REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF FEBRUARY 8th, 2022
AGENDA ITEM NO. 9A

AGENDA SECTION: **NEW BUSINESS**

SUBJECT: **SUSPENSION OF WAIVING LATE FEES AND SHUT OFF MORITORIUM ON UTILITY BILLS FOR CUSTOMERS IMPACTED BY COVID-19 DURING THE STATEWIDE AND EL DORADO COUNTY SHELTER IN PLACE ORDERS**

PREPARED BY: Adam Coyan, General Manager

APPROVED BY: Adam Coyan, General Manager

BACKGROUND

On March 4, 2020, the Governor of the State of California ("Governor") declared a state of emergency in the State of California ("State") based on the number of confirmed cases of the novel coronavirus ("COVID-19") in the State.

On March 16, 2020, the Governor issued Executive Order N-28-20, encouraging utility providers such as GDPUD to implement customer service protections for critical utilities, including water, in response to the COVID-19 state of emergency.

On March 19, 2020, the El Dorado County Public Health Officer and the State Public Health Officer and Director of the California Department of Public Health issued a shelter in place order to slow the spread of COVID-19 as issued in the Governors Executive Order N-33-20.

On May 5th, 2020, the governor issued Executive Order N-60-2020 that laid out a path to reopening.

On June 11th, 2021, The Governor issued Executive Order N-07-21 Which rescinded the Stay-at-Home Order and signed N-08-21 which extended the order N-42-20 until September 20,2021.

On August 16th, 2021, the Governor signed Executive Order N-12-21 extending Executive Order N-08-21 until December 31st, 2021.

On April 14th, 2020, Georgetown Divide Public utility District Passed Resolution 2020-24 essentially waiving Late fees.

On April 14th, 1982, Ordinance 82-1 was signed and implemented. Then on the 14th day of January 2020 the Ordinance was modified by Resolution 2020-03.

DISCUSSION

The stay-at-home orders have been lifted and the economy has for the most part reopened. The moratorium on shutoffs and late fees expired December 31st, 2021.

FISCAL IMPACT

The cost to the District will be negligible and will help to encourage rate payers to make their payments in a timely fashion.

CEQA ASSESSMENT

Not a CEQA Project.

RECOMMENDED ACTION

To rescind Resolution 2020-24 and reinstate all late fees and penalties related to customer shutoff and to reinstate the current District policy for Discontinuation of Residential Water Service/ Late Fees. The policy would take effect after 60 days of this resolution. Further, the board should take steps to make Resolution 2020-03 into an Ordinance, as Ordinances are not supposed to be modified by resolutions.

ALTERNATIVES

(a) Request substantive changes to the Resolution for staff to implement;

(b) Reject the Recommendation.

ATTACHMENTS

1. Executive Order N-42-20
2. Executive Order N-28-20
3. Eldorado County Shelter in Place Directive
4. Executive Order N -33-20
5. Executive Order N-60-20
6. Executive Order N-07-21
7. Executive Order N-08-21
8. Executive Order N-12-21
9. Georgetown Divide Public Utility District Resolution 2020-24
10. Georgetown Divide Public Utility District Ordinance 82-1
11. Georgetown Divide Public Utility District Resolution 2020-03
12. Senate Bill No. 998
13. Senate Bill No. 155
14. Resolution 2022-11

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-42-20

WHEREAS on March 4, 2020, I proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS it is the established policy of the State under Water Code section 106.3 that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes; and

WHEREAS to limit the spread of COVID-19 it is crucial that Californians wash their hands regularly and thoroughly; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of work hours or wages, or layoffs related to COVID-19, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS many small businesses that provide services essential to the health and well-being of Californians have experienced substantial reductions in income, which may hinder their ability to make payments for water service and subject them to water shutoffs due to non-payment; and

WHEREAS the California Public Utilities Commission has directed private water utilities under its jurisdiction to implement customer service protections, including a moratorium on service disconnections, during the COVID-19 emergency; and

WHEREAS more than 100 public and private water systems have voluntarily agreed to halt disconnections as well; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with the various statutes and regulations concerning water shutoffs specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and the statutes of the State of California, and in particular, Government Code sections 8567, 8570, 8571, and 8627, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) The authority of urban and community water systems, as defined in Health and Safety Code section 116902, subdivision (d), to discontinue residential service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment under Health and Safety Code sections 116908 and 116910, is suspended.

2) Water systems not subject to the requirements of Health and Safety Code sections 116908 and 116910 shall not discontinue residential

service, as defined in Health and Safety Code section 116902, subdivision (c), for non-payment.

3) Water systems shall restore any residential service to occupied residences that has been discontinued for nonpayment since March 4, 2020.

4) Water systems shall not discontinue service to any business in the critical infrastructure sectors designated by the State Public Health Officer as critical to protect the health and well-being of all Californians that qualifies as a small business under 13 C.F.R. § 121.201 of the Small Business Administration's regulations.

5) The State Water Resources Control Board shall identify best practices, guidelines, or both to be implemented during the COVID-19 emergency (i) to address non-payment or reduced payments, (ii) to promote and to ensure continuity of service by water systems and wastewater systems, and (iii) to provide measures such as the sharing of supplies, equipment and staffing to relieve water systems under financial distress.

Nothing in this Order eliminates the obligation of water customers to pay for water service, prevents a water system from charging a customer for such service, or reduces the amount a customer already may owe to a water system.

Nothing in this Order modifies the obligations of urban and community waters systems to comply with provisions of the Water Shutoff Protection Act not specifically addressed by this Order or other applicable laws, regulations, and guidelines.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 2nd day of April 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.

2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:

    (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

    (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

    The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.

4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.

5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

DIRECTIVE OF THE EL DORADO COUNTY PUBLIC HEALTH OFFICER RESTRICTING ACTIVITIES IN RESPONSE TO COVID-19 OUTBREAK

MARCH 19, 2020

IT IS HEREBY DIRECTED THAT ALL INDIVIDUALS LIVING IN THE COUNTY REMAIN AT THEIR PLACE OF RESIDENCE TO THE FULLEST EXTENT POSSIBLE. INDIVIDUALS MAY LEAVE TO PROVIDE OR RECEIVE ESSENTIAL SERVICES OR ENGAGE IN ESSENTIAL ACTIVITIES AND WORK FOR BUSINESSES AND GOVERNMENTAL SERVICES AS SET FORTH BELOW. THIS DIRECTIVE EXEMPTS INDIVIDUALS EXPERIENCING HOMELESSNESS BUT URGES THEM TO FIND EXISTING SHELTERS AND SEEK EXISTING PUBLIC SERVICES TO ADDRESS THEIR NEEDS.

THE PUBLIC HEALTH OFFICER FURTHER DIRECTS ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY, PROHIBITS ALL NON ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS, AND DIRECTS CESSATION OF ALL NON-ESSENTIAL TRAVEL.

1. **Please read this Directive carefully. Your compliance with this Directive is necessary to slow the rate of spread of COVID-19. The El Dorado County Public Health Officer ("Health Officer") will re-evaluate the continuing need for this Directive as further data becomes available. The Health Officer will also be evaluating the information regarding compliance with this Directive to determine if it becomes necessary to issue a formal Order.**

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF EL DORADO HEREBY DIRECTS:

2. The intent of this Directive is to slow the spread of COVID-19 to the utmost extent possible, by ensuring that the maximum numbers of people self-isolate in their places of residence to the greatest extent feasible, while enabling essential services to continue. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life as more fully identified in Section 11 below, they should at all times, to maximum extent possible, comply with the "Social Distancing Requirements" as defined in Section 11. All provisions of this Directive should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Directive constitutes an imminent threat to public health.

3. All individuals currently living within El Dorado County (the "County") are directed to remain at their place of residence. To the extent individuals are using shared or outdoor spaces, they must, to the fullest extent possible, maintain Social Distancing Requirements of at least six feet from any other person when they are outside their residence, as described in Section 11. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, Essential Travel, or to operate Essential Businesses, all as defined in Section 11. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and to seek existing public services to address their needs.

4. All businesses with a facility in the County, except Essential Businesses as defined below in Section 11, are directed to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 11. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 11, including, but not limited to, when any customers are standing in line.

5. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 11. Nothing in this Directive prohibits the gathering of members of a household or living unit.

6. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 11, is prohibited. People riding on public transit must comply with Social Distancing Requirements as defined in Section 11 below, to the greatest extent feasible. This Directive allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

7. This Directive is issued based on evidence of increasing occurrence of COVID-19 in the surrounding counties and throughout the State of California. Scientific evidence and best practices demonstrate maximizing social distancing (as defined in Section 11) is the most effective approach to slow the transmission of communicable diseases generally and COVID-19 specifically. Additionally there is evidence that the age, condition, and health of a significant portion of the population of the County places that population at risk for serious health complications, including death, from

COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Because even people with mild symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Directive helps preserve critical, limited, health care capacity in the County.

8. This Directive also is issued in light of the national guidelines to drastically decrease group gathering from 250 to 10 and the state's directive for persons over 65 years of age and persons who have health conditions that would put them at greater risk for more severe disease should they become infected with COVID-19 to shelter in place. Additionally, there have been increased confirmed cases in close proximity to El Dorado County, most notably in Sacramento County, which has confirmed 45 cases and 3 deaths as of March 19, 2020. Placer County has currently confirmed 9 cases including one death and northern Nevada has confirmed 32 cases. The number of confirmed cases in Sacramento nearly tripled in a matter of days. El Dorado County borders these other regions. Many El Dorado County residents work, shop, and recreate in those areas and vice versa. Also, South Lake Tahoe is a destination resort area drawing visitors from all over the world. These factors all increase the likelihood that COVID-19 transmission has occurred in El Dorado County but has not yet formally confirmed.

9. This Directive issued by the Health Officer for El Dorado County is effective as of 11:59 p.m. on Friday, March 20, 2020, based on the previously stated facts, including a significant and increasing number of suspected cases of community transmission in the region and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Directive is currently necessary to slow the rate of spread. The Health Officer will re-evaluate the continuing need for this Directive as further data becomes available. The Health Officer will also be evaluating the information regarding compliance with this Directive to determine if it becomes necessary to issue a formal Order.

10. This Directive comes after the release of substantial guidance from the Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders and directives to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and

may modify or extend this Directive or issue additional Directives or formal Orders related to COVID- 19.

11. Definitions and Exemptions.

a. For purposes of this Directive, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including pets and livestock), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in Subsection j below, such as, by way of example and without limitation, walking, hiking, or running.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Directive, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

b. For purposes of this Directive, individuals may leave their residence to work for or obtain necessary, time sensitive, services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, opticians and optical shops, home healthcare services providers, mental health providers, related research facilities, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms, yoga studios or similar facilities.

c. For purposes of this Directive, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in Subsection j below, to the extent possible.

d. For purposes of this Directive, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Directive. Further, nothing in this Directive shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. "Governmental Entity" as used herein includes Counties, Cities, Special Districts, Joint Powers Authorities, Public Authorities, and any other governmental or regulatory entity or body, department, commission, or agency operating within the jurisdiction of and subject to the authority of the Public Health Officer. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in Subsection j below, to the extent possible.

e. For the purposes of this Directive, businesses covered by this Directive include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Directive, "Essential Businesses" means:

   i. Healthcare Operations and Essential Infrastructure;

   ii. Blood donations and related activities;

   iii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other

household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

iv. Food cultivation, including farming, nurseries, livestock, fishing, and businesses necessary to support those industries;

v. Food and agriculture process and distribution facilities including those facilities on farms and those used to conduct related research.

vi. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

vii. Newspapers, television, radio, and other media services;

viii. Gas stations and auto-supply, auto-repair, tow services, and related facilities and services;

ix. Banks and related financial institutions;

x. Hardware stores;

xi. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

xii. Businesses providing mailing and shipping services, including post office boxes;

xiii. Educational institutions-including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible along with other social distancing measures described in Subsection j below;

xiv. Laundromats, dry cleaners, and laundry service providers;

xv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Directive on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xvi. Businesses that supply products needed for people to work from home;

xvii. Businesses that supply other essential businesses with the support or

supplies necessary to operate;

xviii. Businesses that ship or deliver groceries, food, goods or services directly to residences;

xix. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Directive;

xx. Home-based care for seniors, adults, or children;

xxi. Residential facilities and shelters for seniors, adults, and children;

xxii. Professional services, such as legal, financial, tax preparation, banking or accounting services, when necessary to assist in compliance with legally mandated activities;

xxiii. Childcare facilities providing services that enable employees exempted in this Directive to work as permitted. Childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).
2. Children shall not change from one group to another.
3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
4. Childcare providers shall remain solely with one group of children.

g. For the purposes of this Directive, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in Subsection j below, to the fullest extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. For the purposes of this Directive, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in Subsection j below.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic

Operations.

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

iv. Travel to return to a place of residence from outside the jurisdiction.

v. Travel required by law enforcement or court order.

vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

i. For purposes of this Directive, residences include hotels, motels, shared rental units and similar facilities.

j. For purposes of this Directive, "Social Distancing Requirements" includes maintaining at least six- foot distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

12. This Directive shall become effective at 11:59 p.m. on Friday, March 20, 2020 and will continue to be in effect until 11:59 p.m. on April 16, 2020, or until extended, rescinded, superseded, or amended in writing by the Health Officer.

13. Copies of this Directive shall promptly be made available at: (1) the County Government Center at 330 Fair Lane, Placerville, CA 95667; (2) the South Lake Tahoe Government Center at 3368 Lake Tahoe Blvd, South Lake Tahoe CA 96150; and (3) The El Dorado County Public Health Department at 931 Spring Street, Placerville CA 95667. The directive shall also be posted on the County Public Health Department website at:
https://www.edcgov.us/Government/hhsa/Pages/EDCCOVID-19.aspx.
The Directive shall also be provided to any member of the public requesting a copy.

14. If any provision of this Directive or the application thereof to any person or circumstance, is held to be invalid, the remainder of the Directive, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Directive are severable.

IT IS SO DIRECTED.

Nancy J. Williams
Public Health Officer
El Dorado County Health and Human Services Agency

Dated: March 19, 2020

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: https://covid19.ca.gov/. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.

3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.

4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-60-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, which directed all California residents to immediately heed current State public health directives; and

WHEREAS State public health directives, available at https://covid19.ca.gov/stay-home-except-for-essential-needs/, have ordered all California residents stay home except for essential needs, as defined in State public health directives; and

WHEREAS COVID-19 continues to menace public health throughout California; and

WHEREAS the extent to which COVID-19 menaces public health throughout California is expected to continue to evolve, and may vary from place to place within the State; and

WHEREAS California law promotes the preservation of public health by providing for local health officers—appointed by county boards of supervisors and other local authorities—in addition to providing for statewide authority by a State Public Health Officer; and

WHEREAS these local health officers, working in consultation with county boards of supervisors and other local authorities, are well positioned to understand the local needs of their communities; and

WHEREAS local governments are encouraged to coordinate with federally recognized California tribes located within or immediately adjacent to the external geographical boundaries of such local government jurisdiction; and

WHEREAS the global COVID-19 pandemic threatens the entire State, and coordination between state and local public health officials is therefore, and will continue to be, necessary to curb the spread of COVID-19 throughout the State; and

WHEREAS State public health officials have worked, and will continue to work, in consultation with their federal, state, and tribal government partners; and

WHEREAS the State Public Health Officer has articulated a four-stage framework—which includes provisions for the reopening of lower-risk businesses and spaces ("Stage Two"), to be followed by the reopening of higher-risk businesses and spaces ("Stage Three")—to allow Californians to gradually resume various activities while continuing to preserve public health in the face of COVID-19; and

WHEREAS the threat posed by COVID-19 is dynamic and ever-changing, and the State's response to COVID-19 (including implementation of the four-stage framework) should likewise retain the ability to be dynamic and flexible; and

WHEREAS to preserve this flexibility, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, 8627, and 8665; and also in accordance with the authority vested in the State Public Health Officer by the laws of the State of California, including but not limited to Health and Safety Code sections 120125, 120130, 120135, 120140, 120145, 120150, 120175, and 131080; do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) All residents are directed to continue to obey State public health directives, as made available at https://covid19.ca.gov/stay-home-except-for-essential-needs/ and elsewhere as the State Public Health Officer may provide.

2) As the State moves to allow reopening of lower-risk businesses and spaces ("Stage Two"), and then to allow reopening of higher-risk businesses and spaces ("Stage Three"), the State Public Health Officer is directed to establish criteria and procedures—as set forth in this Paragraph 2—to determine whether and how particular local jurisdictions may implement public health measures that depart from the statewide directives of the State Public Health Officer.

   In particular, the State Public Health Officer is directed to establish criteria to determine whether and how, in light of the extent to which the public health is menaced by COVID-19 from place to place within the State, local health officers may (during the relevant stages of reopening) issue directives to establish and implement public health measures less restrictive than any public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

   The State Public Health Officer is further directed to establish procedures through which local health officers may (during the relevant stages of reopening) certify that, if their respective jurisdictions are subject to proposed public health measures (which they shall specify to the extent such specification may be required by the State Public Health Officer) that are less restrictive than public health measures implemented on a statewide basis pursuant to the statewide directives of the State Public Health Officer, the public health will not be menaced. The State Public Health Officer shall additionally establish procedures to permit, in a manner consistent with public health and

safety, local health officers who submit such certifications to establish and implement such less restrictive public health measures within their respective jurisdictions.

The State Public Health Officer may, from time to time and as she deems necessary to respond to the dynamic threat posed by COVID-19, revise the criteria and procedures set forth in this Paragraph 2. Nothing related to the establishment or implementation of such criteria or procedures, or any other aspect of this Order, shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq. Nothing in this Paragraph 2 shall limit the authority of the State Public Health Officer to take any action she deems necessary to protect public health in the face of the threat posed by COVID-19, including (but not limited to) any necessary revision to the four-stage framework previously articulated by the State Public Health Officer.

3) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of May 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-07-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives, and to protect the ability of the State's health care system to deliver health care to all people in California who require it; and

WHEREAS the effective actions of Californians over the past fifteen months have successfully curbed the spread of COVID-19, resulting in dramatically lower disease prevalence and death, in the State; and

WHEREAS as of June 9, 2021, 54.3% of eligible Californians have received a full course of COVID-19 vaccination, raising the level of overall immunity in the State; and

WHEREAS the State continues to promote and facilitate vaccination of all eligible Californians; and

WHEREAS given the current outlook, it is appropriate to reevaluate existing public health directives to allow for a full reopening of California while maintaining caution and vigilance as California continues to increase vaccination rates and monitor COVID-19 variants; and

WHEREAS the California Department of Public Health and State Health Officer are empowered to issue mandatory public health directives to protect the public health in response to a contagious disease under existing State law, including, but not necessarily limited to, Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120175,120195 and 131080; and

WHEREAS to preserve the flexibility to modify public health directives and respond to changing conditions and to new and changing health guidance issued by the Centers for Disease Control, and under the provisions of Government Code section 8571, I find that strict compliance with the Administrative Procedure Act, Government Code section 11340 et seq., would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Executive Order N-33-20, issued on March 19, 2020, setting forth the Stay-at-Home Order is hereby rescinded.

2) Executive Order N-60-20, issued on May 4, 2020, directing the State Public Health Officer to issue a risk-based framework for reopening the economy, and all restrictions on businesses and activities deriving from that framework, including all aspects of the Blueprint for a Safer Economy, is hereby rescinded.

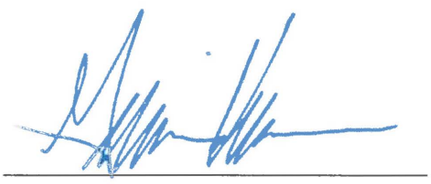
3) Nothing related to the issuance of any Orders, guidance, or directives of the State Public Health Officer relating to COVID-19 shall be subject to the Administrative Procedure Act, Government Code section 11340 et seq.

4) Nothing in this Order shall be construed to limit the existing authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than, or that otherwise exist in addition to, the public health measures imposed on a statewide basis pursuant to the statewide directives of the State Public Health Officer.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-08-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS since March 2020, the State has taken decisive and meaningful actions to reduce the spread, and mitigate the impacts, of COVID-19, saving an untold number of lives; and

WHEREAS as a result of the effective actions Californians have taken, as well as the successful and ongoing distribution of COVID-19 vaccines, California is turning a corner in its fight against COVID-19; and

WHEREAS on June 11, 2021, I issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20, issued on March 19, 2020), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020); and

WHEREAS in light of the current state of the COVID-19 pandemic in California, it is appropriate to roll back certain provisions of my COVID-19-related Executive Orders; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs, and the termination of certain provisions of my COVID-19 related Executive Orders during this stage of the emergency would compound the effects of the emergency and impede the State's recovery by disrupting important governmental and social functions; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

The following provisions shall remain in place and shall have full force and effect through June 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

1) State of Emergency Proclamation dated March 4, 2020:

   a. Paragraph 10. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
   b. Paragraph 11;
   c. Paragraph 12; and
   d. Paragraph 13.

2) Executive Order N-25-20:

   a. Paragraph 1; and
   b. Paragraph 7, and as applicable to local governments per Executive Order N-35-20, Paragraph 3. Effective July 1, 2021, the waivers in Executive Order N-25-20, Paragraph 7, and Executive Order N-35-20, Paragraph 3, of reinstatement requirements set forth in Government Code sections 7522.56(f) and (g) are terminated.

3) Executive Order N-26-20:

   a. Paragraph 1;
   b. Paragraph 2;
   c. Paragraph 3;
   d. Paragraph 5;
   e. Paragraph 6; and
   f. Paragraph 7.

