's jurisdiction to declare or ratify an emergency. Staff will bring information back to the Board, as appropriate.

STATE AND FEDERAL GOVERNMENT ACTIONS RELATED TO THE CORONAVIRUS DISEASE 2019 (COVID-19)

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since the February 4, 2021 Legislative Report No. 02-21 is provided below.

State Government Actions

No additional executive orders related to COVID-19 have been issued. However, the legislature and governor have agreed upon the following two COVID-19-related budget actions.

First, in February, the legislature passed and the governor signed a \$7.6 billion COVID-19 economic relief package consisting of six budget trailer bills – AB 81 (Ting), AB 82 (Ting), AB 85 (Committee on Budget), SB 87 (Caballero), SB 88 (Committee on Budget and Fiscal Review), and SB 94 (Skinner). The package of bills went into effect on February 23, 2021, and includes the following provisions:

- direct relief to individuals and families by providing \$600 in one-time payments to households receiving the California Earned Income Tax Credit for 2020, households earning below \$75,000 that were precluded from receiving federal stimulus payments, and households enrolled in CALWORKS, recipients of Supplemental Security Income/State Supplementary Payment assistance, and recipients of Cash Assistance Program for Immigrants assistance;
- fee waivers for restaurants and bars licensed through the Department of Alcohol and Beverage Control, as well as licensed cosmetologists and barbers;
- \$2.1 billion to provide grants of up to \$25,000 to small businesses;
- \$400 million in federal funds to extend child care for essential workers through June of 2022 by providing stipends to state-subsidized child care and preschool providers;
- \$24 million to house agricultural workers who need to quarantine away from their families;
- \$35 million for food banks and diapers;
- \$100 million in financial aid for low-income community college students;
- \$20 million to engage students who have left community college learning or are at risk of leaving;
- \$18 million to support supplemental food assistance to students at the University of California (UC), California State University (CSU), and community colleges, as well as the associated administrative workload in providing the assistance; and
- \$857 million to restore funding cut last year in the current state budget, including restoration of funding reductions to UCs, CSUs, and the judicial branch.

Second, on March 1, 2021, the governor and legislative leaders announced an agreement on a \$6.6 billion budget package to accelerate the safe return to in-person learning across California and help schools immediately expand academic, mental health and social-emotional supports, including over the summer. The legislative package includes \$2 billion to provide incentives for school districts to return to some form of in-person learning beginning with the youngest grades by April 1, and expanding to older grades depending on county tier status. The legislature is expected to vote on, and the governor to sign, the legislative package in the next few days.

Federal Government Actions

On January 27, 2021, the House passed H.R. 1319, the American Rescue Plan Act of 2021, a \$1.9 trillion coronavirus aid package. H.R. 1319 includes an additional \$500 million nationwide for pandemic relief for water and wastewater utility arrearages and rates for low-income households, on top of the \$638 million contained in H.R. 133, signed into law December 27, 2020.

The Senate is expected to take up the bill quickly, with expected passage to President Biden by March 14.

Next Steps

Staff is continuing to pursue funding eligibility for EBMUD under federal COVID-19 relief packages, including the state implementation of the funding allocations, and is engaged in discussions regarding future federal stimulus efforts. Staff will continue to monitor state and federal government actions in response to COVID-19 and engage as warranted. Staff will continue to provide updates to the Board, as appropriate.

CCC:MD:DM/JW

Attachments

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ASSEMBLY BILL

No. 818

Introduced by Assembly Member Bloom

February 16, 2021

An act to add Part 9 (commencing with Section 49650) to Division 30 of, and to repeal Section 49652 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 818, as introduced, Bloom. Solid waste: premoistened nonwoven disposable wipes.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

This bill would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.

The bill would establish, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required, among other things, to participate in a collection study conducted in collaboration with wastewater agencies

for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state. The bill would require covered entities to annually report to specified legislative committees and the State Water Resources Control Board on their activities under the program and would require the state board to post the reports on its internet website.

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. It is the intent of the Legislature in enacting this
2 act to create labeling requirements for premoistened nonwoven
3 disposable wipes that will enable consumers to easily identify
4 which premoistened nonwoven disposable wipes are composed of
5 petrochemical-derived fibers and therefore are not safe to dispose
6 of using sanitary sewer systems, in order to protect public health,
7 the environment, water quality, and public infrastructure used for
8 the collection, transport, and treatment of wastewater.

9 SEC. 2. Part 9 (commencing with Section 49650) is added to
10 Division 30 of the Public Resources Code, to read:

11
12 PART 9. PREMOISTENED NONWOVEN DISPOSABLE
13 WIPES

14
15 49650. For purposes of this part, the following definitions
16 apply:

17 (a) "Covered entity" means the manufacturer of a covered
18 product that is sold in the state or offered for sale in the state.
19 "Covered entity" includes a wholesaler, supplier, or retailer that
20 is responsible for the labeling or packaging of a covered product.

21 (b) "Covered product" means a consumer product sold in the
22 state or offered for sale in the state that is either of the following:

23 (1) A premoistened nonwoven disposable wipe marketed as a
24 baby wipe or diapering wipe.

25 (2) A premoistened nonwoven disposable wipe that is both of
26 the following:

27 (A) Composed entirely of or in part of petrochemical-derived
28 fibers.

(B) Likely to be used in a bathroom and has significant potential to be flushed, including baby wipes, bathroom cleaning wipes, toilet cleaning wipes, hard surface cleaning wipes, disinfecting wipes, hand sanitizing wipes, antibacterial wipes, facial and makeup removal wipes, general purpose cleaning wipes, personal care wipes for use on the body, feminine hygiene wipes, adult incontinence wipes, adult hygiene wipes, and body cleansing wipes.

(c) “High contrast” means satisfying both of the following conditions:

(1) Is provided by either a light symbol on a solid dark background or a dark symbol on a solid light background.

(2) Has at least 70 percent contrast between the symbol artwork and background using the following formula:

(A) $(B1 - B2) / B1 * 100 = \text{contrast percentage.}$

(B) B1 = the light reflectance value of the lighter area and B2 = the light reflectance value of the darker area.

(d) (1) “Label notice” means the phrase “Do Not Flush” and the size of the label notice shall be equal to at least 2 percent of the surface area of the principal display panel in size.

(2) For covered products regulated pursuant to the Federal Hazardous Substances Act (15 U.S.C. Sec. 1261 et seq.) by the United States Consumer Product Safety Commission under Section 1500.121 of Title 16 of the Code of Federal Regulations, if the label notice requirements in paragraph (1) would result in a type size larger than first aid instructions pursuant to the Federal Hazardous Substances Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the first aid instructions.

(3) For covered products required to be registered by the United States Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), if the label notice requirements in paragraph (1) would result in a type size on the principal display panel larger than a warning pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, then the type size for the label notice shall, to the extent permitted by federal law, be equal to or greater than the type size required for the “keep out of reach of children” statement under the Federal Insecticide, Fungicide, and Rodenticide Act.