4) Executive Order N-27-20:

   a. Paragraph 1;
   b. Paragraph 2; and
   c. Paragraph 3.

5) Executive Order N-28-20:

   a. Paragraph 3; and
   b. Paragraph 6.

6) Executive Order N-31-20:

   a. Paragraph 1; and
   b. Paragraph 2.

7) Executive Order N-35-20:

   a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
   b. Paragraph 4;
   c. Paragraph 6. To the extent the Director exercised their authority pursuant to this provision on or before June 30, 2021, the extension shall remain valid until the effective expiration;

d. Paragraph 10. The State Bar shall receive the time extension in the aforementioned order for any nomination submitted to the State Bar by the Governor on or before June 30, 2021; and
e. Paragraph 11 (as extended and clarified by N-71-20, Paragraph 6). Claims accruing before June 30, 2021 will remain subject to the 120-day extension granted in the aforementioned orders.

8) Executive Order N-36-20, Paragraph 1. To the extent the Secretary exercised their authority pursuant to this provision, the Secretary shall allow each facility to resume intake in a manner that clears intake backlog as soon as feasible.

9) Executive Order N-39-20:

a. Paragraph 1. Any facility operating under a waiver pursuant to this provision, memorialized in an All Facilities Letter, may operate pursuant to such a waiver through the stated expiration in the All Facilities Letter or September 30, 2021, whichever occurs first;
b. Paragraph 4; and
c. Paragraph 7. The leases or agreements executed pursuant to this provision shall remain valid in accordance with the term of the agreement.

10) Executive Order N-40-20:

a. Paragraph 1. For rulemakings published in the California Regulatory Notice Register pursuant to Government Code section 11346.4(a)(5) prior to June 30, 2021, the deadlines in the aforementioned order shall remain extended in accordance with the order;
b. Paragraph 2 (as extended and clarified by N-66-20, Paragraph 12, and N-71-20, Paragraph 10). Notwithstanding the expiration of this provision, state employees subject to these training requirements shall receive the benefit of the 120-day extension granted by the aforementioned orders. All required training due on or before June 30, 2021 must be completed within 120 days of the statutorily prescribed due date;
c. Paragraph 7 (as extended and clarified by N-66-20, Paragraph 13 and N-71-20, Paragraph 11). With regard to appeals received on or before June 30, 2021, the State Personnel Board shall be entitled to the extension in the aforementioned order to render its decision;
d. Paragraph 8. To the extent the deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518 fell on a date on or before June 30, 2021 absent the extension, they shall expire pursuant to the timeframes specified in the aforementioned orders;
e. Paragraph 16;
f. Paragraph 17; and
g. Paragraph 20.

11) Executive Order N-45-20:

a. Paragraph 4;
b. Paragraph 8;
c. Paragraph 9; and

d. Paragraph 12. For vacancies occurring prior to June 30, 2021, the deadline to fill the vacancy shall remain extended for the time period in the aforementioned order.

12) Executive Order N-46-20:

a. Paragraph 1; and
b. Paragraph 2.

13) Executive Order N-47-20:

a. Paragraph 2; and
b. Paragraph 3.

14) Executive Order N-48-20, Paragraph 2 (which clarified the scope of N-34-20).

15) Executive Order N-49-20:

a. Paragraph 1;
b. Paragraph 3. For determinations made on or before June 30, 2021, the discharge date shall be within 14 days of the Board's determination; and
c. Paragraph 4.

16) Executive Order N-50-20, Paragraph 2.

17) Executive Order N-52-20:

a. Paragraph 6;
b. Paragraph 7. To the extent an individual has commenced a training program prior to June 30, 2021, that was interrupted by COVID-19, that individual shall be entitled to the extended timeframe in the aforementioned order; and
c. Paragraph 14; and
d. Paragraph 16.

18) Executive Order N-53-20:

a. Paragraph 3;
b. Paragraph 12 (as extended or modified by N-69-20, Paragraph 10, and N-71-20, Paragraph 27); and
c. Paragraph 13 (as extended or modified by N-69-20, Paragraph 11, and N-71-20, Paragraph 28).

19) Executive Order N-54-20, Paragraph 7. To the extent the date governing the expiration of registration of vehicles previously registered in a foreign jurisdiction falls on or before June 30, 2021, the deadline is extended pursuant to the aforementioned orders.

20) Executive Order N-55-20:

a. Paragraph 1. Statutory deadlines related to cost reports, change in scope of service requests, and reconciliation requests occurring on

or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order;

b. Paragraph 4;
c. Paragraph 5;
d. Paragraph 6;
e. Paragraph 8;
f. Paragraph 9;
g. Paragraph 10;
h. Paragraph 13;
i. Paragraph 14. Statutory deadlines related to beneficiary risk assessments occurring on or before June 30, 2021 shall remain subject to the extended deadline in the aforementioned order; and
j. Paragraph 16. Deadlines for fee-for-service providers to submit information required for a Medical Exemption Request extended on or before June 30, 2021 shall remain subject to the extended deadline granted under the aforementioned order.

21) Executive Order N-56-20:

a. Paragraph 1;
b. Paragraph 6;
c. Paragraph 7;
d. Paragraph 8;
e. Paragraph 9; and
f. Paragraph 11.

22) Executive Order N-59-20, Paragraph 6.

23) Executive Order N-61-20:

a. Paragraph 1;
b. Paragraph 2;
c. Paragraph 3; and
d. Paragraph 4.

24) Executive Order N-63-20:

a. Paragraph 8(a) (as extended by N-71-20, Paragraph 40). The deadlines related to reports by the Division of Occupational Safety and Health (Cal/OSHA) and the Occupational Safety & Health Standards Board on proposed standards or variances due on or before June 30, 2021 shall remain subject to the extended timeframe;
b. Paragraph 8(c). To the extent the date upon which the Administrative Director must act upon Medical Provider Network applications or requests for modifications or reapprovals falls on or before June 30, 2021 absent the extension in the aforementioned order, it shall remain subject to the extended timeframe;
c. Paragraph 8(e). To the extent filing deadlines for a Return-to-Work Supplement appeal and any reply or responsive papers fall on or before June 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe;
d. Paragraph 9(a) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for the Labor Commissioner to

issue any citation under the Labor Code, including a civil wage and penalty assessment pursuant to Labor Code section 1741, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;

e. Paragraph 9(b) (as extended and modified by N-71-20, Paragraph 41);
f. Paragraph 9(c) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for a worker to file complaints and initiate proceedings with the Labor Commissioner pursuant to Labor Code sections 98, 98.7, 1700.44, and 2673.1, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
g. Paragraph 9(d) (as extended and modified by N-71-20, Paragraph 39). Any deadline setting the time for Cal/OSHA to issue citations pursuant to Labor Code section 6317, that, absent the aforementioned order, would have occurred or would occur between May 7, 2020 and September 29, 2021 shall be extended to September 30, 2021. Any such deadline that, absent the aforementioned order, would occur after September 29, 2021 shall be effective based on the timeframe in existence before the aforementioned order;
h. Paragraph 9(e) (as extended and modified by N-71-20, Paragraph 41);
i. Paragraph 10;
j. Paragraph 12. Any peace officer reemployed on or before June 30, 2021 pursuant to the aforementioned order shall be entitled to the extended reemployment period set forth in the order;
k. Paragraph 13;
l. Paragraph 14; and
m. Paragraph 15 (as extended by N-71-20, Paragraph 36).

25) Executive Order N-65-20:

a. Paragraph 5 (as extended by N-71-20, Paragraph 35; N-80-20, Paragraph 4; and N-01-21). Identification cards issued under Health and Safety Code section 11362.71 that would otherwise have expired absent the aforementioned extension between March 4, 2020 and June 30, 2021 shall expire on December 31, 2021; and
b. Paragraph 7.

26) Executive Order N-66-20:

a. Paragraph 3;
b. Paragraph 4; and
c. Paragraph 5.

27) Executive Order N-68-20:

a. Paragraph 1. Notwithstanding the expiration of the aforementioned order, temporary licenses granted on or before June 30, 2021 shall be valid through September 30, 2021; and
b. Paragraph 2. Renewal fee payments otherwise due to the to the California Department of Public Health absent the extension in the aforementioned order on or before June 30, 2021, shall be entitled to the extensions of time set forth in the aforementioned order.

28) Executive Order N-71-20:

a. Paragraph 1;
b. Paragraph 4;
c. Paragraph 16. Where the statutory deadline for opening or completing investigations is set to occur on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order; and
d. Paragraph 17. Where the statutory deadline for serving a notice of adverse action is due on or before June 30, 2021, the deadline shall remain subject to the extension in the aforementioned order.

29) Executive Order N-75-20:

a. Paragraph 7. Children placed in foster care on or before June 30, 2021 shall receive such examinations on or before July 31, 2021;
b. Paragraph 8;
c. Paragraph 9;
d. Paragraph 10. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the California Department of Public Health, or September 30, 2021, whichever occurs first; and
e. Paragraph 13.

30) Executive Order N-76-20, Paragraph 3.

31) Executive Order N-77-20:

a. Paragraph 1;
b. Paragraph 2; and
c. Paragraph 3.

32) Executive Order N-78-20 (as extended and modified by N-03-21):

a. Paragraph 1; and
b. Paragraph 2.

33) Executive Order N-83-20:

a. Paragraph 3. To the extent the Director of the Department of Alcoholic Beverage Control suspends deadlines for renewing licenses upon payment of annual fees on or before June 30, 2021, the extension shall remain valid until the effective expiration;

b. Paragraph 5 (which repealed and replaced N-71-20, Paragraph 19, which extended N-52-20, Paragraph 1, and N-69-20, Paragraph 3);
c. Paragraph 6 (which repealed and replaced N-71-20, Paragraph 20, which extended N-52-20, Paragraph 2, and N-69-20, Paragraph 4); and
d. Paragraph 7 (which repealed and replaced N-71-20, Paragraph 21, which extended N-52-20, Paragraph 3, and N-69-20, Paragraph 5).

34) Executive Order N-84-20:

a. Paragraph 1;
b. Paragraph 2;
c. Paragraph 3; and
d. Paragraph 5.

The following provisions shall remain in place and shall have full force and effect through July 31, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

35) Executive Order N-39-20, Paragraph 8 (as extended by N-69-20, Paragraph 2 and N-71-20, Paragraph 8).

36) Executive Order N-53-20, Paragraph 11 (as extended or modified by N-68-20, Paragraph 15, and N-71-20, Paragraph 26).

37) Executive Order N-71-20, Paragraph 25.

38) Executive Order N-75-20:

a. Paragraph 5; and
b. Paragraph 6

The following provisions shall remain in place and shall have full force and effect through September 30, 2021, upon which time they will expire subject to individual conditions described in the enumerated paragraphs below.

39) State of Emergency Proclamation dated March 4, 2020:

a. Paragraph 3; and
b. Paragraph 14. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by the Department of Social Services, or September 30, 2021, whichever occurs first.

40) Executive Order N-25-20:

a. Paragraph 2;
b. Paragraph 3; and
c. Paragraph 4.

41) Executive Order N-28-20:

a. Paragraph 4; and
b. Paragraph 5.

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

(i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;

(ii) each teleconference location be accessible to the public;

(iii) members of the public may address the body at each teleconference conference location;

(iv) state and local bodies post agendas at all teleconference locations;

(v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and

(vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

(i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and

(ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

(i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and

(ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

a. Paragraph 1;
b. Paragraph 2; and
c. Paragraph 3.

44) Executive Order N-35-20:

a. Paragraph 2; and
b. Paragraph 12.

45) Executive Order N-39-20:

a. Paragraph 2;
b. Paragraph 3; and
c. Paragraph 6.

46) Executive Order N-40-20:

a. Paragraph 12 (as extended or modified by N-66-20, paragraph 16, N-71-20, paragraph 14, and N-75-20, Paragraph 12). To the extent the Director exercised their authority pursuant to this provision on or before September 30, 2021, the extension shall remain valid until the effective expiration of the applicable waiver; and
b. Paragraph 18.

47) Executive Order N-42-20.

48) Executive Order N-43-20.

49) Executive Order N-49-20, Paragraph 2.

50) Executive Order N-54-20:

a. Paragraph 8 (as extended by N-80-20, Paragraph 6); and
b. Paragraph 9. To the extent any timeframe within which a California Native American tribe must request consultation and the lead agency must begin the consultation process relating to an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration under the California Environmental Quality Act extends beyond September 30, 2021, the tribe and lead agency will receive the benefit of the extension so long as the triggering event occurred on or before September 30, 2021.

51) Executive Order N-55-20:

a. Paragraph 2;
b. Paragraph 3;
c. Paragraph 7. All on-site licensing visits which would have been due on or before September 30, 2021 shall occur before December 31, 2021;
d. Paragraph 11; and
e. Paragraph 12.

52) Executive Order N-56-20, Paragraph 10 is withdrawn and superseded by the following text:

Paragraph 42 of this Order, including the conditions specified therein, shall apply to meetings held pursuant to Article 3 of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code and Education Code section 47604.1(b).

53) Executive Order N-58-20 (as extended by N-71-20, Paragraph 29).

54) Executive Order N-59-20:

a. Paragraph 1. The sworn statement or verbal attestation of pregnancy must be submitted on or before September 30, 2021 and medical verification of pregnancy must be submitted within 30

working days following submittal of the sworn statement or verbal attestation for benefits to continue;
b. Paragraph 2 (as extended and modified by N-69-20, Paragraph 14, and N-71-20, Paragraph 31);
c. Paragraph 3 (as extended and modified by N-69-20, Paragraph 15, and N-71-20, Paragraph 32); and
d. Paragraph 4 (as extended and modified by N-69-20, Paragraph 16, and N-71-20, Paragraph 33).

55) Executive Order N-63-20:

a. Paragraph 8(b). To the extent filing deadlines for claims and liens fall on or before September 30, 2021, absent the extension in the aforementioned order, they shall remain subject to the extended timeframe; and
b. Paragraph 11.

56) Executive Order N-66-20, Paragraph 6.

57) Executive Order N-71-20:

a. Paragraph 15;
b. Paragraph 22; and
c. Paragraph 23.

58) Executive Order N-75-20:

a. Paragraph 1;
b. Paragraph 2; and
c. Paragraph 4.

59) Executive Order N-80-20:

a. Paragraph 3; and
b. Paragraph 7.

60) Executive Order N-83-20

a. Paragraph 2 is withdrawn and replaced by the following text:

The deadline to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, 19984, and any accompanying regulations is September 30, 2021; the deadlines for submission of any application or deposit fee, as specified in Business and Professions Code sections 19951 (a), 19867, 19868, 19876, 19877, 19942, 19984, and any accompanying regulations is no later than September 30, 2021, or per existing requirements, whichever date is later.

b. Paragraph 4.

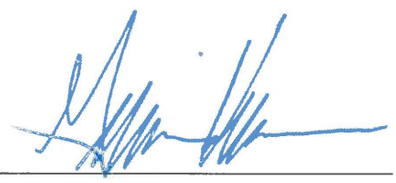
61) Executive Order N-03-21, Paragraph 3, is withdrawn and replaced by the following text:

As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through September 30, 2021.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 11th day of June 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-12-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS COVID-19 vaccinations are a safe and effective means to prevent the spread of COVID-19; and

WHEREAS COVID-19 vaccinations were not widely available to adult Californians until approximately April 2021, and prior to that, non-pharmaceutical interventions such as capacity restrictions on businesses and other activities and mandatory mask wearing were the only available means of slowing the spread of the disease; and

WHEREAS California is a leader in its rate of vaccination, with 63.1% of people eligible for the vaccine having been fully vaccinated, and another 14.7% having received one shot, but 22.2% of the vaccine-eligible population remains unvaccinated, along with approximately 5.8 million children under 12; and

WHEREAS variants of COVID-19, including the variant known as the Delta variant, are even more transmissible and potentially cause more severe illness in people who are unvaccinated than original strains of COVID-19; and

WHEREAS current COVID-19 vaccines with emergency authorization are effective at reducing serious disease from the Delta variant among the fully vaccinated; and

WHEREAS the high levels of vaccination of Californians, and particularly of those most vulnerable to severe infection and death from COVID-19, along with the continued availability of the vaccine to all eligible Californians, have removed the need for restrictions on businesses and other public gatherings of the kind implemented during the pandemic prior to the availability of the vaccine; and

WHEREAS due to the spread of the Delta variant among unvaccinated people, hospitalizations have increased over 700% in the past two months and are projected to continue to increase, including an increased usage of intensive care resources by COVID-19 patients; and

WHEREAS the State has learned how to prepare its hospital system for a surge in COVID-19 hospitalizations based on its past experiences and can prevent an undue strain on the system by taking appropriate preventative measures; and

WHEREAS sufficient staffing of health care facilities is necessary to prevent a strain on the health care system due to a surge in hospitalizations; and

WHEREAS additional flexibility to hire retired teachers is necessary to assist public schools in providing continuity of educational services for students in the face of rising case rates; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) Paragraph 39(a) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

   Paragraph 3 of my State of Emergency proclaimed on March 4, 2020, shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

2) Paragraph 1(a) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

   To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health (Department) may, through December 31, 2021, waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. The Director shall not waive licensing requirements governing facility staffing ratios, except for individual facility waivers otherwise authorized by law. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

3) Paragraph 39(b) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

Paragraph 14 of my State of Emergency proclaimed on March 4, 2020, shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by California Department of Social Services, or December 31, 2021, whichever occurs first.

4) Paragraph 40(c) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

   Paragraph 4 of Executive Order N-25-20 shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

5) Paragraph 45(a) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

   Paragraph 2 of Executive Order N-39-20 shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

6) Paragraph 45(c) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

   Paragraph 6 of Executive Order N-39-20 shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

7) Paragraph 2(b) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

   To ensure adequate staffing during the state of emergency to address the impacts from COVID-19, the 180-day break in service requirement under subdivision (f) of Government Code section 7522.56 is suspended.

8) The requirements in subdivision (b) of Education Code section 24214.5 for the governing body of an employer to adopt a resolution in a public meeting authorizing a retired member to be exempt from the limitation under subdivision (a) of that section and in subdivision (e) of Education Code section 24214.5 for the employer to submit to the California State Teachers' Retirement System such resolution as part of documentation of the retired member's eligibility are waived.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of August 2021.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

RESOLUTION NO. 2020-24

OF THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT WAIVING LATE FEES ON UTILITY BILLS FOR CUSTOMERS IMPACTED BY COVID-19 DURING THE EL DORADO COUNTY SHELTER IN PLACE ORDER RELATED TO COVID-19

WHEREAS, on March 4, 2020, the Governor of the State of California ("Governor") declared a state of emergency in the State of California ("State") based on the number of confirmed cases of the novel coronavirus ("COVID-19") in the State; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order N-28-20, encouraging utility providers such as Georgetown Divide Public Utility District ("District") to implement customer service protections for critical utilities, including water, in response to the COVID-19 state of emergency; and

WHEREAS, on March 19, 2020, the El Dorado County Public Health Officer issued a shelter in place order to slow the spread of COVID-19, requiring El Dorado County residents, including District customers to remain at their place of residence and ordering all businesses, except for those identified as essential, to cease all activities until 11:59 p.m. on April 16, 2020 or until the shelter in place order is extended, rescinded, superseded, or amended by the public health official; and

WHEREAS, on March 19, 2020, the Governor issued a state-wide shelter in place order to slow the spread of COVID-19; and

WHEREAS, to ensure that District customers comply with the shelter in place orders to slow the spread of COVID-19 and follow the directive in Executive Order N-28-20 to provide customer service protections for critical utilities, the District will waive all late fees incurred on District utility bills as a consequence of COVID-19 for the duration of the El Dorado County Health Officer's shelter in place order related to COVID-19.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT as follows:

The Georgetown Divide Public Utility District ("District") shall waive all late fees incurred during the period of the El Dorado County Public Health Officer's shelter in place order where a customer notifies the District in writing that the customer needs to delay all or some payment of the customer's utility bill because of reasons related to COVID-19, including but not limited to the following:

1. The customer was unavailable to work because the customer was sick with suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case COVID-19;

2. The customer experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the Governor's state of emergency, the El Dorado County Health Officer's shelter in place order, the Governor's shelter in place order, or other related government response; or

3. The customer needed to miss work to care for a child whose school was closed in response to COVID-19.

The District may request the customer provide verifiable documentation such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statement from an employer or supervisor to explain the customer's changed financial circumstance, to support the customer's assertion of an inability to pay.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the fourteenth day of April, 2020, by the following vote:

AYES: GARCIA, HALPIN, SOUZA, WADLE, SAUNDERS

NOES:

ABSENT/ABSTAIN:

David Souza, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Jeff Nelson, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2020-24 duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this fourteenth day of April, 2020.