1 (e) (1) “Principal display panel” means the side of the product
2 package that is most likely to be displayed, presented, or shown
3 under customary conditions of display for retail sale.

4 (2) In the case of a cylindrical or nearly cylindrical package,
5 the surface area of the principal display panel constitutes 40 percent
6 of the product package as measured by multiplying the height of
7 the container by the circumference.

8 (3) In the case of a flexible film package in which a rectangular
9 prism or nearly rectangular prism stack of wipes is housed within
10 the film, the surface area of the principal display panel is measured
11 by multiplying the length by the width of the side of the package
12 when the flexible packaging film is pressed flat against the stack
13 of wipes on all sides of the stack.

14 (f) “Symbol” means the “Do Not Flush” symbol, or a gender
15 equivalent thereof, as depicted in the INDA/EDANA Code of
16 Practice Second Edition and published within “Guidelines for
17 Assessing the Flushability of Disposable Nonwoven Products,”
18 Edition 4, May 2018. The symbol shall be sized equal to at least
19 2 percent of the surface area of the principal display panel, except
20 as specified in clause (iii) of subparagraph (B) of paragraph (1) of
21 subdivision (a) of Section 49651.

22 49651. (a) Except as provided in subdivisions (b), (c), (d), and
23 (f), a covered product manufactured on or after July 1, 2022, shall
24 be labeled clearly and conspicuously in adherence with the
25 following labeling requirements:

26 (1) In the case of cylindrical or near cylindrical packaging
27 intended to dispense individual wipes, a covered entity shall
28 comply with one of the following options:

29 (A) Place the symbol and label notice on the principal display
30 panel in a location reasonably viewable each time a wipe is
31 dispensed.

32 (B) Place the symbol on the principal display panel, and either
33 the symbol or label notice, or the symbol and label notice in
34 combination, on the flip lid, subject to the following:

35 (i) If the label notice does not appear on the flip lid, the label
36 notice shall be placed on the principal display panel.

37 (ii) The symbol or label notice, or the symbol and label notice
38 in combination, on the flip lid may be embossed, and in that case
39 are not required to comply with paragraph (6).

1 (iii) The symbol or label notice, or the symbol and label notice
2 in combination, on the flip lid shall cover a minimum of 8 percent
3 of the surface area of the flip lid.

4 (2) In the case of flexible film packaging intended to dispense
5 individual wipes, a covered entity shall place the symbol on the
6 principal display panel and dispensing side panel and place the
7 label notice on either the principal display panel or dispensing side
8 panel in a prominent location reasonably visible to the user each
9 time a wipe is dispensed. If the principal display panel is on the
10 dispensing side of the package, two symbols are not required.

11 (3) In the case of refillable tubs or other rigid packaging intended
12 to dispense individual wipes and be reused by the consumer for
13 that purpose, a covered entity shall place the symbol and label
14 notice on the principal display panel in a prominent location
15 reasonably visible to the user each time a wipe is dispensed.

16 (4) In the case of packaging not intended to dispense individual
17 wipes, a covered entity shall place the symbol and label notice on
18 the principal display panel in a prominent and reasonably visible
19 location.

20 (5) A covered entity shall ensure the packaging seams, folds,
21 or other package design elements do not obscure the symbol or
22 the label notice.

23 (6) A covered entity shall ensure the symbol and label notice
24 have sufficiently high contrast with the immediate background of
25 the packaging to render it likely to be seen and read by the ordinary
26 individual under customary conditions of purchase and use.

27 (b) For covered products sold in bulk at retail, both the outer
28 package visible at retail and the individual packages contained
29 within shall comply with the labeling requirements in subdivision
30 (a) applicable to the particular packaging types, except the
31 following:

32 (1) Individual packages contained within the outer package that
33 are not intended to dispense individual wipes and contain no retail
34 labeling.

35 (2) Outer packages that do not obscure the symbol and label
36 notice on individual packages contained within.

37 (c) If a covered product is provided within the same packaging
38 as another consumer product for use in combination with the other
39 product, the outside retail packaging of the other consumer product

1 does not need to comply with the labeling requirements of
2 subdivision (a).

3 (d) If a covered product is provided within the same package
4 as another consumer product for use in combination with the other
5 product and is in a package smaller than three inches by three
6 inches, the covered entity may comply with the requirements of
7 subdivision (a) by placing the symbol and label notice in a
8 prominent location reasonably visible to the user of the covered
9 product.

10 (e) A covered entity, directly or through a corporation,
11 partnership, subsidiary, division, trade name, or association in
12 connection to the manufacturing, labeling, packaging, advertising,
13 promotion, offering for sale, sale, or distribution of a covered
14 product, shall not make any representation, in any manner,
15 expressly or by implication, including through the use of a product
16 name, endorsement, depiction, illustration, trademark, or trade
17 name, about the flushable attributes, flushable benefits, flushable
18 performance, or flushable efficacy of a covered product.

19 (f) (1) If a covered product is required to be registered by the
20 United States Environmental Protection Agency under the Federal
21 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et
22 seq.) and the Department of Pesticide Regulation under Division
23 6 (commencing with Section 11401) of the Food and Agricultural
24 Code, then the covered entity shall submit a label compliant with
25 the labeling requirements of subdivision (a) no later than January
26 1, 2023, to the United States Environmental Protection Agency,
27 and upon its approval, to the Department of Pesticide Regulation.

28 (2) If the United States Environmental Protection Agency or
29 the Department of Pesticide Regulation does not approve a product
30 label that otherwise complies with the labeling requirements of
31 subdivision (a), the covered entity shall use a label with as many
32 of the requirements of this section as the relevant agency has
33 approved.

34 (g) A covered entity may include on a covered product words
35 or phrases in addition to those required for the label notice if the
36 words or phrases are consistent with the purposes of this part.

37 49652. (a) The California Consumer Education and Outreach
38 Program is hereby established. As part of the program, covered
39 entities, in collaboration with other covered entities, shall do all
40 of the following:

1 (1) Participate in a collection study conducted in collaboration
2 with wastewater agencies for the purpose of gaining understanding
3 of consumer behavior regarding the flushing of covered products
4 as a key input into the design of a consumer education and outreach
5 program. The collection study shall be jointly coordinated by the
6 California Association of Sanitation Agencies and a group of
7 covered entities.

8 (2) Conduct a consumer opinion survey to identify baseline
9 consumer behavior and awareness regarding the flushing or other
10 disposal of covered products.

11 (3) Measure effectiveness of the consumer education program
12 on consumer awareness of the symbol and label notice and
13 consumer attitudes about disposal of covered products by
14 conducting a subsequent consumer awareness survey comparing
15 the baseline data provided by the 2022 survey with survey data
16 from subsequent years. The surveys to determine the effectiveness
17 and ongoing success of the consumer education program shall take
18 place annually until December 31, 2026.