Jeff Nelson, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ORDINANCE 82-1

AN ORDINANCE ESTABLISHING RATES, RULES AND REGULATIONS FOR WATER SERVICE BY AND WITHIN THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT AND REPEALING ORDINANCE NOS. 77-10, 79-1, AND 81-1 RELATING TO SUCH RATES, RULES AND REGULATIONS

WHEREAS, the public interest, convenience and necessity requires that the provisions of the following ordinances heretofore adopted by the Board of Directors of the Georgetown Divide Public Utility District be consolidated, changed in certain respects, to wit: Ordinance 77-10, An Ordinance Establishing Rates, Rules, and Regulations for Water Service By and Within the Georgetown Divide Public Utility District and Repealing Ordinance Nos. 72-4, 74-7, 75-2, 75-4, 76-3, 77-4 and 77-5 Relating to Such Rates, Rules and Regulations, adopted on October 13, 1977; Ordinance 79-1, An Ordinance Amending Ordinance 77-10, An Ordinance Establishing Rates, Rules and Regulations for Water Service By and Within the Georgetown Divide Public Utility District, and Repealing Ordinance Nos. 72-4, 74-7, 75-2, 75-4, 76-3, 77-4, and 77-5 Relating to Such Rates, Rules and Regulations, by Amending Article 16 Thereof Relating to Pipeline and Storage Benefit Charges, adopted on February 16, 1979; and Ordinance 81-1, An Ordinance Establishing Rates, Rules and Regulations for Water Service By and Within the Georgetown Divide Public Utility District, and Repealing Ordinance Nos. 77-10, and 79-1 Relating to Such Rates, Rules and Regulations, adopted on February 4, 1981;

NOW, THEREFORE, BE IT ENACTED by the Board of Directors of the Georgetown Divide Public Utility District, El Dorado County, California, as follows:

ARTICLE 1 - DEFINITIONS

For the purpose of this Ordinance, the terms used herein are defined as follows:

Sec. 1-1. Applicant is the person making application for water service and shall be the owner of premises to be served by the water facilities for which such service is requested, or his authorized agent.

Sec. 1-2. Board is the Board of Directors of the District.

Sec. 1-3. Building is any structure used for human habitation or a place of business, recreation or other purpose containing water facilities.

Sec. 1-17. Single Family Residential Premises means a lot or parcel of real property under one ownership which includes one or more separate single family residential structures.

Sec. 1-18. Commercial or Multi-Family Residential Premises means a lot or parcel of real property under one ownership which includes one or more apartment houses, motels, office buildings, commercial buildings, and structures of like nature.

Sec. 1-19. Public Fire Protection Service means the services and facilities of the entire water supply, storage, and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

Sec. 1-20. Regular Water Service means water service and facilities rendered for normal domestic and commercial purposes on a permanent basis, and the water available therefor.

Sec. 1-21. Service Connection Charge means the benefit entitlement of the lot or parcel of real property to a connection from the water main line to the limits of the road or easements in which the pipelines are located.

Sec. 1-22. Service or Service Connection means the pipeline and appurtenant facilities such as the curb stop, curb cock or valve used to extend water service from a distribution main to premises, but exclusive of the meter and meter box. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Sec. 1-23. Single Family Unit means the water capacity normally needed to serve a single family residential unit or the equivalent water usage for buildings used for purposes other than single family residences. SFU means Single Family Unit.

Sec. 1-24. Street is any public highway, road, street, avenue, alley, way, easement, or right of way.

Sec. 1-17. Single Family Residential Premises means a lot or parcel of real property under one ownership which includes one or more separate single family residential structures.

Sec. 1-18. Commercial or Multi-Family Residential Premises means a lot or parcel of real property under one ownership which includes one or more apartment houses, motels, office buildings, commercial buildings, and structures of like nature.

Sec. 1-19. Public Fire Protection Service means the services and facilities of the entire water supply, storage, and distribution system of the District, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

Sec. 1-20. Regular Water Service means water service and facilities rendered for normal domestic and commercial purposes on a permanent basis, and the water available therefor.

Sec. 1-21. Service Connection Charge means the benefit entitlement of the lot or parcel of real property to a connection from the water main line to the limits of the road or easements in which the pipelines are located.

Sec. 1-22. Service or Service Connection means the pipeline and appurtenant facilities such as the curb stop, curb cock or valve used to extend water service from a distribution main to premises, but exclusive of the meter and meter box. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Sec. 1-23. Single Family Unit means the water capacity normally needed to serve a single family residential unit or the equivalent water usage for buildings used for purposes other than single family residences. SFU means Single Family Unit.

Sec. 1-24. Street is any public highway, road, street, avenue, alley, way, easement, or right of way.

Sec. 1-25. Treatment Plant Connection Benefit Charge means a treatment plant capacity charge for benefits to a lot or parcel of real property under one ownership.

Sec. 1-26. Water Department means the Board of Directors of the District performing functions related to the District water service, together with the General Manager, the Water Superintendent, the Office Manager, and other duly authorized representatives.

ARTICLE 2 - GENERAL PROVISIONS

Sec. 2-1. Effective Area. Except as herein otherwise expressly provided, this ordinance shall apply to and be effective within the boundaries of the District.

Sec. 2-2. Rules and Regulations. The following rules and regulations respecting water construction and provision of water and connection to the water supply, storage, and distribution facilities of District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

Sec. 2-3. Purpose. This Ordinance is intended, among other things, to provide certain minimum standards, provisions, and requirements for design, methods of construction, and use of materials in water facilities and water service connections hereafter installed, altered, or repaired, and with respect thereto shall not apply retroactively, that is, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein.

Sec. 2-4. Short Title. This Ordinance shall be known and may be cited as "Georgetown Divide Public Utility District Water Ordinance."

Sec. 2-5. Words and Phrases. For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Sec. 2-6. Pressure Conditions. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the

location of the proposed service connection, and to hold the District harmless from any damages arising out of low pressure or high pressure water service conditions or from any interruptions in service.

Sec. 2-7. Maintenance of Water Pressure and Shutting Down for Emergency Repairs. The Board shall not accept any responsibility for the maintenance of pressure and it reserves the right to discontinue service while making repairs, replacements, and connections or performing other work in the operation of the water system. Consumers dependent upon a continuous supply should provide emergency storage.

Sec. 2-8. Tampering with District Property. No one, except an employee or representative of the Board, shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the District's water system, or interfere with meters or their connections, street mains, or other parts of the water system.

Sec. 2-9. Penalty for Violation. For the failure of the customer to comply with all or any part of this Ordinance, and any ordinance, resolution, or order fixing rates and charges of this District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated, or in the event that he cannot comply with said rule or regulation, until he shall have satisfied the District that in the future he will comply with all the rules and regulations established by ordinance of the District and with all rates and charges of this District. In addition thereto, he shall pay the District the sum of Ten Dollars ($10.00) for renewal of his service.

Sec. 2-10. Ruling Final. All rulings of the Board shall be final. All rulings of the General Manager shall be final, unless appealed in writing to the Board within five (5) days. When appealed, the Board's ruling shall be final.

Sec. 2-11. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this

Ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

Sec. 2-12. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and ordinance should be suspended or modified as applied to a particular premises and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

Sec. 2-13. Separability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance of the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional.

ARTICLE 3 - WATER DEPARTMENT

Sec. 3-1. Creation. A Water Department has been heretofore created comprising the Directors and the following positions, to wit: The General Manager, a Water Superintendent, a District Inspector, and an Office Manager. The same person may be appointed to any or all of said positions. They shall be appointed to serve at the pleasure of the Board. If the same person is appointed General Manager and any other position, then said person shall be known as the General Manager and shall assume

and execute all the duties and responsibilities of each of the positions to which he is appointed.

Sec. 3-2. Plumbing, Water Facility, Inspection, Compensation. The Board of said District shall employ the District Engineer or such other person as may be designated by the Board to perform the duties of inspecting the installation, connection, maintenance, and use of all water facilities in said District, to be known as the District Inspector. He shall receive, as compensation for his services for making inspections required to be made by the ordinances, orders, and regulations from time to time enacted and ordered by said Board, a sum to be fixed by the Board. He shall serve during the pleasure of the Board.

Sec. 3-3. General Manager. The General Manager shall have full charge and control of the maintenance, operation and construction of the water works and system. He shall, with the consent and approval of the Board, have authority to employ and discharge all employees and assistants. He shall prescribe the duties of employees and assistants. He shall perform such other duties as are imposed from time to time by the Board, and shall report to the Board in accordance with the rules and regulations adopted by the Board.

Sec. 3-4. Water Superintendent - Duties. The Water Superintendent shall regularly inspect all physical facilities related to the District's water system, to see that they are in good repair and proper working order, and to note violations of any water regulations.

Sec. 3-5. Engineer, Inspector or Water Superintendent - Supervision. The Engineer, Inspector or Water Superintendent shall supervise all repair or construction work authorized by the Board, and perform any other duties prescribed elsewhere in this Ordinance or which shall be hereafter prescribed by the Board.

Sec. 3-7. Office Manager. The position of Office Manager is hereby created. He shall have charge of the office of the District and of the billing for and collecting the charges herein provided. He

shall perform such other duties as shall be determined by the General Manager.

Sec. 3-8. Id. - Duties. The Office Manager shall compute, prepare, and mail bills as hereinafter prescribed, make and deposit collections, maintain proper books of account, collect, account for, and refund deposits, do whatever else is necessary or directed by the District Auditor to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board.

Sec. 3-9. Performance of Duties. The foregoing duties of Engineer, Inspector, Water Superintendent, and Office Manager may be performed by existing District personnel or by an additional employee or employees or agent thereof.

Sec. 3-10. Compensation. The General Manager, Engineer, Inspector, Water Superintendent, and Office Manager shall receive such compensation as is prescribed by the Board.

ARTICLE 4 - NOTICES

Sec. 4-1. Notices to Customers. Notices to a water customer from the District will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

Sec. 4-2. Notices from Customers. Notice from the customer to the District may be given by him or his authorized representative in writing, at the District's operating office. Where conditions warrant and in emergencies, the customer may resort to notification either by telephone or messenger.

ARTICLE 5 - STANDARD DISTRICT SPECIFICATIONS

Sec. 5-1. Design and Construction Standards. Minimum standards for the design and construction of water facilities within the

District shall be in accordance with the applicable provisions of the ordinances, rules and regulations, and with the STANDARD DISTRICT SPECIFICATIONS for District heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District or the District Engineer may permit modifications or may require higher standards where unusual conditions are encountered.

Two complete sets of "as built" drawings showing the actual location of all mains, valves, fire hydrants, house services, meters, if any, and appurtenances shall be filed with the District before final acceptance of the work.

ARTICLE 6 - APPLICATION FOR REGULAR WATER SERVICE - WHERE NO MAIN EXTENSION REQUIRED

Sec. 6-1 Application for Water Service. Applications for regular water service, where no main extension is required, shall be made on the form of application approved by the Board from time to time.

Sec. 6-2. Undertaking of Applicant. Such application shall signify the customer's willingness and intention to comply with this and other ordinances or regulations relating to water service and to make payment for water service required.

Sec. 6-3. Payment for Previous Service. An application shall not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

Sec. 6-4. Installation of Services. Water services will be installed at the location and of the size determined by the Water Department. Service installations will be made only to property abutting on public streets or abutting on such distribution mains as may be constructed in alleys or easements, at the convenience of the Water Department. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.

Section 6-5. Service Connections. Service connections will be installed in accordance with applicable provisions of Article 8.

ARTICLE 7 - GENERAL USE REGULATIONS

Sec. 7-1. Number of Services per Single Family Residential Premises. The applicant may apply for as many services as may reasonably be required for his single family residential premises, provided that the pipeline system for each single family residence shall be independent of the other single family residences on said premises and that they shall not be inter-connected.

Sec. 7-2. Supply to Separate Single Family Residential Structures. Each single family residence for which the application for water service is hereafter made, shall have a separate service connection, including a separate meter.

Sec. 7-3. Supply to Separate Commercial or Multi-Family Residential Premises. Each separate commercial or multi-family residential building for which application for a separate water service is hereinafter made, shall have a separate service connection, including a separate meter. Application for water service for more than one commercial or multi-family residential building on one lot or parcel of real property under one ownership shall have a separate service connection, including a separate meter, for all of the buildings under one application for water service.

Sec. 7-4. Number of Services Per Commercial or Multi-Family Residential Premises. The applicant may apply for as many services as may reasonably be required for his commercial or multi-family residential premises. The pipeline system from each service shall be independent of the others and they may not be inter-connected. One service with sufficient equivalent single family unit capacity may provide all of the service to any or all of the structures on the commercial or multi-family residential premises.

Se. 7-5. Water Waste. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the

District may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

Sec. 7-6. Responsibility for Equipment on Customer Premises. All facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, repaired, or replaced by the Water Department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining said facilities on private property. No persons shall place or permit the placement of any object in a manner which will interfere with the free access to a meter box or will interfere with the reading of a meter.

Sec. 7-7. Changes in Customer's Equipment. Customers making any material changes in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change, and, if necessary, amend their application.

Sec. 7-8. Damage to Water System Facilities. The customer shall be liable for any damage to the District-owned customer water service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees, or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Sec. 7-9. Ground Wire Attachments. All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District unless such plumbing is adequately connected to an effective driven ground installation on the premises. The District will hold the customer

liable for any damage to its property occasioned by such ground wire attachments.

Sec. 7-10. Cross Connections. The customer must comply with the state and federal laws governing the separation of dual water systems or installations of backflow protective devices to protect the public water supply from the danger of cross-connections. Backflow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Water Department. Plans for installation of backflow protective devices must be approved by the Water Department prior to installation.

In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection of the backflow preventive devices.

As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings, or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply line.

The double check valve or other approved backflow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

The service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve

installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

Sec. 7-11. Interruptions in Service. The District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Water Department to make improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to making such shutdowns. The District will not be liable for interruption, shortage, or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war, or any other cause not within its control.

Sec. 7-12. Ingress and Egress. Representatives from the Water Department shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

ARTICLE 8 - METERS AND METERED SERVICE CONNECTIONS

Sec. 8-1. District Property. All services shall be metered. The service connection, whether located on public or private property, is the property of the District, and the District reserves the right to repair, replace and maintain it as well as to remove it upon discontinuance of service.

Sec. 8-2. Meters. When an application for service is granted under Article 6, the District will install the meter and meter box. A 5/8 x 3/4-inch meter will be furnished without charge. The applicant will pay a $60 fee for the cost of installation. If the applicant desires a larger meter, the applicant shall pay the difference in cost between a 5/8 x 3/4-inch meter and that requested plus installation cost.

Only duly authorized employees or agents of the District will be permitted to install a meter and meter box.

Sec. 8-3. Meter Installations. Meters will be installed at the curb or within the easement, and shall be owned by the District and installed and removed at its expense after payment of the charges established therefor. No rent or other charge will be paid by the District for a meter or other facilities, including housing and connections, located on a customer's premises. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

Sec. 8-4. Change in Location of Meters. Meters may be relocated only if approved by the Board upon application. All cost of relocation shall be borne by the applicant.

Sec. 8-5. Location of Meters. The District reserves the right to determine the location of meters with respect to the boundaries of the premises to be served. The installation including the meter, shall be the property of the District. The service between the meter and the building served by the installation shall be the property of the customer and shall be maintained by the customer at his expense.

Sec. 8-6. Size of Meter. The size of the meter shall be determined by the size of the service connection requested by the applicant. These sizes shall be as follows: 5/8 x 3/4-inch, 25 GPM; 1 inch, 50 GPM 1-1/2 inch, 100 GPM; 2 inch, 160 GPM; 3 inch, 350 GPM. GPM means gallons per minute.

Sec. 8-7. Curb Cock. Every service connection installed by the District shall be equipped with a curb cock or wheel valve. On metered services, the valve is to be on the customer's side of the service installation, as close as is practicable to the meter location. Such valve or curb cock is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock or wheel valve is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

Sec. 8-8. Meter Tests - Deposit. If a customer desires to have the meter serving his premises tested, he shall first deposit Ten Dollars ($10.00). Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two percent (2%) fast, the deposit will be retained by the Water Department.

Sec. 8-9. Adjustment for Meter Errors - Fast Meters. If a meter, tested at the request of a customer pursuant to Sec. 8-8, is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

Sec. 8-10. Adjustment for Meter Errors - Slow Meters. If a meter, tested at the request of a customer pursuant to Sec. 8-8, is found to be more than twenty-five percent (25%) slow, in the case of domestic service, or more than five percent (5%) slow, for other than domestic services, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

Sec. 8-11. Non-Registering Meters. If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other method as is determined by the Water Department and its decision shall be final.

ARTICLE 9 - BILLING

Sec. 9-1. Billing Period. The regular billing period will be monthly, bi-monthly, or quarterly at the option of the District. The District may bill such charges with other charges for services rendered by the District.

Sec. 9-2. Meter Reading. Meters will be read, as nearly

service will also be turned off for non-payment of bills rendered under Ordinance No. 71-3.

Sec. 10-2. Charges a Debt. Failure to receive a bill does not relieve an owner or consumer of liability. Any amount due shall be deemed a debt to the District, and any person, firm, or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the District in any court of competent jurisdiction for the amount thereof.

Sec. 10-3. Reconnection Charge. A reconnection charge of Ten Dollars ($10.00) plus penalties as provided in Sec. 11-1 will be made and collected prior to renewing service following a discontinuance.

Sec. 10-4. Unsafe Apparatus. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

Sec. 10-5. Cross-Connections. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of state or federal laws or this Ordinance.

Sec. 10-6. Fraud or Abuse. Service may be discontinued, if necessary, to protect the District against fraud or abuse.

Sec. 10-7. Non-compliance with Regulations. Service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service to customer by District.

Sec. 10-8. Continuing Liability. The customer shall be liable for minimum use charges whether or not any water is used. The property remains liable for water standby or facilities charges in any event.

ARTICLE 11 - COLLECTION BY SUIT

Sec. 11-1. Penalty. Rates and charges which are not paid on or before the day of delinquency shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to a further penalty of one-half of one percent (1/2 of 1%) per month on the first day of each month following.

as possible, on the same day of each billing period. Bills for periods containing less than ninety percent (90%) of a full billing period will be prorated.

Sec. 9-3. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Water Department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

Sec. 9-4. Charges. All charges are due and payable at the office of the District on the date of mailing the bill to the property owner or his agent as designated in the application or otherwise, and delinquent 30 days after the Post Office cancellation date. Service may be discontinued without further notice if payment is not made by the delinquent date.

Sec. 9-5. Payment of Bills. Bills for metered water service shall be rendered at the end of each billing period. Flat rate service and all standby or facilities charges shall be billed in advance. Bills shall be payable on presentation. On each bill rendered by the District shall be printed substantially the following: "If this bill is not paid within thirty (30) days after the Post Office cancellation date, service may be discontinued. A reconnection charge and penalties will be made and collected prior to renewing service following a discontinuance. Delinquent standby or facilities charges can become a lien on your property and may be collected on the county tax rolls."

Sec. 9-6. Water Used Without Regular Application Being Made. A person taking possession of premises and using water from an active service connection, without having made application to the District for water service, shall be held liable for the water delivered from the date

of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

Sec. 9-7. Damages Through Leaking Pipes and Fixtures. When turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Board's jurisdiction and responsibility ends at the meter and the Board will, in no case, be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes beyond the meter.

Sec. 9-8. Damage to Meters. The Board reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, however, for any damage to the meter due to his negligence or carelessness and, in particular, for damage caused by hot water or steam from the premises.

ARTICLE 10 - DISCONTINUANCE OF SERVICE

Sec. 10-1. Disconnection for Non-payment. Service may be discontinued for non-payment of bills on or after the thirtieth day following the date of Post Office cancellation. At least five (5) days prior to such discontinuance, the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notice. The failure of the District to send, or any such person to receive, said notice shall not affect the District's power hereunder. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for the payment of bills. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be turned off. Water

Sec. 11-2. Suit. All unpaid rates and charges and penalties herein provided may be collected by suit.

Sec. 11-3. Costs. Defendant shall pay all costs of suit, including reasonable attorney fees, in any judgment rendered in favor of District.

ARTICLE 12 - PUBLIC FIRE PROTECTION

Sec. 12-1. Use of Fire Hydrants. Fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Water Department prior to use and shall operate the hydrant in accordance with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law.

Sec. 12-2. Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in the size, type, or location of the hydrant, he shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

Sec. 12-3. Water Pressure and Supply. The District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

ARTICLE 13 - SPECIAL PROVISIONS

Sec. 13-1. Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Water to be used for other than domestic purposes, such as

swimming pools and tanks, will be supplied only through a meter and filter system approved by the State Board of Health. All meters, lines, checks, filters, and appurtenances are to be furnished and installed by customer, under the supervision of the Water Superintendent. The system is to be open for inspection by the Water Superintendent at all times.

Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby.

Sec. 13-2. Responsibility for Equipment. The customer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, operating, or interfering with property caused by faucets, valves, and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

Sec. 13-3. Service Connections. The service connections, extending from the water main to the boundary of the road or public easement right of way in which the water main is situate, and the meter, meter box, and curb cock or wheel valve, shall be maintained by the District. All pipes and fixtures extending or lying beyond the boundary of said road or easement right of way shall be installed and maintained by the owner of the property.

ARTICLE 14 - RATES

Sec. 14-1. Rate Resolution. Charges for the use of water within Improvement District shall be prescribed by the Board by resolution, which may be amended from time to time within the limits established by any bond proceedings. Such resolution shall be on file in the

office of the Secretary and copies thereof shall be available on request.

Sec. 14-2. Special Charges. At the time of making a new service connection to the District water system from any parcel of land and/or an increase in the size of an existing service connection to said water system from any parcel of land the special charges which are applicable thereto pursuant to the provisions of Articles 15, 16 and 17 of this Ordinance shall be paid prior to the making thereof. Payment of such charges shall entitle such parcel only to the limited benefits covered by the charges paid, and thereafter water service to such parcel shall remain subject to all of the provisions of said Articles 15, 16 and 17. The portions of such charges which represent treatment plant benefit charges and pipeline and storage benefit charges, respectively, shall be placed in the special funds, respectively, and used only for the special purposes, respectively, provided in said Articles 15 and 16.

Sec. 14-3. Payment of Special Charges By Special Assessments. In the event the Board has heretofore included or hereafter includes any parcels of land within the boundaries of an improvement district formed for the purpose of acquiring, constructing and financing by special assessments, in whole or in part, water facilities to serve such parcels, the confirmation and levy by the Board of an assessment in the proceedings to form such improvement district shall constitute payment of the special charges applicable to such parcels, respectively, pursuant to the provisions of Articles 15, 16 and 17 of this Ordinance insofar as and to the extent that the individual assessments levied on such parcels, respectively, include amounts for the special charges provided for in said Articles 15, 16 and 17.

Sec. 14-4. Payment of special charges for parcels of land outside of improvement districts, as provided for and contemplated by Articles 15, 16 and 17 of this Ordinance, either by special assessments levied in other improvement districts or otherwise, shall confer on such

parcels only the limited rights of service and use in the facilities of the improvement district to which such charges relate as are covered by said special charges so paid.

ARTICLE 15 - TREATMENT PLANT BENEFIT CHARGES

Sec. 15-1. Georgetown-Buckeye Treatment Plant. Any parcel for which a treatment plant benefit charge has not been assessed or otherwise paid for in an amount sufficient (at the rate applicable thereto at the time of any assessment or payment for such benefit) to cover the single family unit capacity attributable to a new connection to the portion of the District water system regularly served by the treatment plant constructed in the proceedings for Georgetown-Buckeye Water Improvement District, Assessment District 1971-1, and/or an increase in the size of an existing connection to said portion of said water system shall pay, prior to receiving such new connection or such increase in size of an existing connection, the amount of $250.00 for each unpaid for single family unit capacity attributable to such connection or increase in size of connection, on the basis of the following table:

Size of Connection	Attributable Capacity
5/8 x 3/4 inch	1 single family unit
1 inch	2 single family units
1-1/2 inch	5 single family units
2 inch	10 single family units
3 inch	20 single family units

All such treatment plant connection benefit charges collected pursuant to this Ordinance shall be placed in a special fund entitled "Treatment Plant Benefit Charges - Georgetown-Buckeye Treatment Plant". The proceeds of said fund shall be credited annually or at such other periods as the Board may prescribe by resolution upon the assessments levied upon all of the parcels of property within the boundaries of Georgetown-Buckeye Water Improvement District, Assessment District 1971-1, until the total amount of treatment plant benefit charges assessed and collected under this section of this Ordinance or Ordinance No. 75-2 (An

Ordinance Providing for Water Service by the Georgetown Divide Public Utility District to Parcels of Land Outside the Boundaries of Georgetown-Buckeye Water Improvement District, Assessment District 1971-1, and Establishing Rates, Rules and Regulations Therefore; and Amending Section 15-1 and Deleting Article 20 of Ordinance No. 72-4, An Ordinance Establishing Rates, Rules and Regulations for Water Service by the Georgetown Divide Public Utility District Within the Boundaries of Georgetown-Buckeye Water Improvement District, Assessment District 1971-1), or Ordinance No. 76-3 (An Ordinance Amending Section 15-1 of Ordinance No. 72-4 (As said Section Was Amended by Ordinance No. 75-2), Entitled An Ordinance Establishing Rates, Rules, and Regulations for Water Service by the Georgetown Divide Public Utility District Within the Boundaries of Georgetown-Buckeye Improvement District, Assessment District 1971-1) or Ordinance 77-10 (An Ordinance Establishing Rates, Rules and Regulations for Water Service by and Within the Georgetown Divide Public Utility District, and Repealing Ordinance Nos. 72-4, 74-7, 75-2, 75-4, 76-3, 77-4, 77-5, Relating to Such Rates, Rules and Regulations) shall equal $43,569.26. Thereafter, the proceeds from treatment plant benefit charges assessed and collected under said ordinances (in excess of said $43,569.26) shall be accumulated and used only for expansion and/or improvements of the treatment plant constructed in the proceedings for Georgetown-Buckeye Water Improvement District, Assessment District 1971-1.

Sec. 15-2. Auburn Lake Trails Treatment Plant. Any parcel of land for which a treatment plant benefit charge has not been assessed or otherwise paid for in an amount sufficient (at the rate applicable thereto at the time of any assessment or payment for such benefit) to cover the single family unit capacity attributable to a new connection to the portion of the District water system regularly served by the treatment plant constructed in the proceedings for Improvement District No. U-1, and/or an increase in the size of an existing connection to said portion

of said water system shall pay, prior to receiving such new connection or such increase in size of an existing connection, the amount of $350.00 for each unpaid for single family unit capacity attributable to such connection or increase in size of connection, on the basis of the following table:

Size of Connection	Attributable Capacity
5/8 x 3/4 inch	1 single family unit
1 inch	2 single family units
1-1/2 inch	5 single family units
2 inch	10 single family units
3 inch	20 single family units

All such treatment plant benefit charges collected pursuant to this section of this Ordinance or Ordinance No. 77-4 (An Ordinance Establishing Rates, Rules, and Regulations for Water Service by the Georgetown Divide Public Utility District Within the Boundaries of Greenwood Water Improvement District, Assessment District 1977-1) or Ordinance No. 77-10 (An Ordinance Establishing Rates, Rules and Regulations for Water Service By and Within the Georgetown Divide Public Utility District, and Repealing Ordinance Nos. 72-4, 74-7, 75-2, 75-4, 76-3, 77-4 and 77-5 Relating to Such Rates Rules and Regulations) shall be placed in a special fund entitled "Treatment Plant Benefit Charges - Auburn Lake Trails Treatment Plant" and used only for expansion and/or improvement to said treatment plant.

ARTICLE 16 - PIPELINE AND STORAGE BENEFIT CHARGES

Sec. 16-1. Amount. Prior to connection to the District water system of any building located within the District, except buildings within Improvement Districts U-1 or U-2, and for which pipeline and storage benefit charges were not assessed for such building in the proceedings for a water improvement district or otherwise paid for in the amount applicable thereto at the time of any assessment or payment for such benefit, said charges shall be paid in the amounts of: Pipeline - $300.00 per building; Storage - $350.00 per building. Notwithstanding the foregoing provisions of this section, said pipeline charge shall be deemed paid for the first such building connected or to be connected to the District water system for each separate parcel of land which existed at the time of construction of the water main to which such building is connected, if the owner of such parcel shared in the cost of said water main by

payment of all or a portion of the cost of said main.

Sec. 16-2. Special Funds. All pipeline and storage benefit charges collected pursuant to this Ordinance or Ordinance No. 72-4 (An Ordinance Establishing Rates, Rules, and Regulations for Water Service by the Georgetown Divide Public Utility District Within the Boundaries of Georgetown-Buckeye Water Improvement District, Assessment District 1971-1), 75-4 (An Ordinance Establishing Rates, Rules, and Regulations for Water Service by the Georgetown Divide Public Utility District Within the Boundaries of Garden Valley Water Improvement District, Assessment District 1975-1), 77-4 (An Ordinance Establishing Rates, Rules, and Regulations for Water Service by the Georgetown Divide Public Utility District Within the Boundaries of Greenwood Water Improvement District, Assessment District 1977-1), and Ordinance 77-10 (An Ordinance Establishing Rates, Rules, and Regulations for Water Service by and Within the Georgetown Divide Public Utility District, and Repealing Ordinance Nos. 72-4, 74-7, 75-2, 75-4, 76-3, 77-4, and 77-5 Relating to Such Rates, Rules, and Regulations) shall be placed in separate special funds, one such fund for each water improvement district or separate area within a water improvement district. The names of each of said funds shall include the designation "Pipeline Benefit Fund" and "Storage Benefit Fund" and the name of the water improvement district or separate area within a water improvement district. The "Pipeline Benefit Charge" and the "Storage Benefit Charge" collected for a building shall be placed in the fund for the water improvement district or the separate area within a water improvement district within which is the water main to which the building is connected.

Monies in each of said funds, respectively, shall be used only for maintenance and/or extension of water mains, and/or maintenance and/or expansion or construction of storage facilities of benefit to parcels of land served by the acquisitions and improvements made for the water improvement districts or separate areas within a water improvement district, the names of which are included in the names of such funds.

ARTICLE 17 - SERVICE CONNECTION CHARGES

Sec. 17-1. Amount. Prior to the making of a new connection or increasing the size of an existing connection to the District water system for which a service connection charge has not been paid, by special

assessment therefore in proceedings for a water improvement district, or otherwise, a service connection charge shall be paid. The amount thereof shall be (a) the actual costs of constructing a new or larger service line from the water distribution main to the boundary of the road easement in which such main is located, if same is required, or (b) the amount set forth in the following table for the size of the new connection or the size to which an existing connection is increased, to wit:

Size of Service Connection	Meter Capacity (GPM)	Amount of Charge
5/8 x 3/4 inch	25	$350.00
1 inch	50	$365.00
1-1/2 inch	100	$430.00
2 inch	160	$480.00

whichever is larger.

ARTICLE 18 - NON-ADJACENT PARCELS TO IMPROVEMENT DISTRICT PIPELINE

Sec. 18-1. The owners of all parcels of land included within a water improvement district which are not adjacent to a road or public easement in which a pipeline constructed pursuant to the proceedings for such district is situate will be responsible for providing, at the cost and expense of the owners of such parcels, the necessary water lines from their parcel to the service lines provided for their respective parcels at the limits of the road or public easement in which the pipeline which will serve said parcels is situate; provided, however, that if necessary and upon request, the District shall condemn at the cost and expense of the owner or owners requesting the same the requisite easements for such service lines.

ARTICLE 19 - APPORTIONMENT OF ASSESSMENT IN EVENT OF DIVISION OF LAND SUBJECT HERETO

Sec. 19-1. In the event any parcel of land assessed in improvement district proceedings conducted by the Board is thereafter divided into two or more separate parcels, the assessment on such parcel shall be assigned to the separate parcels as follows:

(a) Where there is one existing service connection to such parcel, to the separate parcel served by the existing service connection;

(b) Where there are two or more existing service connections to such parcel, to the separate parcel or parcels served by said existing connections; and

(c) Where there are no existing service connections to such parcel, to the separate parcel which is nearest the pipeline constructed in the proceedings.

Sec. 19-2. Notwithstanding the foregoing, the assessment can be made to a different one of the separate parcels than above specified where the choice is between one of two or more separate parcels all of which or none of which have existing connections therefrom, either as appropriate in the judgement of the Engineer or as agreed to be the owner or owners of the separate parcels involved in such choice.

Sec. 19-3. Engineering, administrative, legal and other costs of apportionment of assessments upon division of parcels of land shall be borne by the owner of the parcel before division or to the new parcel or parcels to which the assessment is assigned.

ARTICLE 20 - MODIFICATION OF CHARGES

Sec. 20-1. Where the division of parcels of land or use of land for industrial, commercial, subdivision or residential projects require more than an equivalent 10 single family unit (SFU) water capacity demand for service, the Georgetown Divide Public Utility District reserves the right to modify the foregoing charges to accurately reflect the financial implications of said parcel division or use, by reason of the potential for major influence on the capacity operation and service availability of any of the facilities serving any existing water improvement district. Said modification of charges shall be made by the District Board of Directors based upon information provided by the District Engineer and staff relative to all applicable water costs and present and future water service demands.

ARTICLE 21 - REPEAL

Sec. 21-1. Ordinance Nos. 77-10, 79-1 and 81-1, the full titles and dates of adoption of which are set forth in the preamble of this Ordinance, are hereby repealed and shall be of no further force and effect; provided only that the monies in the special funds designated in any of said ordinances shall be placed in the corresponding special funds provided for in the Ordinance.

ARTICLE 22 - EFFECTIVE DATE

Sec. 22-1. Adoption and Effective Date. This Ordinance shall take effect thirty (30) days after its passage. At least one week before the expiration of said thirty days, copies thereof shall be posted in three public places within the Improvement District, and it shall be published once in the Georgetown Gazette and Town Crier, a newspaper of general circulation published in the District.

* * * * * * * * * * *

PASSED AND ADOPTED at a regularly held regular meeting of the Board of Directors of GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT on this 14th day of April, 1982.

AYES: Directors Robert E. Flynn, John C. Lampson, Fred G. DeBerry, and Arthur E. Smoot.

NOES: None.

ABSENT: Director Lee J. Hoddy.

ROBERT E. FLYNN, President
Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTEST:

CHARLES F. GIERAU, Clerk and ex officio Secretary of the Board of Directors thereof.

(SEAL)

I hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 82-1, duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, El Dorado County, California, on April 14, 1982, 1982.

CHARLES F. GIERAU, Clerk of the
GEORGETOWN DIVIDE PUBLIC
UTILITY DISTRICT

(SEAL)

RESOLUTION NO. 2020-03

OF THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT DISCONTINUATION OF RESIDENTIAL SERVICE POLICY

WHEREAS, the District's current policy for discontinuation is included in Ordinance 82-1 Section 10-1; and

WHEREAS, the State of California passed SB998 on September 28, 2018, which necessitates that the District revise its policy for discontinuation of residential service; and

WHEREAS, SB998 requires that the District shall not discontinue water service until a customer has been delinquent for at least 60 days; and

WHEREAS, SB998 requires that customers will be given notice by telephone or writing 10 days prior to discontinuation; and

WHEREAS, SB998 requires alternative payment schedules for customers that are low income and/or have severe health problems; and

WHEREAS, SB998 requires that tenants renting property that is in jeopardy of being locked off due to a landlords non-payment of a bill must be given the opportunity to open a water account in their name with proper documentation; and

WHEREAS, SB998 requires that the policy made available on the District website in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean and any other languages spoken by at least 10 percent of the people residing in it's service area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT the Discontinuation of Residential Water Service policy attached as Exhibit A to this resolution is approved, and staff is directed to implement this new policy beginning February 1, 2020, as required by SB998.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of January 2020, by the following vote:

AYES: GARCIA, HALPIN, SOUZA, SAUNDERS, WADLE

NOES:

ABSENT/ABSTAIN:

David Souza, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Steven Palmer, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2020-03 duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 14th day of January 2020.

Steven Palmer, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
Discontinuation of Residential Water Service/Late Fees

Reference:
Senate Bill No. 998: Discontinuation of Residential Water Service

California Government Code Sections 60370 -60375.5

ARTICLE I. PURPOSE
This policy enumerates Georgetown Divide Public Utility Water District's administrative actions for the collection of delinquent accounts, including notifications, fee assignments and discontinuation of service. This policy will be made available to the public on the District's website. The District can be contacted by phone at (530) 333-4356 to discuss options for averting discontinuation of water service for nonpayment under the terms of this policy.

ARTICLE II. POLICY
Georgetown Divide Public Utility District, as an agency of the state, formed as a special district pursuant to general law for the local performance of governmental or proprietary functions within limited boundaries, is governed in the execution of the collection of delinquent accounts by California Government Code Sections 60370 – 60375.5. Furthermore, as an urban or community water system that supplies water to more than 200 service connections, the District is further governed, effective by law February 1, 2020, by Senate Bill No. 998.

1. **Application of Policy.** This Residential Water Service Policy and Procedures (this "Policy") shall apply to all Georgetown Divide Public Utility District ("District") accounts for residential water service, but shall not apply to any accounts for non-residential service. To the extent this Policy conflicts with any provisions of the Georgetown Divide Public Utility District Ordinance, Resolution or other rules, regulations, or policies of the District, this Policy shall control.

2. **Contact Information.** For questions or assistance regarding your water bill, the District's utility billing staff can be reached at (530) 333-4356. Customers may also visit the District in person Monday through Friday, from 8:00 a.m. to 4:30 p.m., except on District holidays. This Policy shall also be available on the District's internet website, at the following address: GD-PUD.ORG

3. **Billing Procedures.** Water service charges are payable to the District once every other month. All bills for water service are due and payable upon receipt and shall be considered delinquent if not paid on the later of: 1) the last day of the service period of the bill; or 2) one month after the date the bill is issued by the District.

4. **Discontinuation of Water Service for Nonpayment.** If a bill is delinquent for at least sixty (60) days, the District may discontinue water service to the service address.

4.1 Written Notice to Customer. The District will provide a mailed notice to the customer of record at least ten (10) business days before

discontinuation of water service. The notice shall contain:

(a) the name and address of the customer;

(b) the amount of the delinquency;

(c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;

(d) a description of the procedure by which the customer may request an alternative payment arrangement, which may include an extension, amortization, or alternative payment schedule;

(e) a description of the procedure to petition for bill review and appeal;

(f) the telephone number where the customer may request a payment arrangement or receive additional information from the District.

4.2 Written Notice to Occupants or Tenants. If the District furnishes water through a master meter, furnishes individually metered service to a single-family dwelling, multi-unit residential structure, mobile home park, or farm labor camp, or if the customer of record's mailing address is not the same as the service address, the District will also send a notice to the occupants living at the service address at least ten (10) business days before discontinuation of water service. The notice will be addressed to "Occupant," will contain the information required in Section 4.1 above and will also inform the residential occupants that they have the right to become customers of the District without being required to pay the amount due on the delinquent account. Terms and conditions for occupants to become customers of the District are provided in Section 8 below.

4.3 Posting of Notice at Service Address. If the District receives the written notice returned through the mail as undeliverable and is unable to make contact with the customer or an adult occupying the residence by telephone, the District will make a good faith effort to visit the residence and leave a notice of imminent discontinuation of residential service in a conspicuous place at the service address. The notice will be left at the residence at least forty-eight (48) hours before discontinuation of service. The notice shall include:

(a) the name and address of the customer;

(b) the amount of the delinquency;

(c) the date by which payment or payment arrangements must be made to avoid discontinuation of service;

(d) the procedure to petition for bill review and appeal;

(e) the procedure for the customer to obtain information on financial assistance, if applicable; and

(f) the telephone number where the customer may request a payment arrangement or receive additional information from the District.

4.4 Circumstances Under Which Service Will Not Be Discontinued. The District will not discontinue residential water service for nonpayment under the following circumstances:

(a) During an investigation by the District of a customer dispute or complaint under Section 5.1 below;

(b) During the pendency of an appeal to the Board of Directors under Section 5.3 below; or

(c) During the period of time in which a customer's payment is subject to a District-approved extension, amortization, or alternative payment schedule, under Section 6 below, and the customer remains in compliance with the approved payment arrangement.

4.5 Special Medical and Financial Circumstances Under Which Services Will Not Be Discontinued.

(a) The District will not discontinue water service if all of the following conditions are met:

(i) The customer, or a tenant of the customer, submits to the District the certification of a licensed primary care provider that discontinuation of water service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided;

(ii) The customer demonstrates that he or she is

financially unable to pay for residential service within the District's normal billing cycle. The customer is deemed financially unable to pay during the normal billing cycle if: (a) any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level; and

(iii) The customer is willing to enter into an alternative payment arrangement, including an extension, amortization, or alternative payment schedule, with respect to the delinquent charges.

(b) For any customers who meet all of the above conditions, the District shall offer the customer one of the following options, to be selected by the District in its discretion: (1) an extension of the payment period; or (2) an alternative payment schedule or amortization of the unpaid balance. The District Manager or designee will select the most appropriate payment arrangement, taking into consideration the information and documentation provided by the customer, as well as the District's payment needs.

(c) The customer is responsible for demonstrating that the conditions in subsection (a) have been met. Upon receipt of documentation from the customer, which must be provided to the District at least 48 hours prior to the disconnection date, the District will review the documentation within seven (7) days and: (1) notify the customer of the alternative payment arrangement selected by the District and request the customer's signed assent to participate in that alternative arrangement; (2) request additional information from the customer; or (3) notify the customer that he or she does not meet the conditions in subsection (a). The District reserves the right to extend the customer documentation submission period at the District's discretion.

(d) The District may discontinue water service if a customer who has been granted an alternative payment arrangement under this section fails to do any of the following for sixty (60) days or more:

(a) to pay his or her unpaid charges by the extended payment date;

(b) to pay any amount due under an alternative payment schedule or amortization agreement; or

(c) to pay his or her current charges for water service.

The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

4.6 Time of Discontinuation of Service. The District will not discontinue water service due to nonpayment on a Saturday, Sunday, legal holiday, or at any time during which the District's office is not open to the public.

4.7 Restoration of Service. The District will provide customers whose water service has been discontinued information on how to restore residential service. Such information shall indicate that the customer may contact the District by telephone or in person regarding restoration of service. Restoration shall be subject to payment of: (a) any past-due amounts, including applicable interest or penalties; (b) any reconnection fees, subject to the limitations in Section 7.1, if applicable; (c) and a security deposit, if required by the District.

5. **Procedures to Contest or Appeal a Bill.**

5.1 Time to Initiate Complaint or Request an Investigation. A customer may initiate a complaint or request an investigation regarding the amount of a bill within fifteen (15) days of receiving a disputed bill. For purposes of this Section 5.1 only, a bill shall be deemed received by a customer five (5) days after mailing.

5.2 Review by District. A timely complaint or request for investigation shall be reviewed by a manager of the District, who shall provide a written

determination to the customer. The review will include consideration of whether the customer may receive an extension, amortization, or alternative payment schedule under Section 6.

5.3 Appeal to Board of Directors. Any customer whose timely complaint or request for an investigation pursuant to this Section 5 has resulted in an adverse determination by the District may appeal the determination to the Board of Directors by filing a written notice of appeal with the General Manager within ten (10) business days of the District's mailing of its determination. Upon receiving the notice of appeal, the General Manager will set the matter to be heard at an upcoming Board of Directors meeting and mail the customer written notice of the time and place of the hearing at least ten (10) days before the meeting. The decision of the Board of Directors shall be final.