19 (b) Covered entities, either independently or in collaboration
20 with other covered entities or other organizations, shall conduct a
21 comprehensive multimedia education and outreach program in the
22 state. At a minimum, the education and outreach program shall do
23 both of the following:

24 (1) Promote consumer awareness and understanding of and
25 compliance with the symbol and label notice requirements. Covered
26 entities shall provide wastewater agencies with the consumer
27 education messaging for the symbol and the label notice. The
28 wastewater agencies may include the messaging as part of their
29 routine communications with customers within their service area.

30 (2) Provide education and outreach in Spanish and English.

31 (c) Covered entities shall take reasonable steps to ensure that
32 they do not promote products outside of the scope of this part as
33 part of the education and outreach program.

34 (d) Covered entities shall take reasonable steps to ensure that
35 their education and outreach program does not conflict with the
36 programs of other covered entities or groups of covered entities.

37 (e) Covered entities, either independently or in collaboration
38 with other covered entities, shall report to the Senate Committee
39 on Environmental Quality, the Assembly Committee on
40 Environmental Safety and Toxic Materials, and the State Water

1 Resources Control Board on their activities under this section on
2 an annual basis. The State Water Resources Control Board shall
3 post the reports on its internet website.

4 (f) The California Consumer Education and Outreach Program
5 shall conclude on December 31, 2026.

6 (g) This section shall remain in effect only until January 1, 2027,
7 and as of that date is repealed.

8 49653. (a) A person who violates Section 49651 may be
9 enjoined in any court of competent jurisdiction.

10 (b) (1) A covered entity who violates Section 49651 may be
11 liable for a civil penalty not to exceed two thousand five hundred
12 dollars (\$2,500) per day, up to a maximum of one hundred
13 thousand dollars (\$100,000) for each violation. That civil penalty
14 may be assessed and recovered in a civil action brought in any
15 court of competent jurisdiction.

16 (2) In assessing the amount of a civil penalty for a violation of
17 Section 49651, the court shall consider all of the following:

18 (A) The nature, circumstances, extent, and gravity of the
19 violation.

20 (B) The violator's past and present efforts to prevent, abate, or
21 clean up conditions posing a threat to the public health or safety
22 or the environment.

23 (C) The violator's ability to pay the proposed penalty.

24 (D) The effect that the proposed penalty would have on the
25 violator and the community as a whole.

26 (E) Whether the violator took good faith measures to comply
27 with this part and when these measures were taken.

28 (F) The deterrent effect that the imposition of the penalty would
29 have on both the violator and the regulated community as a whole.

30 (G) Any other factor that justice may require.

31 (c) Actions may be brought pursuant to this section by the
32 Attorney General in the name of the people of the state, by a district
33 attorney, by a city attorney, by a county counsel, or by a city
34 prosecutor in a city or city and county having a full-time city
35 prosecutor.

36 (d) (1) Civil penalties collected pursuant to this section shall
37 be paid to the office of the city attorney, county counsel, city
38 prosecutor, district attorney, or Attorney General, whichever office
39 brought the action.

1 (2) Moneys collected by the Attorney General pursuant to this
2 subdivision shall be deposited into the Unfair Competition Law
3 Fund established pursuant to Section 17206 of the Business and
4 Professions Code.

5 49654. (a) The provisions of this part are severable. If any
6 provision of this part or its application is held invalid, that
7 invalidity shall not affect other provisions or applications that can
8 be given effect without the invalid provision or application.

9 (b) The Legislature finds and declares that this part addresses
10 a matter of statewide concern rather than a municipal affair as that
11 term is used in Section 5 of Article XI of the California
12 Constitution. Therefore, this part applies to all cities, including
13 charter cities. This part supersedes and preempts all rules,
14 regulations, codes, ordinances, and other laws adopted by a city,
15 county, city and county, municipality, or local agency regarding
16 the labeling of covered products.

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**Introduced by Committee on Governance and Finance (Senators
McGuire (Chair), Durazo, Hertzberg, Nielsen, and Wiener)**

February 23, 2021

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 810, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the First Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 First Validating Act of 2021.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in
7 paragraph (2), "public body" also means all cities, counties, cities

1 and counties, districts, authorities, agencies, boards, commissions,
2 and other entities, whether created by a general statute or a special
3 act, including, but not limited to, the following:
4 Agencies, boards, commissions, or entities constituted or
5 provided for under or pursuant to the Joint Exercise of Powers Act
6 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
7 1 of the Government Code).
8 Affordable housing authorities.
9 Air pollution control districts of any kind.
10 Air quality management districts.
11 Airport districts.
12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.
14 Bridge and highway districts.
15 California water districts.
16 Citrus pest control districts.
17 City maintenance districts.
18 Community college districts.
19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission's authority to act
23 as a community redevelopment agency.
24 Community facilities districts.
25 Community rehabilitation districts.
26 Community revitalization and investment authorities.
27 Community services districts.
28 Conservancy districts.
29 Cotton pest abatement districts.
30 County boards of education.
31 County drainage districts.
32 County flood control and water districts.
33 County free library systems.
34 County maintenance districts.
35 County sanitation districts.
36 County service areas.
37 County transportation commissions.
38 County water agencies.
39 County water authorities.
40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Districts acting pursuant to Section 53395.82 of the Government
- 7 Code.
- 8 Drainage districts.
- 9 Enhanced infrastructure financing districts.
- 10 Fire protection districts.
- 11 Flood control and water conservation districts.
- 12 Flood control districts.
- 13 Garbage and refuse disposal districts.
- 14 Garbage disposal districts.
- 15 Geologic hazard abatement districts.
- 16 Harbor districts.
- 17 Harbor improvement districts.
- 18 Harbor, recreation, and conservation districts.
- 19 Health care authorities.
- 20 Highway districts.
- 21 Highway interchange districts.
- 22 Highway lighting districts.
- 23 Housing authorities.
- 24 Improvement districts or improvement areas of any public body.
- 25 Industrial development authorities.
- 26 Infrastructure financing districts.
- 27 Integrated financing districts.
- 28 Irrigation districts.
- 29 Joint highway districts.
- 30 Levee districts.
- 31 Library districts.
- 32 Library districts in unincorporated towns and villages.
- 33 Local agency formation commissions.
- 34 Local health care districts.
- 35 Local health districts.
- 36 Local hospital districts.
- 37 Local transportation authorities or commissions.
- 38 Maintenance districts.
- 39 Memorial districts.
- 40 Metropolitan transportation commissions.