6. Extensions and Other Alternative Payment Arrangements.

6.1 Time to Request an Extension or Other Alternative Payment Arrangement. If a customer is unable to pay a bill during the normal payment period, the customer may request an extension or other alternative payment arrangement described in this Section 6. If a customer submits his or her request within twelve (12) days after the mailing of a written notice of discontinuation of service by the District, the request will be reviewed by a manager of the District. District decisions regarding extensions and other alternative payment arrangements are final and are not subject to appeal to the Board of Directors.

6.2 Extension. If approved by the District, a customer's payment of his or her unpaid balance may be temporarily extended for a period not to exceed six (6) months after the balance was originally due. The District Manager or designee shall determine, in his or her discretion, how long an extension shall be provided to the customer. The customer shall pay the full unpaid balance by the date set by the District and must remain current on all water service charges accruing during any subsequent billing periods. The extended payment date will be set forth in writing and provided to the customer.

6.3 Alternative Payment Schedule or Amortization. If approved by the District, a customer may pay his or her unpaid balance pursuant to an alternative payment schedule or amortization that will not exceed twelve (12) months, as determined by the District Manager or designee, in his or her discretion. If approved, an alternative payment schedule may allow periodic lump-sum payments that do not coincide with the District's established payment date or may provide for payments made more or less frequently than the District's regular payment date. If amortization is approved, the unpaid balance will be divided by the number of months in the amortization period, and that amount will be added

to the customer's monthly bills for water service until fully paid. During the period of the alternative payment schedule or amortization, the customer must remain current on all water service charges accruing during any subsequent billing periods. The alternative payment or amortization schedule and amounts due will be set forth in writing and provided to the customer.

6.4 Failure to Comply. If an original payment is at least sixty (60) days delinquent and a customer who has been granted an alternative payment arrangement fails to either:
(a) pay his or her unpaid charges by the extended payment date; or
(b) pay any amount due under an alternative payment schedule or amortization schedule, then the District may terminate water service. The District will post a final notice of intent to disconnect service in a prominent and conspicuous location at the service address at least five (5) business days before discontinuation of service. The final notice will not entitle the customer to any investigation or review by the District.

6.5 Payment Reductions or Waivers. Low Income customers can apply for the District's Low- Income Rate Assistance Program giving a discount of 25% off the base rate.

7. **Specific Programs for Low-Income Customers.**

7.1 Reconnection Fee Limits and Waiver of Interest. For residential customers who demonstrate to the District a household income below 200 percent of the federal poverty line, the District will:

(a) Limit any reconnection fees during normal operating hours to fifty dollars ($50), and during non-operational hours to one hundred fifty dollars ($150). The limits will only apply if the District's reconnection fees actually exceed these amounts. These limits are subject to an annual adjustment for changes in the Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI-U) beginning January 1, 2021.

(b) Waive interest charges on delinquent bills once every 12 months. The District will apply the waiver to any interest charges that are unpaid at the time of the customer's request.

7.2 Qualifications. The District will deem a residential customer to

have a household income below 200 percent of the federal poverty line if: (a) any member of the household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or (b) the customer declares under penalty of perjury that the household's annual income is less than 200 percent of the federal poverty level.

8. **Procedures for Occupants or Tenants to Become Customers of the District.**

8.1 Applicability. This Section 8 shall apply only when the property owner, landlord, manager, or operator of a residential service address is listed as the customer of record and has been issued a notice of intent to discontinue water service due to nonpayment.

8.2 Agreement to District Terms and Conditions of Service. The District will make service available to the actual residential occupants if each occupant agrees to the terms and conditions of service and meets the requirements of the District's rules and regulations. Notwithstanding, if one or more of the occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively discontinuing service to those occupants who have not met the requirements of the District's rules and regulations, the District shall make service available to the occupants who have met those requirements.

8.3 Verification of Tenancy. To be eligible to become a customer without paying the amount due on the delinquent account, the occupant shall verify that the delinquent account customer of record is or was the landlord, manager, or agent of the dwelling. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Section 1962 of the Civil Code, at the discretion of the District.

8.4 Methods of Establishing Credit. If prior service for a period of time is a condition for establishing credit with the District, residence and proof of prompt payment of rent for that period of time is a satisfactory equivalent.

9. **Procedures for Returned Checks.**

9.1 Notification of Disposition of Returned Check. Upon receipt of a returned check taken as payment of water service or other charges, the District will

consider the account not paid. The District will make a reasonable, good faith effort to notify the customer by phone or email of the returned check. A 48-hour notice of termination of service due to a returned check will be generated. The means of notification will be based upon the notification preference (text, phone, or email) selected by the customer. Customers who have not selected a means of notification will be notified by phone. If the District is unable to make contact by text, phone, or email, a good faith effort will be made to visit the residence and leave a notice of termination of service.

Water service will be disconnected if the amount of the returned check and the returned check charge are not paid on or before the date specified in the notice of termination. All amounts paid to redeem a returned check and to pay the returned check charge must be in cash, credit card or certified funds.

9.2 Returned Checks for Previously Disconnected Service.

In the event a customer tenders a non-negotiable check as payment to restore water service previously disconnected for non-payment and the District restores service, the District may promptly disconnect service without providing further notice. No 48-hour notice of termination will be given in the case of a non-negotiable check tendered for payment of water charges that were subject to discontinuance.

Any customer issuing a non-negotiable check as payment to restore service turned off for nonpayment will be required to pay cash, credit card or certified funds to restore future service disconnections for a period of 12 months from the date of the returned payment.

10. **Language for Certain Written Notices.** All written notices under Section 4 shall be provided in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by ten percent (10%) or more people within the District's service area.

11. **Other Remedies.** In addition to discontinuation of water service, the District may pursue any other remedies available in law or equity for nonpayment of water service charges, including, but not limited to: securing delinquent amounts by filing liens on real property, filing a claim or legal action, or referring the unpaid amount to collections. In the event a legal action is decided in favor of the District, the District shall be entitled to the payment of all costs and expenses, including attorneys' fees and accumulated interest.

12. **Discontinuation of Water Service for Other Customer Violations.** The District reserves the right to discontinue water service for any violations of District ordinances, rules, or regulations other than nonpayment.

Senate Bill No. 155
CHAPTER 258

An act to amend Section 49015 of the Food and Agricultural Code, to amend Sections 11553.5, 63048.92, 63048.93, 63048.94, and 63048.95 of, and to add and repeal Section 12805.9 of, the Government Code, to amend Sections 39719, 43018.9, 44270.3, 44271, 44272, 44272.5, 44273, 116766, 116767, and 116773.4 of, to amend the heading of Article 2 (commencing with Section 44272) of Chapter 8.9 of Part 5 of Division 26 of, and to add Section 44271.5 to, the Health and Safety Code, to amend Sections 5090.15, 42012, 42013, 42014, 42019, 42020, 42023.1, 42023.4, 42024, and 42999 of, to add Sections 5090.42, 21166.2, 31103.1, and 42025 to, to add and repeal Sections 14571.6.1 and 21080.56 of, and to repeal Sections 42011, 42015, 42016, 42017, 42018, and 42021 of, the Public Resources Code, to amend Section 2827.10 of the Public Utilities Code, and to amend Sections 5001, 5101, 5104, and 5202 of the Water Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 23, 2021. Filed with Secretary of State September 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 155, Committee on Budget and Fiscal Review. Public resources trailer bill.

(1) Existing law creates the Healthy Stores Refrigeration Grant Program in the Department of Food and Agriculture upon the appropriation of funds. Existing law requires the department to administer the program and to award grants to qualified entities, which is defined to include a small business or corner store, a city or county with representative low-income areas that contain small businesses or corner stores, and certain nonprofit entities that meet specified requirements. Existing law requires grant funds to be provided to corner stores and small businesses that are located within low-income areas or low-access areas, as defined, for the purchase of an energy-efficient refrigeration unit or units. Under existing law, if a city or county is awarded a grant under the program, it is required to provide grant funds to applicant small businesses and corner stores that are located in low-income areas or low-access areas. Existing law authorizes a city, county, or nonprofit entity that is awarded a grant to use up to 10% of the grant funds for technical assistance.

This bill would change the name of the program to the Healthy Refrigeration Grant Program. The bill would expand the definition of "qualified entity" to include a tribal government or tribal organization under certain circumstances and would revise the criteria required for a city, county, tribal government, tribal organization, or nonprofit entity to qualify to apply for a grant. The bill would revise the requirements of a grant recipient under the program and would additionally authorize a grant recipient to provide technical assistance.

This bill would require the department to award at least 3% of the total funds appropriated to the program in each fiscal year to qualified technical assistance providers, as specified. The bill would authorize the department to pay funds to a recipient in advance of the expenditure of funds by the

recipient in an amount equal to or less than 90% of the grant amount provided in the recipient's grant agreement. The bill would increase the amount of grant funds that a city, county, nonprofit entity, tribal government, or tribal organization may use for technical assistance to 20%. The bill would make additional related changes, including by revising other definitions applicable to the program.

(2) Existing provisions in the California Constitution create the Public Utilities Commission (PUC) and prescribe its membership, including the requirement that commissioners be appointed by the Governor and confirmed by the Senate. Existing law, the Public Utilities Act, requires the commissioners to be civil executive officers and their salaries to be fixed and paid in the same manner as those of other state officers. Existing law authorizes the Department of Human Resources to adjust, as needed, the salaries of specified state officers, including the president of the PUC, pursuant to certain requirements. Existing law prescribes the annual salary of members of the PUC, effective as of January 1, 1988, and prescribes a method by which it may be increased.

This bill would provide for an additional increase in the annual compensation of the members of the PUC of 5% in each of the 2021–22, 2022–23, and 2023–24 fiscal years.

(3) Existing law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Existing law establishes the Department of Forestry and Fire Protection within the agency and establishes various programs for the prevention and reduction of wildfires. The Budget Act of 2020 appropriates various moneys for purposes of fire prevention and forest health. The Budget Act of 2021, contingent upon future legislation, appropriates from the General Fund $2,500,000,000 for specified purposes, including $258,000,000 from the General Fund on a one-time basis for a wildfire prevention and forest resilience package. The Budget Act of 2021, upon order of the Department of Finance, authorizes up to an additional $500,000,000 of General Fund moneys to be made available for wildfire prevention and forest resilience activities in the 2021–22 fiscal year if the Department of Finance determines additional funding is needed.

This bill would require the agency, on or before April 1, 2022, and annually thereafter on April 1 of each year until April 1, 2026, to develop a report on all programs related to wildfires and forest resilience funded pursuant to the Budget Act of 2020 and the Budget Act of 2021 for the purpose of informing the Legislature and the public on the agency's implementation of the funded programs. The bill would require the agency to consult with the departments, boards, conservancies, and commissions within the agency, as well as any other state government entities the agency deems appropriate. The bill would require, for each program receiving funding from the budget acts, the agency to include in its report specified information, including, but not limited to, the amount of funding committed to the program and the amount of funding spent on the program from each budget act for the prior fiscal year and a summary of the projects implemented by the program, as provided. The bill would require the agency to publish each report on its internet website, and submit each report to specified legislative committees and to the Legislative Analyst's Office. The bill would repeal these provisions on January 1, 2027.

(4) Existing law, the Climate Catalyst Revolving Loan Fund Act of 2020, authorizes the Infrastructure and Economic Development Bank (bank), under the Climate Catalyst Revolving Loan Fund Program, to provide financial assistance to any eligible sponsor or participating party for eligible climate catalyst projects, as defined, either directly to the sponsor or participating party or to a lending or financial institution, as specified.

Existing law requires the Strategic Growth Council, in consultation with the Labor and Workforce Development Agency, to advise the Legislature of potential categories of climate catalyst projects that would focus on the state's key climate mitigation and resilience priorities. Existing law requires the

bank to submit an annual report to the council, the Governor, the Speaker of the Assembly, and the President pro Tempore of the Senate on the program, including, among other things, the project category, description, and financial assistance amount for each climate catalyst project.

This bill would remove the requirement that the Strategic Growth Council inform the Legislature of potential categories of climate catalyst projects. The bill would instead, beginning in the 2021–2022 fiscal year, require the bank to meet and consult with specified state agencies to identify potential categories and eligibility criteria of climate catalyst projects that may receive financial assistance under the program, and would require the bank board to adopt that report as a climate catalyst financing plan. The bill would authorize the bank to engage in outreach activities to inform disadvantaged participating parties and disadvantaged sponsors of the categories of financial assistance available under the program. The bill would require the bank to consider applications for financial assistance as they are received, and to provide financial assistance only to projects approved by the bank board prior to July 1, 2025. The bill would require the bank to submit the annual program report commencing October 1, 2022, rather than October 1, 2021, and submit the report to the Legislative Analyst's Office instead of the council. The bill would also require the report to additionally include, among other things, the aggregate amount of third-party financing.

Existing law excludes from the Administrative Procedure Act any criteria, priorities, and guidelines adopted by the bank in connection with the Climate Catalyst Revolving Loan Fund Program or other bank program.

This bill would also exclude any climate catalyst financing plan from the Administrative Procedure Act but would require the bank to post the plan on its internet website, as specified, at least 30 calendar days before a bank board meeting at which the plan will be considered for approval.

Existing law creates the Climate Catalyst Revolving Loan Fund within the State Treasury and makes the moneys in the fund available for expenditure for purposes of the program, upon appropriation by the Legislature. Existing law prohibits the fund from receiving funds from the state.

This bill would delete the prohibition on receiving funds from the state and would make the fund a continuously appropriated fund, except as specified. By changing the fund to a continuously appropriated fund, this bill would make an appropriation.

(5) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms in regulating greenhouse gas emissions. Existing law requires all moneys, except for fines and penalties, collected by the state board from a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available to the state upon appropriation by the Legislature. Existing law provides that, through the 2023–24 fiscal year, the annual Budget Act shall include an appropriation of $165,000,000 from the fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires and an appropriation of $35,000,000 to the department for prescribed fire and other fuel reduction projects through proven forestry practices.

This bill would continuously appropriate, beginning in the 2022–23 fiscal year through 2028–29 fiscal year, the sum of $200,000,000 from the Greenhouse Gas Reduction Fund to the department in each fiscal year for healthy forest and fire prevention programs and projects that improve forest health and reduce emissions of greenhouse gases caused by uncontrolled wildfires and for the

completion of prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the California Forest Carbon Plan.

(6) Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission (Energy Commission), to provide funding to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law requires the Energy Commission to give preference to those projects that maximize the goals of the program based on specified criteria and to fund specified eligible projects, including, among others, alternative and renewable fuel projects to develop and improve alternative and renewable low-carbon fuels.

This bill would rename the program as the Clean Transportation Program, which would continue to be administered by the Energy Commission. The bill would include California federally recognized tribes and tribal organizations, as defined, as entities that are eligible to receive funding under the Clean Transportation Program.

(7) The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health. Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the state board to provide for the deposit into the fund of certain moneys, and also provides that, beginning in the 2020–2021 fiscal year, and until June 30, 2030, 5% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to the sum of $130,000,000, is annually transferred to the fund. Existing law continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. Existing law specifies eligible recipients of funding, which include public agencies, nonprofit organizations, mutual water companies, Native American tribes, as provided, administrators, and groundwater sustainability agencies.

This bill would expand the list of eligible funding recipients to include community water systems and technical assistance providers and would define a "technical assistance provider" to mean a person whom the state board has determined is competent to assist a water system by providing administrative, technical, operational, legal, or managerial services, as provided. The bill would provide that a privately owned public utility may serve as a technical assistance provider. By expanding the list of recipients eligible for moneys from the continuously appropriated Safe and Affordable Drinking Water Fund, this bill would make an appropriation.

(8) Existing law establishes the California Water and Wastewater Arrearage Payment Program in the State Water Resources Control Board. Existing law requires the state board, following an appropriation in the annual Budget Act for these purposes, to survey community water systems to determine statewide arrearages and water enterprise revenue shortfalls and adopt a resolution establishing guidelines for application requirements and reimbursement amounts for those arrearages and shortfalls, as specified.

Existing law requires a community water system to provide customers with arrearages accrued during the defined COVID-19 pandemic bill relief period a notice that they may enter into a payment plan. Existing law prohibits a community water system that receives program funds from discontinuing water service due to nonpayment before September 30, 2021, or the date the customer misses the enrollment deadline for, or defaults on, a payment plan, whichever is later.

This bill would expand this prohibition to all community water systems regardless of funding sources and would change the date described above to December 31, 2021.

(9) Existing law, the Off-Highway Motor Vehicle Recreation Act of 2003, states it is the intent of the Legislature that the Department of Parks and Recreation should support both motorized recreation and motorized off-highway access to nonmotorized recreation. Existing law establishes the Off-Highway Vehicle Trust Fund and requires the revenues in the fund to be available, upon appropriation, for specified purposes, including the planning, acquisition, development, mitigation, construction, maintenance, administration, operation, restoration, and conservation of lands in state vehicular recreation areas and certain other areas.

The bill would require the department to determine the best use of land known as the "Alameda-Tesla Expansion Area," which is currently part of the Carnegie State Vehicular Recreation Area, as provided. The bill would prohibit the land from being designated as a state vehicular recreation area. The bill would transfer $1,000,000 from the General Fund to the State Parks and Recreation Fund for this purpose. The bill would transfer $29,800,000 from the General Fund to the trust fund to be used for the acquisition and development of properties to expand off-highway vehicle recreation, as provided.

Existing law establishes in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of 9 members, as provided. Existing law requires, in order to be appointed to the commission, a nominee to represent one more specified groups, including biological or soil scientists, groups or associations of predominately rural landowners, and nonmotorized recreation interests. Existing law repeals the provisions relating to the commission on January 1, 2023.

This bill, among other things, would require that a nominee to the commission have expertise in or represent one of a list of specified interests, including, environmental restoration, health and safety, and the public-at-large. This bill would delete the repeal of the provisions relating to the commission and would delete other obsolete language.

(10) The California Beverage Container Recycling and Litter Reduction Act, which is administered by the Department of Resources Recycling and Recovery, is established to promote beverage container recycling and provides for the payment, collection, and distribution of certain payments and fees based on minimum refund values established for beverage containers.

The act requires dealers within a convenience zone where no recycling location has been established, or within a convenience zone that is unserved for 60 days, to either submit an affidavit to the department stating that the dealer has met specified standards for empty beverage container redemption, or pay $100 per day to the department, for deposit into the continuously appropriated California Beverage Container Recycling Fund, until a recycling location is established or until the dealer meets the standards for redemption specified in the affidavit provisions.

This bill would, until January 1, 2023, exempt from those requirements dealers that have gross annual sales of less than $1,500,000 and are less than 5,000 square feet.

(11) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would, until January 1, 2025, exempt from CEQA projects that conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and habitat upon which they depend or that restore or provide habitat for California native fish and wildlife. For the exemption to apply, the bill would require those projects to meet certain requirements. The bill would require the lead agency to obtain the concurrence of the Director of Fish and Wildlife for the lead agency's determinations required under the bill for the exemption to apply. The bill would require the lead agency, within 48 hours of making a determination that a project is exempt under the provision of the bill, to file a notice of exemption with the Office of Planning and Research and would require the Department of Fish and Wildlife to post the concurrence of the Director of Fish and Wildlife on the department's internet website. The bill would require the Natural Resources Agency to report annually to the Legislature all determinations made under the bill. By imposing additional duties on a lead agency, this bill would impose a state-mandated local program.

This bill would specify that the environmental review set forth in the Final Environmental Impact Report for the Lower Klamath Project License Surrender issued in April 2020 in combination with other environmental review documents related to removal of facilities on the Klamath River prepared and adopted by the Federal Energy Regulatory Commission, as provided, is conclusively presumed to satisfy the requirements of CEQA for any project for the removal of hydroelectric dams and associated facilities, along with associated restoration of formerly inundated lands, hatchery modifications, and implementation of mitigation measures in the Klamath River Basin, undertaken or approved by a public agency if certain conditions are met. Because a lead agency would be required to determine the applicability of this provision, this bill would imposed a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Klamath River.

(12) Existing law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing a program of agricultural land preservation, area restoration, and resource enhancement within the coastal zone, as defined. Existing law prohibits Members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity or by any body or board of which they are members. Existing law identifies certain remote interests that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Existing law makes a willful violation of this prohibition a crime.

This bill would provide that an officer or employee of the conservancy shall not be deemed to be financially interested in a contract made in their official capacity when specified conditions are met, including that the contract involves a grant of funds approved by the San Francisco Bay Restoration Authority to the conservancy.

(13) Existing law authorizes a local governing body to propose eligible parcels of property within its jurisdiction as recycling market development zones, as specified. Existing law requires that parcels of property designated as recycling market development zones retain that designation for 10 years. Existing law requires that applicants for designation of a recycling market development zone be selected based on the applications and inclusion of incentives to attract private sector investment.

This bill would repeal those requirements.

Existing law creates and continuously appropriates the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account. Existing law authorizes the Department of Resources Recycling and Recovery to expend the moneys in the subaccount to make

loans to local governing bodies, private businesses, and nonprofit entities within recycling market development zones or within areas outside those zones where partnerships exist with other public entities to assist local jurisdictions, as specified.

This bill would authorize the department to expend the moneys in the subaccount within areas outside those zones instead where making the loan will benefit a local jurisdiction or assist a local jurisdiction, as specified.

Existing law imposes various requirements on those loans made by the department from the subaccount, including, but not limited to, requirements related to interest rates, term duration, and prioritization of projects, and prohibits the financing of more than 3/4 of a project's costs or $2,000,000, whichever is less.

This bill would revise those requirements to require the department to establish interest rates as low as possible, eliminate the limit on loan-term duration, prioritize projects for circular recycling programs, require the department to establish project eligibility criteria, eliminate the cap on the project costs that the department is authorized to finance, and prohibit the provision of loans for projects that will result in the production of fuels or energy through transformation, engineered municipal solid waste conversion, or other disposal activities, as specified.