- 1 Metropolitan water districts.
- 2 Mosquito abatement and vector control districts.
- 3 Multifamily improvement districts.
- 4 Municipal improvement districts.
- 5 Municipal utility districts.
- 6 Municipal water districts.
- 7 Nonprofit corporations.
- 8 Nonprofit public benefit corporations.
- 9 Open-space maintenance districts.
- 10 Parking and business improvement areas.
- 11 Parking authorities.
- 12 Parking districts.
- 13 Permanent road divisions.
- 14 Pest abatement districts.
- 15 Police protection districts.
- 16 Port districts.
- 17 Property and business improvement areas.
- 18 Protection districts.
- 19 Public cemetery districts.
- 20 Public utility districts.
- 21 Rapid transit districts.
- 22 Reclamation districts.
- 23 Recreation and park districts.
- 24 Regional justice facility financing agencies.
- 25 Regional park and open-space districts.
- 26 Regional planning districts.
- 27 Regional transportation commissions.
- 28 Resort improvement districts.
- 29 Resource conservation districts.
- 30 River port districts.
- 31 Road maintenance districts.
- 32 Sanitary districts.
- 33 School districts of any kind or class.
- 34 School facilities improvement districts.
- 35 Separation of grade districts.
- 36 Service authorities for freeway emergencies.
- 37 Sewer districts.
- 38 Sewer maintenance districts.
- 39 Small craft harbor districts.
- 40 Special municipal tax districts.

1 Stone and pome fruit pest control districts.
2 Storm drain maintenance districts.
3 Storm drainage districts.
4 Storm drainage maintenance districts.
5 Stormwater districts.
6 Toll tunnel authorities.
7 Traffic authorities.
8 Transit development boards.
9 Transit districts.
10 Unified and union school districts' public libraries.
11 Vehicle parking districts.
12 Water agencies.
13 Water authorities.
14 Water conservation districts.
15 Water districts.
16 Water replenishment districts.
17 Water storage districts.
18 Watermaster districts.
19 Wine grape pest and disease control districts.
20 Zones, improvement zones, or service zones of any public body.
21 (2) Notwithstanding paragraph (1), a "public body" does not
22 include any of the following:
23 (A) A community redevelopment agency formed pursuant to
24 the Community Redevelopment Law (Part 1 (commencing with
25 Section 33000) of Division 24 of the Health and Safety Code).
26 (B) A community development commission, with respect to its
27 exercise of the powers of a community redevelopment agency.
28 (C) A joint powers authority that includes a community
29 redevelopment agency or a community development commission
30 as a member, with respect to its exercise of the powers of a
31 community redevelopment agency.
32 (3) "Public body" includes both of the following:
33 (A) The successor agency to the Redevelopment Agency of the
34 City and County of San Francisco, solely for the purpose of issuing
35 bonds or incurring other indebtedness pursuant to the provisions
36 of Section 34177.7 of the Health and Safety Code.
37 (B) A successor agency, as defined in subdivision (j) of Section
38 34171 of the Health and Safety Code, solely for the purpose of
39 issuing bonds or incurring other indebtedness pursuant to the
40 provisions of Section 34177.5 of the Health and Safety Code.

(b) “Bonds” means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) “Hereafter” means any time subsequent to the effective date of this act.

(d) “Heretofore” means any time prior to the effective date of this act.

(e) “Now” means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

1 SEC. 6. (a) All acts and proceedings heretofore taken by or
2 on behalf of any public body under any law, or under color of any
3 law, for, or in connection with, the authorization, issuance, sale,
4 execution, delivery, or exchange of bonds of any public body for
5 any public purpose are hereby authorized, confirmed, validated,
6 and declared legally effective. This shall include all acts and
7 proceedings of the governing board of public bodies and of any
8 person, public officer, board, or agency heretofore done or taken
9 upon the question of the authorization, issuance, sale, execution,
10 delivery, or exchange of bonds.

11 (b) All bonds of, or relating to, any public body heretofore issued
12 shall be, in the form and manner issued and delivered, the legal,
13 valid, and binding obligations of the public body. All bonds of, or
14 relating to, any public body heretofore awarded and sold to a
15 purchaser and hereafter issued and delivered in accordance with
16 the contract of sale and other proceedings for the award and sale
17 shall be the legal, valid, and binding obligations of the public body.
18 All bonds of, or relating to, any public body heretofore authorized
19 to be issued by ordinance, resolution, order, or other action adopted
20 or taken by or on behalf of the public body and hereafter issued
21 and delivered in accordance with that authorization shall be the
22 legal, valid, and binding obligations of the public body. All bonds
23 of, or relating to, any public body heretofore authorized to be issued
24 at an election and hereafter issued and delivered in accordance
25 with that authorization shall be the legal, valid, and binding
26 obligations of the public body. Whenever an election has heretofore
27 been called for the purpose of submitting to the voters of any public
28 body the question of issuing bonds for any public purpose, those
29 bonds, if hereafter authorized by the required vote and in
30 accordance with the proceedings heretofore taken, and issued and
31 delivered in accordance with that authorization, shall be the legal,
32 valid, and binding obligations of the public body.

33 SEC. 7. (a) This act shall operate to supply legislative
34 authorization as may be necessary to authorize, confirm, and
35 validate any acts and proceedings heretofore taken pursuant to
36 authority the Legislature could have supplied or provided for in
37 the law under which those acts or proceedings were taken.

38 (b) This act shall be limited to the validation of acts and
39 proceedings to the extent that the same can be effectuated under
40 the California Constitution and the United States Constitution.

1 (c) This act shall not operate to authorize, confirm, validate, or
2 legalize any act, proceeding, or other matter being legally contested
3 or inquired into in any legal proceeding now pending and
4 undetermined or that is pending and undetermined during the
5 period of 30 days from and after the effective date of this act.

6 (d) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter that has heretofore
8 been determined in any legal proceeding to be illegal, void, or
9 ineffective.

10 (e) This act shall not operate to authorize, confirm, validate, or
11 legalize a contract between any public body and the United States.

12 SEC. 8. Any action or proceeding contesting the validity of
13 any action or proceeding heretofore taken under any law, or under
14 color of any law, for the formation, organization, or incorporation
15 of any public body, or for any annexation thereto, detachment or
16 exclusion therefrom, or other change of boundaries thereof, or for
17 the consolidation, merger, or dissolution of any public bodies, or
18 for, or in connection with, the authorization, issuance, sale,
19 execution, delivery, or exchange of bonds thereof upon any ground
20 involving any alleged defect or illegality not effectively validated
21 by the prior provisions of this act and not otherwise barred by any
22 statute of limitations or by laches shall be commenced within six
23 months of the effective date of this act, otherwise each and all of
24 those matters shall be held to be valid and in every respect legal
25 and incontestable. This act shall not extend the period allowed for
26 legal action beyond the period that it would be barred by any
27 presently existing valid statute of limitations.

28 SEC. 9. Nothing contained in this act shall be construed to
29 render the creation of any public body, or any change in the
30 boundaries of any public body, effective for purposes of assessment
31 or taxation unless the statement, together with the map or plat,
32 required to be filed pursuant to Chapter 8 (commencing with
33 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
34 Code, is filed within the time and substantially in the manner
35 required by those sections.

36 SEC. 10. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

1 In order to validate the organization, boundaries, acts,
2 proceedings, and bonds of public bodies as soon as possible, it is
3 necessary that this act take immediate effect.

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**Introduced by Committee on Governance and Finance (Senators
McGuire (Chair), Durazo, Hertzberg, Nielsen, and Wiener)**

February 23, 2021

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 811, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Second Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Second Validating Act of 2021.

3 SEC. 2. As used in this act:

4 (a) "Public body" means all of the following:

5 (1) The state and all departments, agencies, boards,
6 commissions, and authorities of the state. Except as provided in
7 paragraph (2), "public body" also means all cities, counties, cities

1 and counties, districts, authorities, agencies, boards, commissions,
2 and other entities, whether created by a general statute or a special
3 act, including, but not limited to, the following:
4 Agencies, boards, commissions, or entities constituted or
5 provided for under or pursuant to the Joint Exercise of Powers Act
6 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
7 1 of the Government Code).
8 Affordable housing authorities.
9 Air pollution control districts of any kind.
10 Air quality management districts.
11 Airport districts.
12 Assessment districts, benefit assessment districts, and special
13 assessment districts of any public body.
14 Bridge and highway districts.
15 California water districts.
16 Citrus pest control districts.
17 City maintenance districts.
18 Community college districts.
19 Community development commissions in their capacity to act
20 as a housing authority for other community development purposes
21 of the jurisdiction in which the commission operates, except for
22 any action taken with respect to the commission's authority to act
23 as a community redevelopment agency.
24 Community facilities districts.
25 Community rehabilitation districts.
26 Community revitalization and investment authorities.
27 Community services districts.
28 Conservancy districts.
29 Cotton pest abatement districts.
30 County boards of education.
31 County drainage districts.
32 County flood control and water districts.
33 County free library systems.
34 County maintenance districts.
35 County sanitation districts.
36 County service areas.
37 County transportation commissions.
38 County water agencies.
39 County water authorities.
40 County water districts.

- 1 County waterworks districts.
- 2 Department of Water Resources and other agencies acting
- 3 pursuant to Part 3 (commencing with Section 11100) of Division
- 4 6 of the Water Code.
- 5 Distribution districts of any public body.
- 6 Districts acting pursuant to Section 53395.82 of the Government
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- 8 Drainage districts.
- 9 Enhanced infrastructure financing districts.
- 10 Fire protection districts.
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- 18 Harbor, recreation, and conservation districts.
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- 25 Industrial development authorities.
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- 9 Open-space maintenance districts.
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- 17 Property and business improvement areas.
- 18 Protection districts.
- 19 Public cemetery districts.
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- 21 Rapid transit districts.
- 22 Reclamation districts.
- 23 Recreation and park districts.
- 24 Regional justice facility financing agencies.
- 25 Regional park and open-space districts.
- 26 Regional planning districts.
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6 Toll tunnel authorities.
7 Traffic authorities.
8 Transit development boards.
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10 Unified and union school districts' public libraries.
11 Vehicle parking districts.
12 Water agencies.
13 Water authorities.
14 Water conservation districts.
15 Water districts.
16 Water replenishment districts.
17 Water storage districts.
18 Watermaster districts.
19 Wine grape pest and disease control districts.
20 Zones, improvement zones, or service zones of any public body.
21 (2) Notwithstanding paragraph (1), a "public body" does not
22 include any of the following:
23 (A) A community redevelopment agency formed pursuant to
24 the Community Redevelopment Law (Part 1 (commencing with
25 Section 33000) of Division 24 of the Health and Safety Code).
26 (B) A community development commission, with respect to its
27 exercise of the powers of a community redevelopment agency.
28 (C) A joint powers authority that includes a community
29 redevelopment agency or a community development commission
30 as a member, with respect to its exercise of the powers of a
31 community redevelopment agency.
32 (3) "Public body" includes both of the following:
33 (A) The successor agency to the Redevelopment Agency of the
34 City and County of San Francisco, solely for the purpose of issuing
35 bonds or incurring other indebtedness pursuant to the provisions
36 of Section 34177.7 of the Health and Safety Code.
37 (B) A successor agency, as defined in subdivision (j) of Section
38 34171 of the Health and Safety Code, solely for the purpose of
39 issuing bonds or incurring other indebtedness pursuant to the
40 provisions of Section 34177.5 of the Health and Safety Code.

(b) “Bonds” means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) “Hereafter” means any time subsequent to the effective date of this act.

(d) “Heretofore” means any time prior to the effective date of this act.

(e) “Now” means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

1 SEC. 6. (a) All acts and proceedings heretofore taken by or
2 on behalf of any public body under any law, or under color of any
3 law, for, or in connection with, the authorization, issuance, sale,
4 execution, delivery, or exchange of bonds of any public body for
5 any public purpose are hereby authorized, confirmed, validated,
6 and declared legally effective. This shall include all acts and
7 proceedings of the governing board of public bodies and of any
8 person, public officer, board, or agency heretofore done or taken
9 upon the question of the authorization, issuance, sale, execution,
10 delivery, or exchange of bonds.

11 (b) All bonds of, or relating to, any public body heretofore issued
12 shall be, in the form and manner issued and delivered, the legal,
13 valid, and binding obligations of the public body. All bonds of, or
14 relating to, any public body heretofore awarded and sold to a
15 purchaser and hereafter issued and delivered in accordance with
16 the contract of sale and other proceedings for the award and sale
17 shall be the legal, valid, and binding obligations of the public body.
18 All bonds of, or relating to, any public body heretofore authorized
19 to be issued by ordinance, resolution, order, or other action adopted
20 or taken by or on behalf of the public body and hereafter issued
21 and delivered in accordance with that authorization shall be the
22 legal, valid, and binding obligations of the public body. All bonds
23 of, or relating to, any public body heretofore authorized to be issued
24 at an election and hereafter issued and delivered in accordance
25 with that authorization shall be the legal, valid, and binding
26 obligations of the public body. Whenever an election has heretofore
27 been called for the purpose of submitting to the voters of any public
28 body the question of issuing bonds for any public purpose, those
29 bonds, if hereafter authorized by the required vote and in
30 accordance with the proceedings heretofore taken, and issued and
31 delivered in accordance with that authorization, shall be the legal,
32 valid, and binding obligations of the public body.

33 SEC. 7. (a) This act shall operate to supply legislative
34 authorization as may be necessary to authorize, confirm, and
35 validate any acts and proceedings heretofore taken pursuant to
36 authority the Legislature could have supplied or provided for in
37 the law under which those acts or proceedings were taken.

38 (b) This act shall be limited to the validation of acts and
39 proceedings to the extent that the same can be effectuated under
40 the California Constitution and the United States Constitution.