By expanding the purposes for which the moneys in the continuously appropriated subaccount may be expended, this bill would make an appropriation.

This bill would require the department to update its regulations relating to the implementation of the market development zone program. The bill would provide that those regulations in effect on September 1, 2021, remain effective only until they are revised or repealed by the department or January 1, 2022, whichever occurs first.

Under existing law, the department succeeded to, and was vested with, all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former California Integrated Waste Management Board.

This bill would update multiple statutory references to the board to instead reference the department.

(14) Existing law establishes the CalRecycle Greenhouse Gas Reduction Revolving Loan Fund in the State Treasury, as part of the CalRecycle Greenhouse Gas Revolving Loan Program, and provides that funds deposited into the fund are continuously appropriated to the Department of Resources Recycling and Recovery for specified purposes. Existing law provides that any additional moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund to the department shall be expended by the department, consistent with specified laws, to administer a grant program to provide financial assistance to reduce the emissions of greenhouse gases by promoting in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or process organic and other recyclable materials into new, value-added products. Existing law requires the department to provide grants, incentive payments, contracts, or other funding mechanisms for in-state infrastructure projects or other projects that reduce emissions of greenhouse gases by organic composting and organics in-vessel digestion, among other methods. Existing law specifies the eligible infrastructure projects that reduce emissions of greenhouse gases.

This bill would repeal the requirement that any additional moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund be used to administer the grant program and the requirement that financial assistance be used to reduce emissions of greenhouse gases by promoting development of specified projects. The bill would instead require the department, upon

appropriation by the Legislature, to administer the grant program to provide financial assistance to promote in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or process organic and other recyclable materials into new, value-added products. The bill would continue to require that moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund to the department be expended consistent with specified laws. The bill would specify that eligible financial assistance be additionally provided for preprocessing organic materials for composting or organics in-vessel digestion and codigestion at existing wastewater treatment plants, and would continue to specify eligible infrastructure projects.

(15) Under existing law, the PUC has regulatory authority over public utilities, including electrical corporations. Existing law requires an electrical corporation to file with the PUC a standard tariff providing for net energy meeting for eligible fuel cell customer-generators and make the tariff available, on a first-come-first-served basis, until the total cumulative rated generating capacity of the eligible fuel cell electrical generating facilities receiving service pursuant to the tariff reaches a level equal to the electrical corporation's proportionate share of a statewide limitation of 500 megawatts cumulative rated generation capacity served in addition to the total installed capacity as of January 1, 2017. Under existing law, a fuel cell electrical generation facility is not eligible for the tariff unless it commences operation on or before December 31, 2021.

This bill would extend eligibility for the tariff to fuel cell electrical generation facilities that commence operation on or before December 31, 2023.

Under the Public Utilities Act, a violation of any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because a violation of an order or decision of the PUC implementing the tariff requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(16) Existing law establishes the State Water Resources Control Board for the purpose of providing for the orderly and efficient administration of the water resources of the state.

Existing law requires, with certain exceptions, that each person who, after 1955, extracts groundwater in excess of 25 acre-feet in any year to file a notice of extraction and diversion of water with the state board on or before March 1 of the succeeding year.

This bill would establish several specific dates when these notices would have to be filed depending on when the extraction first occurred, as specified. For extractions after September 30, 2021, the bill would require the notice to include extractions during the one-year period from October 1 of each year through September 30, inclusive, of the following year.

Existing law, with certain exceptions, requires each person who, after December 31, 1965, diverts water to file with the state board, prior to July 1 of the succeeding year, a statement of diversion and use, as specified, and requires supplemental statements to be filed annually, before July 1 of each year. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish several specific dates when these annual statements and supplemental statements would have to be filed depending on when the diversion first occurred, as specified. For diversions after September 30, 2021, the bill would require the statement to include diversions during the one-year period from October 1 of each year through September 30, inclusive, of the following year. By changing the conduct that is punishable by a misdemeanor, the bill would impose a state-mandated local program.

Existing law requires a person, except as specified, who extracts groundwater from a probationary basin or, on or after July 1, 2017, in an area within a high- or medium-priority basin, as provided, to file a report of groundwater extraction by December 15 of each year for extractions made in the preceding water year, and prescribes the manner in which the report shall be filed with the state board.

This bill would require that report to be filed by February 1 of each year instead of December 15 of each year.

(17) Under existing law, the State Lands Commission has jurisdiction over tidelands and submerged lands of the state. Existing law authorizes grants to local entities of the right, title, and interest of the state in and to certain tidelands and submerged lands in trust for certain purposes. Existing law grants to the City of Long Beach all of the right, title, and interest of the state in and to all of the tidelands and submerged lands, as specified, that are within the corporate limits of the city, in trust for specified uses and purposes. Existing law establishes rules for how revenue from oil and gas operations on the Long Beach tidelands is divided between the city and the state.

This bill would provide that the state consents to the application of specified city ordinances to the state's share of oil revenue within the Long Beach tidelands, as defined, for taxes on such production levied and in effect as of October 1, 2021. The bill would prohibit the state's share of oil revenue within the Long Beach tidelands from being subject to any business license tax, severance tax, oil barrel production tax, or other municipal tax, fee, or assessment not already in existence and levied on or before October 1, 2021, that has the effect of reducing the state's share of oil revenue, net profits, or remaining oil revenue received into the General Fund, without express statutory authorization for that tax, fee, or assessment.

(18) This bill would make available, upon appropriation by the Legislature in the annual Budget Act, $150,000,000 in the 2022–23 fiscal year and the same amount in the 2023–24 fiscal year to support programs and activities that mitigate extreme heat impacts.

This bill would, upon appropriation by the Legislature, make available $50,000,000 in the 2022–23 fiscal year to the Department of Conservation, in coordination with the State Air Resources Board and the Energy Commission, for pilot projects in the Sierra Nevadas to create carbon-negative fuels from materials resulting from forest vegetation management.

This bill would, upon appropriation by the Legislature in the annual Budget act, make available $593,000,000 in the 2022–23 and $175,000,000 in the 2023–24 fiscal years to the Natural Resources Agency, and to its departments, conservancies, and boards, to support programs and activities that advance multibenefit and nature-based solutions, as specified.

This bill would, upon appropriation by the Legislature, make available $350,000,000 in the 2023–23 fiscal year and $150,000,000 in the 2023–24 fiscal year to the State Coastal Conservancy for grants or expenditures for the protection and restoration of coastal and ocean resources from the impacts of sea level rise and other impacts of climate change. The bill would specify the types of projects eligible for the funds and would authorize the conservancy to coordinate with the Ocean Protection Council on project implementation.

This bill would, upon appropriation by the Legislature, make available $50,000,000 in the 2023–23 fiscal year and $50,000,000 in the 2023–24 fiscal year to the Ocean Protection Council for grants or expenditures for resilience projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems, as specified.

This bill would, upon appropriation by the Legislature in the annual Budget Act, make available $25,000,000 in the 2022–23 fiscal year and $75,000,000 in the 2023–24 fiscal year to the Office of Planning and Research, through the Integrated Climate Adaptation and Resiliency Program, for the establishment of a grant program for projects that mitigate the impacts of extreme heat or the urban heat island effect, as specified.

This bill would, upon appropriation by the Legislature in the annual Budget Act, make available $25,000,000 in the 2022–23 fiscal year and $75,000,000 in the 2023–24 fiscal year to the Strategic Growth Council, in coordination with the Office of Planning and Research, for the establishment of a community resilience centers grant program, with funding to be available for the construction or retrofit of facilities to serve as community resilience centers that mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change on local populations, as specified.

(19) This bill would incorporate additional changes to Section 116766 of the Health and Safety Code proposed by SB 776 to be operative only if this bill and SB 776 are enacted and this bill is enacted last.

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

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

(21) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

DIGEST KEY

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 49015 of the Food and Agricultural Code is amended to read:

49015.

(a) For purposes of this section, the following definitions shall apply:

(1) “Corner store” means a small-scale store or grocery store, either an independent store or a chain store, that sells a limited selection of foods and other products, and that is located in a low-income area or low-access area in a rural, urban, or suburban area or tribal community. “Corner store” includes, among others, stores that are not located on a corner and stores commonly referred to as convenience stores or neighborhood stores.

(2) “Low-access area” means a census tract in which there are significant barriers to accessing a supermarket or large grocery store, which may include, but is not limited to, a census tract with at

least 500 persons or 33 percent of the population that lives more than one mile, for nonrural areas, or more than 10 miles, for rural areas, from a supermarket or large grocery store.

(3) "Low-income area" means a census tract in which the income of at least 20 percent of the population is at or below the federal poverty level by family size, or if the median family income of the population is at or below 80 percent of the median family income of surrounding census tracts.

(4) "Minimally processed prepared food" may include any food prepared using either of the following processes:

(A) Traditional processes used to make food edible or to preserve it or to make it safe for human consumption, for example, smoking, roasting, freezing, drying, and fermenting.

(B) Physical processes that do not fundamentally alter the raw product or that only separate a whole, intact food into component parts, for example, grinding meat, separating eggs into albumen and yolk, and pressing fruits to produce juices.

(5) "Qualified entity" means any of the following:

(A) A small business or corner store.

(B) A city, county, or city and county, or tribal government or tribal organization with representative low-income areas that contain small businesses or corner stores or that is qualified to provide technical assistance to applicant small businesses or corner stores.

(C) A nonprofit entity or tribal government that works with low-income populations or in low-income areas or low-access areas, and that would do any of the following:

(i) Apply for grants on behalf of a small business, corner store, or tribal members, or a collection of small businesses, corner stores, or tribal members.

(ii) Sell or donate California-grown fresh fruits, nuts, vegetables, and minimally processed prepared foods directly in low-income areas or low-access areas.

(iii) Provide technical assistance to applicant small businesses or corner stores.

(6) "Recipient" means a small business, corner store, city, county, city and county, tribal government or tribal organization, or other nonprofit entity that is provided funds pursuant to subdivision (c).

(7) "Small business" means a small business, as defined in Section 14837 of the Government Code, that is authorized to accept nutrition benefits from any of the programs listed in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 49012, and is located in a low-income area or low-access area.

(b) The Healthy Refrigeration Grant Program shall be created in the department upon the appropriation of funds, including from a successful application of federal grant funding, if available, by the Legislature for purposes of the Healthy Refrigeration Grant Program.

(c) (1) Upon an appropriation of funds as specified in subdivision (b), the department shall administer the Healthy Refrigeration Grant Program and, pursuant to the program, award grants to qualified entities. If a city, county, or city and county is awarded a grant pursuant to this subdivision, it shall provide grant funds or provide technical assistance, or both, to applicant small businesses and corner stores that are located in low-income areas or low-access areas. Notwithstanding any other law, the department may pay funds to a recipient in advance of the expenditure of funds by the recipient for implementation of the Healthy Refrigeration Grant Program, instead of in the form of a

reimbursement after the expenditure of funds for that program, in an amount equal to or less than 90 percent of the grant amount provided in the recipient's grant agreement.

(2) The department shall award funds to qualified technical assistance providers to provide assistance with grant implementation for program applicants who are not receiving assistance from another recipient. The department shall allocate at least 3 percent of the total amount appropriated to the department in each fiscal year pursuant to subdivision (b) to qualified technical assistance providers pursuant to this paragraph.

(3) When awarding grants, the department shall give priority based on, but not limited to, the prevalence of any of the following in the communities that would be served by the qualified entity:

(A) People who are eligible for, or are receiving, nutrition benefits from any of the programs listed in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 49012.

(B) People with diabetes, obesity, or other diet-related illnesses.

(C) Low availability of and access to fresh fruits, nuts, and vegetables.

(4) When awarding grants, the department shall consider giving priority to qualified entities based on, but not limited to, demonstrated efficiency and capability in the administration of a consumer incentive program, as defined in subdivision (a) of Section 49012.

(5) The department may establish regulations, minimum standards, funding schedules, and procedures for awarding grants to qualified entities, and may adopt any other regulations to implement and administer the Healthy Refrigeration Grant Program.

(d) A recipient shall be required to do all of the following:

(1) Use the grant funds provided pursuant to subdivision (c) to purchase an energy-efficient refrigeration or cold storage unit or units or to provide technical assistance, or both.

(2) Prioritize stocking the refrigeration unit or units purchased with Healthy Refrigeration Grant Program grant funds with California-grown fresh fruits, nuts, vegetables, dairy products, meat, eggs, and minimally processed prepared foods.

(3) Offer for sale fresh fruits, nuts, vegetables, and minimally processed prepared foods, including culturally appropriate foods, grown in California to the extent that is possible.

(e) A recipient shall be subject to reporting and auditing requirements, as determined by the department.

(f) A city, county, city and county, tribal government, tribal organization, or nonprofit entity that is awarded a grant pursuant to paragraph (1) of subdivision (c) and is providing grant funds to corner stores or small businesses to purchase refrigeration equipment may use up to 20 percent of Healthy Refrigeration Grant Program grant funds for technical assistance.

(g) Sections 9 and 42971 do not apply for a violation of this section or any regulation adopted pursuant to paragraph (5) of subdivision (c).

SEC. 2.

Section 11553.5 of the Government Code is amended to read:

11553.5.

(a) Effective January 1, 1988, an annual salary of seventy-nine thousand one hundred twenty-two dollars ($79,122) shall be paid to the following:

(1) Member of the Agricultural Labor Relations Board.

(2) Member of the State Energy Resources Conservation and Development Commission.

(3) Member of the Public Utilities Commission.

(4) Member of the Public Employment Relations Board.

(5) Member of the Unemployment Insurance Appeals Board.

(6) Member of the Workers' Compensation Appeals Board.

(7) Member of the State Water Resources Control Board.

(8) Member of the Cannabis Control Appeals Panel.

(b) (1) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general cost-of-living salary increases provided for state employees during that fiscal year.

(2) In addition to the annual increase provided in paragraph (1), the members of the Public Utilities Commission shall receive an annual salary increase of 5 percent in each of the 2021–22, 2022–23, and 2023–24 fiscal years.

(c) Notwithstanding subdivision (b), any salary increase pursuant to paragraph (1) of subdivision (b) is subject to Section 11565.5.

SEC. 3.

Section 12805.9 is added to the Government Code, to read:

12805.9.

(a) On or before April 1, 2022, and annually thereafter on April 1 of each year until April 1, 2026, the Natural Resources Agency shall develop a report on all programs related to wildfires and forest resilience funded pursuant to the Budget Act of 2020 and the Budget Act of 2021 for the purpose of informing the Legislature and the public on the agency's implementation of the funded programs.

(b) In developing the report required pursuant to subdivision (a), the Natural Resources Agency shall consult with the departments, boards, conservancies, and commissions within the agency, as well as any other state government entities the agency deems appropriate.

(c) The Natural Resources Agency shall include in the report required pursuant to subdivision (a), for each program funded pursuant to the Budget Act of 2020 and the Budget Act of 2021, all of the following:

(1) The amount of funding committed to the program and the amount of funding spent on the program from the Budget Act of 2020 and the Budget Act of 2021 for the prior fiscal year.

(2) The total amount of funding committed to the program and the total amount of funding spent on the program from the Budget Act of 2020 and the Budget Act of 2021 through the current fiscal year.

(3) A summary of the projects implemented by the program, including all of the following:

(A) The number of projects for which funding has been committed, as well as the number of projects completed.

(B) The geographic distribution of projects funded by county and region, including the number of projects and the average project cost per county and region. The Natural Resources Agency shall establish regions, as appropriate, for purposes of the report.

(C) The criteria used to prioritize and select the projects that received funding.

(d) The Natural Resources Agency shall, on or before April 1, 2022, and annually thereafter on April 1 of each year until April 1, 2026, do all of the following:

(1) Publish the report required pursuant to subdivision (a) on its internet website.

(2) Submit the report required pursuant to subdivision (a) to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget.

(3) Submit the report required pursuant to subdivision (a) to the Legislative Analyst's Office.

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

SEC. 4.

Section 63048.92 of the Government Code is amended to read:

63048.92.

The definitions contained in this section are in addition to the definitions contained in Section 63010 and together with the definitions contained in that section shall govern the construction of this article, unless the context requires otherwise:

(a) "Bank" means the Infrastructure and Economic Development Bank.

(b) "Climate catalyst project" means any building, structure, equipment, infrastructure, or other improvement within California, or financing the general needs of any sponsor or participating party for operations or activities within California that are consistent with, and intended to, further California's climate goals, activities that reduce climate risk, and the implementation of low-carbon technology and infrastructure.

(c) "Climate Catalyst Revolving Loan Fund" means revolving funds by that name created under, and administered pursuant to, this article to provide financial assistance for climate catalyst projects.

(d) "Climate Catalyst Revolving Loan Fund Program" means the program of that name to administer the Climate Catalyst Revolving Loan Fund and to provide financial assistance for climate catalyst projects, to be administered by the bank pursuant to this article and criteria, priorities, and guidelines to be adopted by the bank board.

(e) "Climate catalyst financing plan" means the bank's report identifying potential categories and eligibility criteria of climate catalyst projects that may receive financial assistance under this article. The climate catalyst financing plan shall be based on the bank's direct consultation with the consulting agencies.

(f) "Consulting agencies" means the state agencies set forth in subdivision (f) of Section 63048.93 and any additional state agencies identified pursuant to subdivision (g) of Section 63048.93.

(g) "Disadvantaged" when used in conjunction with a participating party recipient or potential recipient of financial assistance means a participating party that is economically disadvantaged, or is operating in a community characterized by socioeconomic indicators that may include, but are not limited to, low- to -moderate income, poverty rates, unemployment, educational attainment, and other disadvantaging factors that limit access to capital and other resources.

(h) “Sponsor” and “participating party” shall mean the same as defined in Section 63010, but also include federally recognized Native American tribes and tribal business enterprises located in California.

SEC. 5.

Section 63048.93 of the Government Code is amended to read:

63048.93.

(a) The bank is hereby authorized and empowered to provide financial assistance under the Climate Catalyst Revolving Loan Fund Program to any eligible sponsor or participating party either directly or to a lending or financial institution, in connection with the financing or refinancing of a climate catalyst project, in accordance with an agreement or agreements, between the bank and the sponsor or participating party, including, but not limited to, tribes, either as a sole lender or in participation or syndication with other lenders.

(b) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 does not apply to any climate catalyst financing plan or any criteria, priorities, and guidelines adopted by the bank in connection with the Climate Catalyst Revolving Loan Fund Program or any other program of the bank. However, any climate catalyst financing plan shall be posted on the bank’s internet website in a conspicuous location at least 30 calendar days before a bank board meeting at which the climate catalyst financing plan will be considered for approval.

(c) Repayments of financing made under the Climate Catalyst Revolving Loan Fund Program shall be deposited in the appropriate account created within the Climate Catalyst Revolving Loan Fund.

(d) (1) Beginning in the 2021–2022 fiscal year, the bank shall meet and confer with the consulting agencies concerning the specific categories of climate catalyst project corresponding to each agency as provided in subdivision (f). Thereafter, the bank board shall adopt, by majority vote of the bank board, a climate catalyst financing plan. Prior to the bank board meeting in which the bank board will first consider adoption of the financing plan, each consulting agency shall submit a letter to the bank board discussing any areas of support and any areas of disagreement with the financing plan under consideration.

(2) Following bank board approval, the climate catalyst financing plan shall be posted on the bank’s internet website.

(3) If the bank board has not approved a climate catalyst financing plan, then no climate catalyst financing plan shall be in effect until approved by the bank board.

(e) (1) A climate catalyst financing plan shall remain in effect until superseded by a revised climate catalyst financing plan. Commencing the first fiscal year following adoption of the initial climate catalyst financing plan, and in each fiscal year thereafter, the bank shall contact each consulting agency to discuss potential revisions to the climate catalyst financing plan last approved by the bank board. Following each consultation, the bank board shall consider adopting, by majority vote, a revised climate catalyst financing plan reflecting any material revisions to the prior climate catalyst financing plan.

(2) A modified climate catalyst financing plan shall not be considered for approval if no consulting agencies propose material revisions to the financing plan then in effect.

(3) In the event the bank board does not adopt a proposed revised climate catalyst financing plan, the existing climate catalyst financing plan shall remain in effect.

(f) Beginning with the 2021–2022 fiscal year, the consulting agencies and corresponding areas of climate catalyst projects they will provide consultation on shall be as follows:

(1) The Natural Resources Agency for climate catalyst projects that relate to sustainable vegetation management, forestry practices, and timber harvesting products. Eligible climate catalyst project categories include, but are not limited to, all of the following:

(A) Clean energy production, except combustion biomass conversion.

(B) Advanced construction materials.

(C) Forestry equipment needed to achieve the state's goals for forest and vegetation management treatments.

(2) The Department of Food and Agriculture for climate catalyst projects that relate to agricultural improvements that enhance the climate or lessen impacts to the climate resulting from in-force agricultural practices. Eligible climate catalyst project categories include, but are not limited to, all of the following:

(A) Onfarm and food processing renewable energy, including both electricity and fuels, and bioenergy, to be used or distributed onsite.

(B) Energy, water, and materials efficiency.

(C) Methane reduction projects, utilizing best practice approaches consistent with state policy goals, excluding dairy digesters and biogas unless used or distributed onsite.

(D) Energy storage or microgrids.

(E) Equipment replacement.

(g) (1) The bank may engage in outreach activities to inform disadvantaged participating parties and disadvantaged sponsors of the categories of financial assistance potentially available within the climate catalyst revolving loan fund program. The outreach efforts may include, but are not limited to, all of the following:

(A) Conferring with the consulting agencies.