1 (c) This act shall not operate to authorize, confirm, validate, or
2 legalize any act, proceeding, or other matter being legally contested
3 or inquired into in any legal proceeding now pending and
4 undetermined or that is pending and undetermined during the
5 period of 30 days from and after the effective date of this act.

6 (d) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter that has heretofore
8 been determined in any legal proceeding to be illegal, void, or
9 ineffective.

10 (e) This act shall not operate to authorize, confirm, validate, or
11 legalize a contract between any public body and the United States.

12 SEC. 8. Any action or proceeding contesting the validity of
13 any action or proceeding heretofore taken under any law, or under
14 color of any law, for the formation, organization, or incorporation
15 of any public body, or for any annexation thereto, detachment or
16 exclusion therefrom, or other change of boundaries thereof, or for
17 the consolidation, merger, or dissolution of any public bodies, or
18 for, or in connection with, the authorization, issuance, sale,
19 execution, delivery, or exchange of bonds thereof upon any ground
20 involving any alleged defect or illegality not effectively validated
21 by the prior provisions of this act and not otherwise barred by any
22 statute of limitations or by laches shall be commenced within six
23 months of the effective date of this act, otherwise each and all of
24 those matters shall be held to be valid and in every respect legal
25 and incontestable. This act shall not extend the period allowed for
26 legal action beyond the period that it would be barred by any
27 presently existing valid statute of limitations.

28 SEC. 9. Nothing contained in this act shall be construed to
29 render the creation of any public body, or any change in the
30 boundaries of any public body, effective for purposes of assessment
31 or taxation unless the statement, together with the map or plat,
32 required to be filed pursuant to Chapter 8 (commencing with
33 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
34 Code, is filed within the time and substantially in the manner
35 required by those sections.

36 SEC. 10. This act shall become operative on September 1,
37 2021.

38 SEC. 11. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to validate the organization, boundaries, acts,
4 proceedings, and bonds of public bodies as soon as possible, it is
5 necessary that this act take immediate effect.

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**Introduced by Committee on Governance and Finance (Senators
McGuire (Chair), Durazo, Hertzberg, Nielsen, and Wiener)**

February 23, 2021

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as introduced, Committee on Governance and Finance. Validations.

This bill would enact the Third Validating Act of 2021, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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. This act shall be known, and may be cited, as the
- 2 Third Validating Act of 2021.
- 3 SEC. 2. As used in this act:
- 4 (a) "Public body" means all of the following:
- 5 (1) The state and all departments, agencies, boards,
- 6 commissions, and authorities of the state. Except as provided in
- 7 paragraph (2), "public body" also means all cities, counties, cities
- 8 and counties, districts, authorities, agencies, boards, commissions,
- 9 and other entities, whether created by a general statute or a special
- 10 act, including, but not limited to, the following:

1 Agencies, boards, commissions, or entities constituted or
2 provided for under or pursuant to the Joint Exercise of Powers Act
3 (Chapter 5 (commencing with Section 6500) of Division 7 of Title
4 1 of the Government Code).
5 Affordable housing authorities.
6 Air pollution control districts of any kind.
7 Air quality management districts.
8 Airport districts.
9 Assessment districts, benefit assessment districts, and special
10 assessment districts of any public body.
11 Bridge and highway districts.
12 California water districts.
13 Citrus pest control districts.
14 City maintenance districts.
15 Community college districts.
16 Community development commissions in their capacity to act
17 as a housing authority for other community development purposes
18 of the jurisdiction in which the commission operates, except for
19 any action taken with respect to the commission's authority to act
20 as a community redevelopment agency.
21 Community facilities districts.
22 Community rehabilitation districts.
23 Community revitalization and investment authorities.
24 Community services districts.
25 Conservancy districts.
26 Cotton pest abatement districts.
27 County boards of education.
28 County drainage districts.
29 County flood control and water districts.
30 County free library systems.
31 County maintenance districts.
32 County sanitation districts.
33 County service areas.
34 County transportation commissions.
35 County water agencies.
36 County water authorities.
37 County water districts.
38 County waterworks districts.

1 Department of Water Resources and other agencies acting
2 pursuant to Part 3 (commencing with Section 11100) of Division
3 6 of the Water Code.
4 Distribution districts of any public body.
5 Districts acting pursuant to Section 53395.82 of the Government
6 Code.
7 Drainage districts.
8 Enhanced infrastructure financing districts.
9 Fire protection districts.
10 Flood control and water conservation districts.
11 Flood control districts.
12 Garbage and refuse disposal districts.
13 Garbage disposal districts.
14 Geologic hazard abatement districts.
15 Harbor districts.
16 Harbor improvement districts.
17 Harbor, recreation, and conservation districts.
18 Health care authorities.
19 Highway districts.
20 Highway interchange districts.
21 Highway lighting districts.
22 Housing authorities.
23 Improvement districts or improvement areas of any public body.
24 Industrial development authorities.
25 Infrastructure financing districts.
26 Integrated financing districts.
27 Irrigation districts.
28 Joint highway districts.
29 Levee districts.
30 Library districts.
31 Library districts in unincorporated towns and villages.
32 Local agency formation commissions.
33 Local health care districts.
34 Local health districts.
35 Local hospital districts.
36 Local transportation authorities or commissions.
37 Maintenance districts.
38 Memorial districts.
39 Metropolitan transportation commissions.
40 Metropolitan water districts.

- 1 Mosquito abatement and vector control districts.
- 2 Multifamily improvement districts.
- 3 Municipal improvement districts.
- 4 Municipal utility districts.
- 5 Municipal water districts.
- 6 Nonprofit corporations.
- 7 Nonprofit public benefit corporations.
- 8 Open-space maintenance districts.
- 9 Parking and business improvement areas.
- 10 Parking authorities.
- 11 Parking districts.
- 12 Permanent road divisions.
- 13 Pest abatement districts.
- 14 Police protection districts.
- 15 Port districts.
- 16 Property and business improvement areas.
- 17 Protection districts.
- 18 Public cemetery districts.
- 19 Public utility districts.
- 20 Rapid transit districts.
- 21 Reclamation districts.
- 22 Recreation and park districts.
- 23 Regional justice facility financing agencies.
- 24 Regional park and open-space districts.
- 25 Regional planning districts.
- 26 Regional transportation commissions.
- 27 Resort improvement districts.
- 28 Resource conservation districts.
- 29 River port districts.
- 30 Road maintenance districts.
- 31 Sanitary districts.
- 32 School districts of any kind or class.
- 33 School facilities improvement districts.
- 34 Separation of grade districts.
- 35 Service authorities for freeway emergencies.
- 36 Sewer districts.
- 37 Sewer maintenance districts.
- 38 Small craft harbor districts.
- 39 Special municipal tax districts.
- 40 Stone and pome fruit pest control districts.

1 Storm drain maintenance districts.
2 Storm drainage districts.
3 Storm drainage maintenance districts.
4 Storm water districts.
5 Toll tunnel authorities.
6 Traffic authorities.
7 Transit development boards.
8 Transit districts.
9 Unified and union school districts' public libraries.
10 Vehicle parking districts.
11 Water agencies.
12 Water authorities.
13 Water conservation districts.
14 Water districts.
15 Water replenishment districts.
16 Water storage districts.
17 Watermaster districts.
18 Wine grape pest and disease control districts.
19 Zones, improvement zones, or service zones of any public body.
20 (2) Notwithstanding paragraph (1), a "public body" does not
21 include any of the following:
22 (A) A community redevelopment agency formed pursuant to
23 the Community Redevelopment Law (Part 1 (commencing with
24 Section 33000) of Division 24 of the Health and Safety Code).
25 (B) A community development commission, with respect to its
26 exercise of the powers of a community redevelopment agency.
27 (C) A joint powers authority that includes a community
28 redevelopment agency or a community development commission
29 as a member, with respect to its exercise of the powers of a
30 community redevelopment agency.
31 (3) "Public body" includes both of the following:
32 (A) The successor agency to the Redevelopment Agency of the
33 City and County of San Francisco, solely for the purpose of issuing
34 bonds or incurring other indebtedness pursuant to the provisions
35 of Section 34177.7 of the Health and Safety Code.
36 (B) A successor agency, as defined in subdivision (j) of Section
37 34171 of the Health and Safety Code, solely for the purpose of
38 issuing bonds or incurring other indebtedness pursuant to the
39 provisions of Section 34177.5 of the Health and Safety Code.

(b) “Bonds” means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) “Hereafter” means any time subsequent to the effective date of this act.

(d) “Heretofore” means any time prior to the effective date of this act.

(e) “Now” means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under any law, or under color of any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

1 SEC. 6. (a) All acts and proceedings heretofore taken by or
2 on behalf of any public body under any law, or under color of any
3 law, for, or in connection with, the authorization, issuance, sale,
4 execution, delivery, or exchange of bonds of any public body for
5 any public purpose are hereby authorized, confirmed, validated,
6 and declared legally effective. This shall include all acts and
7 proceedings of the governing board of public bodies and of any
8 person, public officer, board, or agency heretofore done or taken
9 upon the question of the authorization, issuance, sale, execution,
10 delivery, or exchange of bonds.

11 (b) All bonds of, or relating to, any public body heretofore issued
12 shall be, in the form and manner issued and delivered, the legal,
13 valid, and binding obligations of the public body. All bonds of, or
14 relating to, any public body heretofore awarded and sold to a
15 purchaser and hereafter issued and delivered in accordance with
16 the contract of sale and other proceedings for the award and sale
17 shall be the legal, valid, and binding obligations of the public body.
18 All bonds of, or relating to, any public body heretofore authorized
19 to be issued by ordinance, resolution, order, or other action adopted
20 or taken by or on behalf of the public body and hereafter issued
21 and delivered in accordance with that authorization shall be the
22 legal, valid, and binding obligations of the public body. All bonds
23 of, or relating to, any public body heretofore authorized to be issued
24 at an election and hereafter issued and delivered in accordance
25 with that authorization shall be the legal, valid, and binding
26 obligations of the public body. Whenever an election has heretofore
27 been called for the purpose of submitting to the voters of any public
28 body the question of issuing bonds for any public purpose, those
29 bonds, if hereafter authorized by the required vote and in
30 accordance with the proceedings heretofore taken, and issued and
31 delivered in accordance with that authorization, shall be the legal,
32 valid, and binding obligations of the public body.

33 SEC. 7. (a) This act shall operate to supply legislative
34 authorization as may be necessary to authorize, confirm, and
35 validate any acts and proceedings heretofore taken pursuant to
36 authority the Legislature could have supplied or provided for in
37 the law under which those acts or proceedings were taken.

38 (b) This act shall be limited to the validation of acts and
39 proceedings to the extent that the same can be effectuated under
40 the California Constitution and the United States Constitution.

1 (c) This act shall not operate to authorize, confirm, validate, or
2 legalize any act, proceeding, or other matter being legally contested
3 or inquired into in any legal proceeding now pending and
4 undetermined or that is pending and undetermined during the
5 period of 30 days from and after the effective date of this act.

6 (d) This act shall not operate to authorize, confirm, validate, or
7 legalize any act, proceeding, or other matter that has heretofore
8 been determined in any legal proceeding to be illegal, void, or
9 ineffective.

10 (e) This act shall not operate to authorize, confirm, validate, or
11 legalize a contract between any public body and the United States.

12 SEC. 8. Any action or proceeding contesting the validity of
13 any action or proceeding heretofore taken under any law, or under
14 color of any law, for the formation, organization, or incorporation
15 of any public body, or for any annexation thereto, detachment or
16 exclusion therefrom, or other change of boundaries thereof, or for
17 the consolidation, merger, or dissolution of any public bodies, or
18 for, or in connection with, the authorization, issuance, sale,
19 execution, delivery, or exchange of bonds thereof upon any ground
20 involving any alleged defect or illegality not effectively validated
21 by the prior provisions of this act and not otherwise barred by any
22 statute of limitations or by laches shall be commenced within six
23 months of the effective date of this act, otherwise each and all of
24 those matters shall be held to be valid and in every respect legal
25 and incontestable. This act shall not extend the period allowed for
26 legal action beyond the period that it would be barred by any
27 presently existing valid statute of limitations.

28 SEC. 9. Nothing contained in this act shall be construed to
29 render the creation of any public body, or any change in the
30 boundaries of any public body, effective for purposes of assessment
31 or taxation unless the statement, together with the map or plat,
32 required to be filed pursuant to Chapter 8 (commencing with
33 Section 54900) of Part 1 of Division 2 of Title 5 of the Government
34 Code, is filed within the time and substantially in the manner
35 required by those sections.

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Robert Rivas

February 1, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as introduced, Robert Rivas. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The

act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances, and authorizes a specified legislative body or an official designated to proclaim a local emergency. Existing law allows a local health officer to declare a local public health emergency, which, after 7 days, must be ratified by the county board of supervisors, or city council, as applicable, in order to remain in place.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, as provided, to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953 of the Government Code is
2 amended to read:

3 54953. (a) All meetings of the legislative body of a local
4 agency shall be open and public, and all persons shall be permitted
5 to attend any meeting of the legislative body of a local agency,
6 except as otherwise provided in this chapter.

7 (b) (1) Notwithstanding any other provision of law, the
8 legislative body of a local agency may use teleconferencing for
9 the benefit of the public and the legislative body of a local agency
10 in connection with any meeting or proceeding authorized by law.
11 The teleconferenced meeting or proceeding shall comply with all
12 *otherwise applicable* requirements of this chapter and all otherwise
13 applicable provisions of law relating to a specific type of meeting
14 or proceeding.