(B) Conferring with the Governor's Office of Business and Economic Development.

(C) Direct contact with existing bank clients and customers that operate within the boundaries of a disadvantaged community.

(D) Consulting with governmental entities, individuals, and business entities engaged in providing, or assisting the obtaining of, financial assistance for disadvantaged sponsors or participating parties, including, but not limited to, business and industrial development corporations and minority enterprise small business investment companies. The executive director, on behalf of the bank, may enter into service contracts for this purpose. Section 10295 and Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code shall not apply to any such service contracts.

(2) The criteria, priorities, and guidelines adopted for the climate catalyst revolving loan fund program may include potential options for applying interest rate or fee subsidies for disadvantaged participating parties or disadvantaged sponsors seeking financial assistance from the bank under the climate catalyst revolving loan fund program. Further, the bank may offer reduced application fees

to disadvantaged sponsors or participating parties seeking financial assistance under the climate catalyst revolving loan fund program.

(3) The bank may offer technical assistance to disadvantaged sponsors or participating parties potentially seeking financial assistance under the climate catalyst revolving loan fund program. The executive director, on behalf of the bank, may enter into service contracts to provide, or assist with the provision of, the technical assistance. Section 10295 and Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code shall not apply to any such service contracts.

(h) All financial assistance under the climate catalyst revolving loan fund program approved by the bank board shall be consistent with the climate catalyst financing plan then in effect.

(i) (1) The bank shall prepare, and the bank board shall approve by majority vote of the board, criteria, priorities, and guidelines for the provision of financial assistance under the climate catalyst revolving loan fund program. The bank board's approval of any financial assistance for a climate catalyst project shall take into consideration those criteria, priorities, and guidelines together with the climate catalyst financing plan currently in effect. The criteria, priorities, and guidelines shall include, as factors for the determination of whether to approve the provision of financial assistance, the ability of the sponsor or participating party potentially receiving financial assistance to satisfy any obligation incurred and the return of capital to the catalyst revolving loan fund.

(2) The bank board may consider additional factors when determining whether to approve financial assistance for a climate catalyst project, taking into consideration the climate catalyst financing plan.

(3) The bank shall consider applications for financial assistance as they are received, on an ongoing basis, so long as there remain available moneys within the climate catalyst revolving loan fund to provide that financial assistance. The bank board's determination of whether to approve applications for financial assistance shall be based on the climate catalyst financing plan in effect at the time the bank received the application.

(j) The bank shall provide financial assistance only for climate catalyst projects that the bank board approved prior to July 1, 2025.

SEC. 6.

Section 63048.94 of the Government Code is amended to read:

63048.94.

(a) Annually, commencing October 1, 2022, and no later than October 1 of each year, the bank shall prepare and submit to the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, and the Legislative Analyst's Office a report containing Climate Catalyst Revolving Loan Fund Program activity for the preceding fiscal year ending June 30, and including all of the following:

(1) Information on individual Climate Catalyst Revolving Loan Fund Program financing, specifically all of the following:

(A) Climate catalyst project category.

(B) Climate catalyst project description.

(C) Total climate catalyst project cost.

(D) Financial assistance amount.

(E) Outstanding financial assistance amount due.

(F) Aggregate amount of third-party financing.

(G) The county and city of the funded climate catalyst project.

(H) A description of the expected contribution of the climate catalyst project to the state's climate policy objectives, including both greenhouse gas reduction and climate resilience benefits.

(I) Type and quality of any jobs created as a result of the financial assistance.

(2) Total number and type of financial assistance issued to small businesses.

(3) Total number and type of applications received.

(4) Recommendations on needed Climate Catalyst Revolving Loan Fund Program changes or improvements to meet the objectives of this article. The bank shall meet and confer with the state agencies identified in subdivision (f) of Section 63048.93, and any additional agencies added pursuant to subdivision (g) of Section 63048.93, prior to the annual submission of the report required herein in an effort to develop those recommendations.

(b) The report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

(c) (1) The report shall be posted on the bank's internet website.

(2) The report shall be presented to the bank board at its final public meeting of the calendar year in which the report was prepared. If the bank board holds no public meetings following the submission of the report, the report shall be presented to the bank board at its next available public meeting.

SEC. 7.

Section 63048.95 of the Government Code is amended to read:

63048.95.

(a) (1) There is hereby created in the State Treasury the Climate Catalyst Revolving Loan Fund for the purpose of implementing the objectives and provisions of this article. The Climate Catalyst Revolving Loan Fund shall be separate from any other fund or account created under this division.

(2) Obligations of the bank incurred in connection with the activities authorized under this article shall be payable solely from moneys within the Climate Catalyst Revolving Loan Fund. No other fund or account of the bank shall be available or shall be used for the payment of obligations incurred in connection with this article.

(3) Within the Climate Catalyst Revolving Loan Fund there shall also be established a Climate Catalyst Revolving Loan Account, a Climate Catalyst Guarantee and Credit Enhancement Account, a Climate Catalyst Securities Acquisition Account, and additional accounts and subaccounts that the bank may establish.

(b) (1) (A) Notwithstanding Section 13340, moneys, except as provided in subparagraphs (B) and (C), in the Climate Catalyst Revolving Loan Fund are continuously appropriated, without regard to fiscal year, for the support of the bank and shall be available for expenditure for the purposes as stated in this article.

(B) Moneys in the Climate Catalyst Revolving Loan Fund received pursuant to a federal appropriation are available for expenditure only upon appropriation by the Legislature.

(C) Moneys in the Climate Catalyst Revolving Loan Fund shall be available for expenditure to support administrative costs only upon appropriation by the Legislature.

(2) This subdivision shall not limit the authority of the bank to expend funds directly related to the servicing of approved debt, payments on credit enhancements or guarantees, acquisition of securities of any sponsor or participating party in connection with a climate catalyst project, or any other purpose in connection with providing financial assistance to a sponsor or participating party in connection with a climate catalyst project as set forth in this article.

(c) Not more than 5 percent of any bond proceeds administered by the bank in connection with the activities of the bank authorized under this article may be expended to cover the costs of issuance, as that terminology is defined under Section 147(g) of the Internal Revenue Code (26 U.S.C. Sec. 147(g)).

SEC. 8.

Section 39719 of the Health and Safety Code is amended to read:

39719.

(a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), the annual proceeds of the fund are continuously appropriated for the following:

(1) Beginning in the 2015–16 fiscal year, and notwithstanding Section 13340 of the Government Code, 35 percent of the annual proceeds of the fund are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as follows:

(A) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Five percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Moneys shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds of the fund shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(3) (A) Beginning in the 2020–21 fiscal year, and until June 30, 2030, 5 percent of the annual proceeds of the fund, up to the sum of one hundred thirty million dollars ($130,000,000), is hereby annually transferred to the Safe and Affordable Drinking Water Fund established pursuant to Section 116766 for the purposes of Chapter 4.6 (commencing with Section 116765) of Part 12 of Division 104.

(B) Moneys transferred under this paragraph shall be used for the purpose of facilitating the achievement of reductions of greenhouse gas emissions in this state in accordance with the requirements of Section 39712 or to improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities, consistent with Division 25.5 (commencing with Section 38500). For purposes of the moneys transferred under this paragraph, a state agency may also comply with the requirements of paragraphs (2) and (3) of subdivision (a) of Section 16428.9 of the Government Code by describing how each proposed expenditure will improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities.

(4) Notwithstanding Section 13340 of the Government Code, for each fiscal year, beginning in the 2022–23 fiscal year through the 2028-29 fiscal year, the sum of two hundred million dollars ($200,000,000) is hereby continuously appropriated, to the Department of Forestry and Fire Protection and allocated as follows:

(A) One hundred sixty-five million dollars ($165,000,000) for healthy forest and fire prevention programs and projects that improve forest health and reduce emissions of greenhouse gases caused by uncontrolled wildfires.

(B) Thirty-five million dollars ($35,000,000) for the completion of prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the California Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate adaptation.

(c) In determining the amount of the annual proceeds of the fund for purposes of the calculation in paragraphs (1) to (3), inclusive, of subdivision (b), the funds subject to Section 39719.1 and the sum set forth in paragraph (4) of subdivision (b) shall not be included.

SEC. 9.

Section 43018.9 of the Health and Safety Code is amended to read:

43018.9.

(a) For purposes of this section, the following terms have the following meanings:

(1) “Commission” means the State Energy Resources Conservation and Development Commission.

(2) “Publicly available hydrogen-fueling station” means the equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public.

(b) Notwithstanding any other law, the state board shall have no authority to enforce any element of its existing clean fuels outlet regulation or of any other regulation that requires or has the effect of requiring that any supplier, as defined in Section 7338 of the Revenue and Taxation Code as in effect on May 22, 2013, construct, operate, or provide funding for the construction or operation of any publicly available hydrogen-fueling station.

(c) On or before June 30, 2014, and every year thereafter, the state board shall aggregate and make available all of the following:

(1) The number of hydrogen-fueled vehicles that motor vehicle manufacturers project to be sold or leased over the next three years as reported to the state board pursuant to the Low Emission Vehicle regulations, as currently established in Sections 1961 to 1961.2, inclusive, of Title 13 of the California Code of Regulations.

(2) The total number of hydrogen-fueled vehicles registered with the Department of Motor Vehicles through April 30.

(d) On or before June 30, 2014, and every year thereafter, the state board, based on the information made available pursuant to subdivision (c), shall do both of the following:

(1) Evaluate the need for additional publicly available hydrogen-fueling stations for the subsequent three years in terms of quantity of fuel needed for the actual and projected number of hydrogen-fueled vehicles, geographic areas where fuel will be needed, and station coverage.

(2) Report findings to the commission on the need for additional publicly available hydrogen-fueling stations in terms of number of stations, geographic areas where additional stations will be needed, and minimum operating standards, such as number of dispensers, filling protocols, and pressures.

(e) (1) The commission shall allocate twenty million dollars ($20,000,000) annually to fund the number of stations identified pursuant to subdivision (d), not to exceed 20 percent of the moneys appropriated by the Legislature from the Alternative and Renewable Fuel and Vehicle Technology Fund, established pursuant to Section 44273, until there are at least 100 publicly available hydrogen-fueling stations in operation in California.

(2) If the commission, in consultation with the state board, determines that the full amount identified in paragraph (1) is not needed to fund the number of stations identified by the state board pursuant to subdivision (d), the commission may allocate any remaining moneys to other projects, subject to the requirements of the Clean Transportation Program pursuant to Article 2 (commencing with Section 44272) of Chapter 8.9.

(3) Allocations by the commission pursuant to this subdivision shall be subject to all of the requirements applicable to allocations from the Clean Transportation Program pursuant to Article 2 (commencing with Section 44272) of Chapter 8.9.

(4) The commission, in consultation with the state board, shall award moneys allocated in paragraph (1) based on best available data, including information made available pursuant to subdivision (d), and input from relevant stakeholders, including motor vehicle manufacturers that have planned deployments of hydrogen-fueled vehicles, according to a strategy that supports the deployment of an effective and efficient hydrogen-fueling station network in a way that maximizes benefits to the public while minimizing costs to the state.

(5) Notwithstanding paragraph (1), once the commission determines, in consultation with the state board, that the private sector is establishing publicly available hydrogen-fueling stations without the need for government support, the commission may cease providing funding for those stations.

(6) On or before December 31, 2015, and annually thereafter, the commission and the state board shall jointly review and report on progress toward establishing a hydrogen-fueling network that provides the coverage and capacity to fuel vehicles requiring hydrogen fuel that are being placed into operation in the state. The commission and the state board shall consider the following, including, but not limited to, the available plans of automobile manufacturers to deploy hydrogen-fueled vehicles in California and their progress toward achieving those plans, the rate of deployment of hydrogen-fueled vehicles, the length of time required to permit and construct hydrogen-fueling stations, the coverage and capacity of the existing hydrogen-fueling station network, and the amount

and timing of growth in the fueling network to ensure fuel is available to these vehicles. The review shall also determine the remaining cost and timing to establish a network of 100 publicly available hydrogen-fueling stations and whether funding from the Clean Transportation Program remains necessary to achieve this goal.

(f) To assist in the implementation of this section and maximize the ability to deploy fueling infrastructure as rapidly as possible with the assistance of private capital, the commission may design grants, loan incentive programs, revolving loan programs, and other forms of financial assistance. The commission also may enter into an agreement with the Treasurer to provide financial assistance to further the purposes of this section.

(g) Funds appropriated to the commission for the purposes of this section shall be available for encumbrance by the commission for up to four years from the date of the appropriation and for liquidation up to four years after expiration of the deadline to encumber.

(h) Notwithstanding any other law, the state board, in consultation with districts, no later than July 1, 2014, shall convene working groups to evaluate the policies and goals contained within the Carl Moyer Memorial Air Quality Standards Attainment Program, pursuant to Section 44280, and Assembly Bill 923 (Chapter 707 of the Statutes of 2004).

(i) This section shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date.

SEC. 10.

Section 44270.3 of the Health and Safety Code is amended to read:

44270.3.

(a) For the purposes of this chapter, the following terms have the following meanings:

(1) “Benefit-cost score,” for the Clean Transportation Program created pursuant to Section 44272, means a project’s expected or potential greenhouse gas emissions reduction per dollar awarded by the commission to the project from the Alternative and Renewable Fuel and Vehicle Technology Fund.

(2) “Commission” means the State Energy Resources Conservation and Development Commission.

(3) “Full fuel-cycle assessment” or “life-cycle assessment” means evaluating and comparing the full environmental and health impacts of each step in the life cycle of a fuel, including, but not limited to, all of the following:

(A) Feedstock production, extraction, cultivation, transport, and storage, and the transportation and use of water and changes in land use and land cover therein.

(B) Fuel production, manufacture, distribution, marketing, transport, and storage, and the transportation and use of water therein.

(C) Vehicle operation, including refueling, combustion, conversion, permeation, and evaporation.

(4) “Tribal organization” means a corporation, association, or group controlled, sanctioned, or chartered by a California federally recognized tribe that is subject to its laws or the laws of the United States relating to Native American affairs.

(5) “Vehicle technology” means any vehicle, boat, off-road equipment, or locomotive, or component thereof, including its engine, propulsion system, transmission, or construction materials.

(b) For purposes of the Air Quality Improvement Program created pursuant to Section 44274, the following terms have the following meanings:

(1) "Benefit-cost score" means the reasonably expected or potential criteria pollutant emission reductions achieved per dollar awarded by the board for the project.

(2) "Project" means a category of investments identified for potential funding by the board, including, but not limited to, competitive grants, revolving loans, loan guarantees, loans, vouchers, rebates, and other appropriate funding measures for specific vehicles, equipment, technologies, or initiatives authorized by Section 44274.

SEC. 11.

Section 44271 of the Health and Safety Code is amended to read:

44271.

(a) This chapter creates the Clean Transportation Program, pursuant to Section 44272, to be administered by the commission, and the Air Quality Improvement Program, pursuant to Section 44274, to be administered by the state board. The commission and the state board shall do all of the following in fulfilling their responsibilities pursuant to their respective programs:

(1) Establish sustainability goals to ensure that alternative and renewable fuel and vehicle deployment projects, on a full fuel-cycle assessment basis, will not adversely impact natural resources, especially state and federal lands.

(2) Establish a competitive process for the allocation of funds for projects funded pursuant to this chapter, which considers, among other factors, the benefit-cost score, as defined in subdivision (a) of Section 44270.3, associated with a project for the Clean Transportation Program or, as defined in paragraph (1) of subdivision (e) of Section 44270.3, associated with a project, as defined in paragraph (2) of subdivision (e) of Section 44270.3, for the Air Quality Improvement Program.

(3) Identify additional federal and private funding opportunities to augment or complement the programs created pursuant to this chapter.

(4) Ensure that the results of the reductions in emissions or benefits can be measured and quantified.

(5) Ensure that those revenues derived from fees imposed on motor vehicles that are expended pursuant to this chapter, as amended by Assembly Bill 8 of the 2013–14 Regular Session of the Legislature, are expended in compliance with Section 3 of Article XIX of the California Constitution, as were the revenues derived from fees imposed on motor vehicles pursuant to Assembly Bill 118 (Chapter 750 of the Statutes of 2007).

(b) The state board, in consultation with the commission, shall develop and adopt guidelines for both the Clean Transportation Program and the Air Quality Improvement Program to ensure that programs meet both of the following requirements:

(1) Activities undertaken pursuant to the programs complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant and greenhouse gas emissions.

(2) Activities undertaken pursuant to the programs maintain or improve upon emission reductions and air quality benefits in the State Implementation Plan for Ozone, California Phase 2 Reformulated Gasoline standards, and diesel fuel regulations.

(c) For the purposes of both of the programs created by this chapter, eligible projects do not include those required to be undertaken pursuant to state or federal law, district rules or regulations,

memoranda of understanding with a governmental entity, or legally binding agreements or documents. For the purposes of the Clean Transportation Program, the state board shall advise the commission to ensure the requirements of this subdivision are met.

SEC. 12.

Section 44271.5 is added to the Health and Safety Code, to read:

44271.5.

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 13.

The heading of Article 2 (commencing with Section 44272) of Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code is amended to read:

Article 2. Clean Transportation Program

SEC. 14.

Section 44272 of the Health and Safety Code is amended to read:

44272.

(a) The Clean Transportation Program is hereby created. The program shall be administered by the commission. The commission shall implement the program by regulation pursuant to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The program shall provide, upon appropriation by the Legislature, competitive grants, revolving loans, loan guarantees, loans, or other appropriate funding measures to public agencies, California federally recognized tribes, tribal organizations, vehicle and technology entities, businesses and projects, public-private partnerships, workforce training partnerships and collaboratives, fleet owners, consumers, recreational boaters, and academic institutions to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. The emphasis of this program shall be to develop and deploy technology and alternative and renewable fuels in the marketplace, without adopting any one preferred fuel or technology.

(b) A project that receives more than seventy-five thousand dollars ($75,000) in funds from the commission shall be approved at a noticed public meeting of the commission and shall be consistent with the priorities established by the investment plan adopted pursuant to Section 44272.5. Under this article, the commission may delegate to the commission's executive director, or the executive director's designee, the authority to approve either of the following:

(1) A contract, grant, loan, or other agreement or award that receives seventy-five thousand dollars ($75,000) or less in funds from the commission.

(2) Amendments to a contract, grant, loan, or other agreement or award as long as the amendments do not increase the amount of the award, change the scope of the project, or modify the purpose of the agreement.

(c) The commission shall provide preferences to those projects that maximize the goals of the Clean Transportation Program, based on the following criteria, as applicable:

(1) The project's ability to provide a measurable transition from the nearly exclusive use of petroleum fuels to a diverse portfolio of viable alternative fuels that meet petroleum reduction and alternative fuel use goals.

(2) The project's consistency with existing and future state climate change policy and low-carbon fuel standards.

(3) The project's ability to reduce criteria air pollutants and air toxics and reduce or avoid multimedia environmental impacts.

(4) The project's ability to decrease, on a life-cycle basis, the discharge of water pollutants or any other substances known to damage human health or the environment, in comparison to the production and use of California Phase 2 Reformulated Gasoline or diesel fuel produced and sold pursuant to California diesel fuel regulations set forth in Article 2 (commencing with Section 2280) of Chapter 5 of Division 3 of Title 13 of the California Code of Regulations.

(5) The project does not adversely impact the sustainability of the state's natural resources, especially state and federal lands.

(6) The project provides nonstate matching funds. Costs incurred from the date a proposed award is noticed may be counted as nonstate matching funds. The commission may adopt further requirements for the purposes of this paragraph. The commission is not liable for costs incurred pursuant to this paragraph if the commission does not give final approval for the project or the proposed recipient does not meet requirements adopted by the commission pursuant to this paragraph.

(7) The project provides economic benefits for California by promoting California-based technology firms, jobs, and businesses.

(8) The project uses existing or proposed fueling infrastructure to maximize the outcome of the project.

(9) The project's ability to reduce on a life-cycle assessment greenhouse gas emissions by at least 10 percent, and higher percentages in the future, from current reformulated gasoline and diesel fuel standards established by the state board.

(10) The project's use of alternative fuel blends of at least 20 percent, and higher blend ratios in the future, with a preference for projects with higher blends.

(11) The project drives new technology advancement for vehicles, vessels, engines, and other equipment, and promotes the deployment of that technology in the marketplace.

(12) The project's ability to transition workers to, or promote employment in, the alternative and renewable fuel and vehicle technology sector.

(d) The commission shall rank applications for projects proposed for funding awards based on solicitation criteria developed in accordance with subdivision (c), and shall give additional preference to funding those projects with higher benefit-cost scores.

(e) Only the following shall be eligible for funding:

(1) Alternative and renewable fuel projects to develop and improve alternative and renewable low-carbon fuels, including electricity, ethanol, dimethyl ether, renewable diesel, natural gas, hydrogen, and biomethane, among others, and their feedstocks that have high potential for long-term or short-term commercialization, including projects that lead to sustainable feedstocks.

(2) Demonstration and deployment projects that optimize alternative and renewable fuels for existing and developing engine technologies.

(3) Projects to produce alternative and renewable low-carbon fuels in California.

(4) Projects to decrease the overall impact of an alternative and renewable fuel's life-cycle carbon footprint and increase sustainability.

(5) Alternative and renewable fuel infrastructure, fueling stations, and equipment. The preference in paragraph (10) of subdivision (c) shall not apply to renewable diesel or biodiesel infrastructure, fueling stations, and equipment used solely for renewable diesel or biodiesel fuel.