15 (2) Teleconferencing, as authorized by this section, may be used
16 for all purposes in connection with any meeting within the subject
17 matter jurisdiction of the legislative body. All votes taken during
18 a teleconferenced meeting shall be by rollcall.

19 (3) If the legislative body of a local agency elects to use
20 teleconferencing, it shall post agendas at all teleconference
21 locations and conduct teleconference meetings in a manner that
22 protects the statutory and constitutional rights of the parties or the
23 public appearing before the legislative body of a local agency.
24 Each teleconference location shall be identified in the notice and
25 agenda of the meeting or proceeding, and each teleconference
26 location shall be accessible to the public. During the teleconference,
27 at least a quorum of the members of the legislative body shall
28 participate from locations within the boundaries of the territory

1 over which the local agency exercises jurisdiction, except as
2 provided in ~~subdivision (d)~~. *subdivisions (d) and (e)*. The agenda
3 shall provide an opportunity for members of the public to address
4 the legislative body directly pursuant to Section 54954.3 at each
5 teleconference location.

6 (4) For the purposes of this section, “teleconference” means a
7 meeting of a legislative body, the members of which are in different
8 locations, connected by electronic means, through either audio or
9 video, or both. Nothing in this section shall prohibit a local agency
10 from providing the public with additional teleconference locations.

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

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

16 (3) Prior to taking final action, the legislative body shall orally
17 report a summary of a recommendation for a final action on the
18 salaries, salary schedules, or compensation paid in the form of
19 fringe benefits of a local agency executive, as defined in
20 subdivision (d) of Section 3511.1, during the open meeting in
21 which the final action is to be taken. This paragraph shall not affect
22 the public’s right under the California Public Records Act (Chapter
23 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
24 inspect or copy records created or received in the process of
25 developing the recommendation.

26 (d) (1) Notwithstanding the provisions relating to a quorum in
27 paragraph (3) of subdivision (b), if a health authority conducts a
28 teleconference meeting, members who are outside the jurisdiction
29 of the authority may be counted toward the establishment of a
30 quorum when participating in the teleconference if at least 50
31 percent of the number of members that would establish a quorum
32 are present within the boundaries of the territory over which the
33 authority exercises jurisdiction, and the health authority provides
34 a teleconference number, and associated access codes, if any, that
35 allows any person to call in to participate in the meeting and the
36 number and access codes are identified in the notice and agenda
37 of the meeting.

38 (2) Nothing in this subdivision shall be construed as
39 discouraging health authority members from regularly meeting at
40 a common physical site within the jurisdiction of the authority or

1 from using teleconference locations within or near the jurisdiction
2 of the authority. A teleconference meeting for which a quorum is
3 established pursuant to this subdivision shall be subject to all other
4 requirements of this section.

5 (3) For purposes of this subdivision, a health authority means
6 any entity created pursuant to Sections 14018.7, 14087.31,
7 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
8 and Institutions Code, any joint powers authority created pursuant
9 to Article 1 (commencing with Section 6500) of Chapter 5 of
10 Division 7 for the purpose of contracting pursuant to Section
11 14087.3 of the Welfare and Institutions Code, and any advisory
12 committee to a county sponsored health plan licensed pursuant to
13 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
14 Health and Safety Code if the advisory committee has 12 or more
15 members.

16 (e) (1) *A local agency may use teleconferencing without*
17 *complying with the requirements of paragraph (3) of subdivision*
18 *(b) if the legislative body complies with the requirements of*
19 *paragraph (2) of this subdivision in any of the following*
20 *circumstances:*

21 (A) *The legislative body holds a meeting for the purpose of*
22 *proclaiming or ratifying a local emergency.*

23 (B) *The legislative body holds a meeting during a proclaimed*
24 *state of emergency or declared local emergency, and state or local*
25 *officials have imposed or recommended measures to promote*
26 *social distancing.*

27 (C) *The legislative body holds a meeting during a declared local*
28 *emergency and the legislative body determines by majority vote*
29 *that, as a result of the emergency, the attendance of one or more*
30 *members of the legislative body in person is hindered, or meeting*
31 *in person would present risks to the health or safety of attendees.*

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

34 (A) *The legislative body shall give notice of the meeting and*
35 *post agendas as otherwise required by this chapter.*

36 (B) *The legislative body shall allow members of the public to*
37 *access the meeting and the agenda shall provide an opportunity*
38 *for members of the public to address the legislative body directly*
39 *pursuant to Section 54954.3. In each instance in which notice of*
40 *the time of the teleconferenced meeting is otherwise given or the*

1 agenda for the meeting is otherwise posted, the legislative body
2 shall also give notice of the means by which members of the public
3 may access the meeting and offer public comment. This
4 subparagraph shall not be construed to require the legislative
5 body to provide a physical location from which the public may
6 attend or comment.

7 (C) The legislative body shall conduct teleconference meetings
8 in a manner that protects the statutory and constitutional rights
9 of the parties and the public appearing before the legislative body
10 of a local agency.

11 (3) For the purposes of this subdivision, the following definitions
12 shall apply:

13 (A) “State of emergency” means a state of emergency
14 proclaimed pursuant to Section 8625 of the California Emergency
15 Services Act (Article 14 (commencing with Section 8550) of
16 Chapter 7 of Division of Title 2.

17 (B) “Local emergency” means an emergency proclaimed
18 pursuant to Section 8630 of the California Emergency Services
19 Act (Article 14 (commencing with Section 8550) of Chapter 7 of
20 Division 1 of Title 2 as a result of conditions existing in all or a
21 portion of the jurisdiction of the local agency. Local emergency
22 refers only to local emergencies in the jurisdiction in which the
23 legislative body is located.

24 SEC. 2. It is the intent of the Legislature in enacting this act
25 to improve and enhance public access to local agency meetings
26 during the COVID-19 pandemic and future applicable emergencies,
27 by allowing broader access through teleconferencing options
28 consistent with the Governor’s Executive Order No. N-29-20 dated
29 March 17, 2020, permitting expanded use of teleconferencing
30 during the COVID-19 pandemic.

31 SEC. 3. The Legislature finds and declares that Section 1 of
32 this act, which amends Section 54953 of the Government Code,
33 furthers, within the meaning of paragraph (7) of subdivision (b)
34 of Section 3 of Article I of the California Constitution, the purposes
35 of that constitutional section as it relates to the right of public
36 access to the meetings of local public bodies or the writings of
37 local public officials and local agencies. Pursuant to paragraph (7)
38 of subdivision (b) of Section 3 of Article I of the California
39 Constitution, the Legislature makes the following findings:

1 This act is necessary to ensure minimum standards for public
2 participation and notice requirements allowing for greater public
3 participation in teleconference meetings during applicable
4 emergencies.

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