(6) Projects to develop and improve light-, medium-, and heavy-duty vehicle technologies that provide for better fuel efficiency and lower greenhouse gas emissions, alternative fuel usage and storage, or emission reductions, including propulsion systems, advanced internal combustion engines with a 40 percent or better efficiency level over the current market standard, lightweight materials, intelligent transportation systems, energy storage, control systems and system integration, physical measurement and metering systems and software, development of design standards and testing and certification protocols, battery recycling and reuse, engine and fuel optimization electronic and electrified components, hybrid technology, plug-in hybrid technology, battery electric vehicle technology, fuel cell technology, and conversions of hybrid technology to plug-in technology through the installation of safety certified supplemental battery modules.

(7) Programs and projects that accelerate the commercialization of vehicles and alternative and renewable fuels, including buy-down programs through near-market and market-path deployments, advanced technology warranty or replacement insurance, development of market niches, supply-chain development, and research related to the pedestrian safety impacts of vehicle technologies and alternative and renewable fuels.

(8) Programs and projects to retrofit medium- and heavy-duty onroad and nonroad vehicle fleets with technologies that create higher fuel efficiencies, including alternative and renewable fuel vehicles and technologies, idle management technology, and aerodynamic retrofits that decrease fuel consumption.

(9) Infrastructure projects that promote alternative and renewable fuel infrastructure development connected with existing fleets, public transit, and existing transportation corridors, including physical measurement or metering equipment and truck stop electrification.

(10) Workforce training programs related to the development and deployment of technologies that transform California's fuel and vehicle types and assist the state in implementing its climate change policies, including, but not limited to, alternative and renewable fuel feedstock production and extraction; renewable fuel production, distribution, transport, and storage; high-performance and low-emission vehicle technology and high tower electronics; automotive computer systems; mass transit fleet conversion, servicing, and maintenance; and other sectors or occupations related to the purposes of this chapter, including training programs to transition dislocated workers affected by the state's greenhouse gas emission policies, including those from fossil fuel sectors, or training programs for low-skilled workers to enter or continue in a career pathway that leads to middle skill, industry-recognized credentials or state-approved apprenticeship opportunities in occupations related to the purposes of this chapter.

(11) Block grants or incentive programs administered by public entities or not-for-profit technology entities for multiple projects, education and program promotion within California, and development of alternative and renewable fuel and vehicle technology centers. The commission may adopt guidelines for implementing the block grant or incentive program, which shall be approved at a noticed public meeting of the commission.

(12) Life-cycle and multimedia analyses, sustainability and environmental impact evaluations, and market, financial, and technology assessments performed by a state agency to determine the impacts of increasing the use of low-carbon transportation fuels and technologies, and to assist in the preparation of the investment plan and program implementation.

(13) A program to provide funding for homeowners who purchase a plug-in electric vehicle to offset costs associated with modifying electrical sources to include a residential plug-in electric vehicle charging station. In establishing this program, the commission shall consider funding criteria to maximize the public benefit of the program.

(f) The commission may make a single source or sole source award pursuant to this section for applied research. The same requirements set forth in Section 25620.5 of the Public Resources Code shall apply to awards made on a single source basis or a sole source basis. This subdivision does not authorize the commission to make a single source or sole source award for a project or activity other than for applied research.

(g) The commission may do all of the following:

(1) Contract with the Treasurer to expend funds through programs implemented by the Treasurer, if the expenditure is consistent with all of the requirements of this article and Article 1 (commencing with Section 44270).

(2) Contract with small business financial development corporations established by the Governor's Office of Business and Economic Development to expend funds through the Small Business Loan Guarantee Program if the expenditure is consistent with all of the requirements of this article and Article 1 (commencing with Section 44270).

(3) Advance funds, pursuant to an agreement with the commission, to any of the following:

(A) A public entity.

(B) A recipient to enable it to make advance payments to a public entity that is a subrecipient of the funds and under a binding and enforceable subagreement with the recipient.

(C) An administrator of a block grant program.

(h) The commission shall collaborate with entities that have expertise in workforce development to implement the workforce development components of this section, including, but not limited to, the California Workforce Development Board, the Employment Training Panel, the Employment Development Department, and the Division of Apprenticeship Standards.

SEC. 15.

Section 44272.5 of the Health and Safety Code is amended to read:

44272.5.

(a) The commission shall develop and adopt an investment plan to determine priorities and opportunities for the Clean Transportation Program created pursuant to this chapter. The investment plan shall establish priorities for investment of funds and technologies to achieve the goals of this chapter and describe how funding will complement existing public and private investments, including existing state programs that further the goals of this chapter. The commission shall create and consult with an advisory body as it develops the investment plan. The advisory body is subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). The commission shall, at a

minimum, hold one public hearing on the advisory body's recommendations prior to approving the investment plan.

(b) Membership of the advisory body created pursuant to subdivision (a) shall include, but is not limited to, representatives of fuel and vehicle technology entities, labor organizations, environmental organizations, community-based justice and public health organizations, recreational boaters, consumer advocates, academic institutions, workforce training groups, and private industry. The advisory body shall also include representatives from the Resources Agency, the Transportation Agency, the Labor and Workforce Development Agency, and the California Environmental Protection Agency.

(c) The commission shall hold at least three public workshops in different regions of the state and one public hearing prior to approving the investment plan. The commission shall annually update and approve the plan. The commission shall reconvene and consult with the advisory body created pursuant to subdivision (a) prior to annually updating and approving the plan.

SEC. 16.

Section 44273 of the Health and Safety Code is amended to read:

44273.

(a) The Alternative and Renewable Fuel and Vehicle Technology Fund is hereby created in the State Treasury, to be administered by the commission. The moneys in the fund, upon appropriation by the Legislature, shall be expended by the commission to implement the Clean Transportation Program in accordance with this chapter.

(b) Beginning with the integrated energy policy report adopted in 2011, and in the subsequent reports adopted thereafter, pursuant to Section 25302 of the Public Resources Code, the commission shall include an evaluation of research, development, and deployment efforts funded by this chapter. The evaluation shall include all of the following:

(1) A list of projects funded by the Alternative and Renewable Fuel and Vehicle Technology Fund.

(2) The expected benefits of the projects in terms of air quality, petroleum use reduction, greenhouse gas emissions reduction, technology advancement, benefit-cost assessment, and progress towards achieving these benefits.

(3) The overall contribution of the funded projects toward promoting a transition to a diverse portfolio of clean, alternative transportation fuels and reduced petroleum dependency in California.

(4) Key obstacles and challenges to meeting these goals identified through funded projects.

(5) Recommendations for future actions.

SEC. 17.

Section 116766 of the Health and Safety Code is amended to read:

116766.

(a) The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Notwithstanding Section 13340 of the Government Code, all moneys deposited in the fund are continuously appropriated to the board to fund all of the following:

(1) Operation and maintenance costs to help deliver an adequate supply of safe drinking water in both the near and long terms.

(2) Consolidating water systems, or extending drinking water services to other public water systems, domestic wells, and state small water systems.

(3) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(4) The provision of services under Section 116686 for purposes of helping the water systems become self-sufficient in the long term.

(5) The development, implementation, and sustainability of long-term drinking water solutions.

(6) Board costs associated with the implementation and administration of programs pursuant to this chapter.

(b) Consistent with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients.

(c) (1) Eligible recipients of funding under this chapter are public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, nonfederally recognized Native American tribes on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers.

(2) To be eligible for funding under this chapter, grants, loans, contracts, or services provided to a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.

(d) On and after July 1, 2020, an expenditure from the fund shall be consistent with the fund expenditure plan.

(e) The board may expend moneys from the fund for reasonable costs associated with the administration of this chapter, not to exceed 5 percent of the annual deposits into the fund.

(f) In administering the fund, the board shall make reasonable efforts to ensure that funds are used to secure the long-term sustainability of drinking water service and infrastructure, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes.

(g) Beginning in the 2023–24 fiscal year, and each fiscal year thereafter until June 30, 2030, if the annual transfer to the fund pursuant to paragraph (3) of subdivision (b) of Section 39719 is less than one hundred thirty million dollars ($130,000,000), on an annual basis the Director of Finance shall calculate a sum equivalent to the difference, up to one hundred thirty million dollars ($130,000,000), and the Controller shall transfer that sum from the General Fund to the fund. This subdivision is operative only while a market-based compliance mechanism adopted pursuant to Section 38562 is operative.

SEC. 17.5.

Section 116766 of the Health and Safety Code is amended to read:

116766.

(a) The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and

long terms. Notwithstanding Section 13340 of the Government Code, all moneys deposited in the fund are continuously appropriated to the board to fund all of the following:

(1) Operation and maintenance costs to help deliver an adequate supply of safe drinking water in both the near and long terms.

(2) Consolidating water systems, or extending drinking water services to other public water systems, domestic wells, and state small water systems.

(3) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(4) The provision of services under Section 116686 for purposes of helping the water systems become self-sufficient in the long term.

(5) The development, implementation, and sustainability of long-term drinking water solutions.

(6) Board costs associated with the implementation and administration of programs pursuant to this chapter.

(b) Consistent with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients.

(c) (1) Eligible recipients of funding under this chapter are public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, nonfederally recognized Native American tribes on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, administrators, groundwater sustainability agencies, community water systems, and technical assistance providers.

(2) To be eligible for funding under this chapter, grants, loans, contracts, or services provided to a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.

(d) On and after July 1, 2020, an expenditure from the fund shall be consistent with the fund expenditure plan.

(e) The board may expend moneys from the fund for reasonable costs associated with the administration of this chapter, not to exceed 5 percent of the annual deposits into the fund.

(f) In administering the fund, the board shall make reasonable efforts to ensure that funds are used to secure the long-term sustainability of drinking water service and infrastructure, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes.

(g) Beginning in the 2023–24 fiscal year, and each fiscal year thereafter until June 30, 2030, if the annual transfer to the fund pursuant to paragraph (3) of subdivision (b) of Section 39719 is less than one hundred thirty million dollars ($130,000,000), on an annual basis the Director of Finance shall calculate a sum equivalent to the difference, up to one hundred thirty million dollars ($130,000,000), and the Controller shall transfer that sum from the General Fund to the fund. This subdivision is operative only while a market-based compliance mechanism adopted pursuant to Section 38562 is operative.

(h) The board may authorize funding up to ten thousand dollars ($10,000) without a written agreement to address a drinking water emergency.

(i) Notwithstanding Section 11019 of the Government Code, the board may make advance payments, as necessary to implement the purposes of this chapter, except that an advance payment for construction shall not exceed 25 percent of the total amount of construction funding provided by the board for a project.

(j) Contracts pursuant to this section are exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and Section 4526 of the Government Code, and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.

SEC. 18.

Section 116767 of the Health and Safety Code is amended to read:

116767.

For purposes of this chapter:

(a) "Adequate supply" has the same meaning as defined in Section 116681.

(b) "Administrator" has the same meaning as defined in Section 116686.

(c) "Board" means the State Water Resources Control Board.

(d) "Community water system" has the same meaning as defined in Section 116275.

(e) "Consistently fails" has the same meaning as defined in Section 116681.

(f) "Disadvantaged community" has the same meaning as defined in Section 79505.5 of the Water Code.

(g) "Domestic well" has the same meaning as defined in Section 116681.

(h) "Fund" means the Safe and Affordable Drinking Water Fund established pursuant to Section 116766.

(i) "Fund expenditure plan" means the fund expenditure plan adopted by the board pursuant to Article 4 (commencing with Section 116768).

(j) "Groundwater sustainability agency" has the same meaning as defined in Section 10721 of the Water Code.

(k) "Low-income household" means a single household with an income that is less than 200 percent of the federal poverty level, as updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of Section 9902(2) of Title 42 of the United States Code.

(l) "Mutual water company" means a mutual water company, as described in Section 14300 of the Corporations Code, that operates a public water system or a state small water system.

(m) "Nonprofit organization" means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.

(n) "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

(o) "Public utility" has the same meaning as defined in Section 216 of the Public Utilities Code.

(p) “Public water system” has the same meaning as defined in Section 116275.

(q) “Replacement water” includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units.

(r) “Safe drinking water” has the same meaning as defined in Section 116681.

(s) “Service connection” has the same meaning as defined in Section 116275.

(t) “State small water system” has the same meaning as defined in Section 116275.

(u) “Technical assistance provider” means a person whom the state board has determined is competent to assist a water system by providing administrative, technical, operational, legal, or managerial services to meet the purposes of this section, pursuant to criteria set forth in the policy adopted by the state board pursuant to Section 116768.5 and the fund expenditure plan. A privately owned public utility may serve as a technical assistance provider for purposes of this section.

(v) “Vended water” has the same meaning as defined in Section 111070.

SEC. 19.

Section 116773.4 of the Health and Safety Code is amended to read:

116773.4.

(a) The California Water and Wastewater Arrearage Payment Program is hereby established in the state board to implement this chapter.

(b) (1) Within 90 days of receiving funds pursuant to an appropriation in the annual Budget Act for this purpose, the state board shall survey community water systems to determine statewide arrearages and water enterprise revenue shortfalls and adopt a resolution establishing guidelines for application requirements and reimbursement amounts for those arrearages and shortfalls. Within 14 days of adopting the resolution, the state board shall begin accepting applications from community water systems for funds to assist customers who have past-due bills from the COVID-19 pandemic bill relief period.

(2) There shall be an initial 60-day application timeframe in which a community water system may apply to the state board for reimbursement. The state board shall contact any community water systems that do not apply during the initial application period to assist the community water systems in applying.

(3) The state board shall use the survey results to determine the total amount of residential and commercial arrearages from community water systems that have submitted that information. The survey shall also quantify revenue shortfalls for community water systems unable to disaggregate customer arrearages.

(4) (A) If there are insufficient funds in the appropriation described in paragraph (1) to reimburse the total amount of reported arrearages and revenue shortfalls of community water systems, the state board shall disburse the funds on a proportional basis to each community water system applicant based on reported arrearages and the state board’s estimation of customer arrearages for community water systems unable to report arrearages that report water enterprise revenue shortfalls.

(B) If there are sufficient funds in the appropriation described in paragraph (1) to reimburse the total amount of reported arrearages and revenue shortfalls of community water systems, the state board shall establish a program for funding wastewater treatment provider arrearages and shortfalls in accordance with this chapter with the remaining funds. Notwithstanding the deadlines specified in

subdivision (c), the wastewater service program shall commence following substantial completion of the water service program under this chapter, and in no instance later than February 1, 2022.

(5) A community water system applicant shall calculate or estimate, based on its billing frequency, the total amount of outstanding past-due bills that have accumulated during the COVID-19 pandemic bill relief period. The calculations shall include documentation to support the amount of outstanding customer arrearages that were incurred during that period, if available. Community water system applicants shall also report their water enterprise revenue shortfalls during the COVID-19 pandemic bill relief period. A community water system's authorized representative, or its designee, shall attest that the application is true and accurate.

(6) (A) The state board shall prioritize the timing of the disbursement of funding to small community water systems.

(B) The state board shall establish guidelines for community water systems to prioritize residential water customers and customers with the largest arrearages.

(7) If a community water system uses customer classes for purposes of its billing program, the following customer classes are eligible for funding under this chapter and may be included in the application:

(A) Residential customers.

(B) Commercial customers.

(c) The state board shall begin disbursing funds under this chapter to community water systems no later than November 1, 2021, and shall complete distribution of funds to community water systems no later than January 31, 2022.

(d) A community water system shall, within 60 days of receiving funds under this chapter, allocate payments as bill credits to customers to help address past-due bills incurred during the COVID-19 pandemic bill relief period and notify customers of the amounts credited to their accounts.

(e) (1) A community water system shall provide customers with arrearages accrued during the COVID-19 pandemic bill relief period a notice that they may enter into a payment plan and that they have 30 days from the date of the notice to enroll in the payment plan. A payment plan and its associated rules offered by a community water system of any size shall conform with Chapter 6 (commencing with Section 116900), notwithstanding limitations in that chapter relating to a community water system's size. A community water system shall not discontinue water service to a customer that remains current on a payment plan.

(2) A community water system shall not discontinue water service due to nonpayment of past-due bills before either of the following dates, whichever date is later:

(A) December 31, 2021.

(B) For a customer that has been offered an opportunity to participate in a payment plan, the date the customer misses the enrollment deadline for, or defaults on, the payment plan.

(f) A community water system shall remit any moneys disbursed to the community water system under this chapter not credited to customers within six months of receipt back to the state board.

(g) Customer information collected under this chapter is subject to Section 6254.16 of the Government Code.

(h) A community water system receiving assistance under this chapter may expend up to 3 percent, or up to one million dollars ($1,000,000), whichever amount is less, of that assistance for costs incurred in applying for the assistance or complying with use and reporting conditions of the assistance.

SEC. 20.

Section 5090.15 of the Public Resources Code is amended to read:

5090.15.

(a) There is in the department the Off-Highway Motor Vehicle Recreation Commission, consisting of nine members, five of whom shall be appointed by the Governor and subject to Senate confirmation, two of whom shall be appointed by the Senate Committee on Rules, and two of whom shall be appointed by the Speaker of the Assembly.

(b) In order to be appointed to the commission, a nominee shall have expertise in or represent one of the following interests:

(1) Off-highway vehicle recreation.

(2) Environmental protection.

(3) Motorized access to nonmotorized recreation.

(4) Law enforcement.

(5) Environmental restoration.

(6) Health and safety.

(7) Rural landowners or residents.

(8) Biological or soil specializations.

(9) Public-at-large.

(c) Whenever a reference is made to the State Park and Recreation Commission pertaining to a duty, power, purpose, responsibility, or jurisdiction of the State Park and Recreation Commission with respect to the state vehicular recreation areas, as established by this chapter, it is a reference to, and means, the Off-Highway Motor Vehicle Recreation Commission.

SEC. 21.

Section 5090.42 is added to the Public Resources Code, to read:

5090.42.

(a) For purposes of this section, “land” means the land known as the “Alameda-Tesla Expansion Area,” which encompasses approximately 3,100 acres in the County of Alameda and is currently part of Carnegie State Vehicular Recreation Area.

(b) (1) The department shall use the designation process, pursuant to Article 1.7 (commencing with Section 5019.50) of Chapter 1, and planning process, pursuant to Section 5002.2, to determine the best use of the land. The land shall not be designated as a state vehicular recreation area, as defined in Section 5090.14.1.

(2) One million dollars ($1,000,000) shall be transferred from the General Fund to the State Parks and Recreation Fund, established pursuant to Section 5010, to be used for the purposes of paragraph (1).

(c) (1) Twenty-nine million eight hundred thousand dollars ($29,800,000) shall be transferred from the General Fund to the Off-Highway Vehicle Trust Fund, established pursuant to Section 38225 of the Vehicle Code, to be used in accordance with this chapter, including the acquisition and development of properties to expand off-highway vehicle recreation and where quality recreation opportunities for off-highway motor vehicles may be provided.

(2) When considering acquisition and development of properties to expand off-highway vehicle recreation opportunities, the department may prioritize properties that have potential to serve large urban areas such as the Bay Area and Central Valley, offer potential recreational opportunities for off highway vehicle recreation, and potential opportunities for motorized access to nonmotorized recreation. Properties for consideration may include areas within existing State Parks and State Recreation Areas, including, but not limited to, Henry Coe State Park. The department shall not consider the Alameda-Tesla Expansion Area in this process.

SEC. 22.

Section 14571.6.1 is added to the Public Resources Code, to read:

14571.6.1.

(a) Because of the impacts of the COVID-19 pandemic on small dealers, the requirements of subdivisions (a) and (b) of Section 14571.6 do not apply to a dealer that has gross annual sales of less than one million five hundred thousand dollars ($1,500,000) and is less than 5,000 square feet.

(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 23.

Section 21080.56 is added to the Public Resources Code, to read:

21080.56.

(a) This division does not apply to a project that is exclusively one of the following:

(1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.

(2) A project to restore or provide habitat for California native fish and wildlife.

(b) An eligible project may have incidental public benefits, such as public access and recreation.

(c) This section does not apply to a project unless the project does both of the following:

(1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery.

(2) Includes procedures and ongoing management for the protection of the environment.

(d) This section does not apply to a project that includes construction activities, except for construction activities solely related to habitat restoration.

(e) The lead agency shall obtain the concurrence of the Director of Fish and Wildlife for the determinations required pursuant to subdivisions (a) to (d), inclusive. The director shall document the director's concurrence using substantial evidence and best available science.

(f) The project shall remain subject to all other applicable federal, state, and local laws and regulations, and shall not weaken or violate any applicable environmental or public health standards.

(g) Within 48 hours of making a determination that a project is exempt pursuant to this section, a lead agency shall file a notice described in subdivision (b) of Section 21108 or subdivision (b) of

Section 21152 with the Office of Planning and Research, and the Department of Fish and Wildlife shall post the concurrence of the Director of Fish and Wildlife on the department's internet website.

(h) The Natural Resources Agency shall, in accordance with Section 9795 of the Government Code, report annually to the Legislature all determinations pursuant to this section.

(i) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 24.

Section 21166.2 is added to the Public Resources Code, to read:

21166.2.

Notwithstanding Section 21166, the environmental review set forth in the Final Environmental Impact Report for the Lower Klamath Project License Surrender (State Clearinghouse No. 2016122047) issued in April 2020 in combination with other environmental review documents related to removal of facilities on the Klamath River prepared and adopted by the Federal Energy Regulatory Commission pursuant to the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 321 et seq.) shall be conclusively presumed to satisfy the requirements of this division for any project for the removal of hydroelectric dams and associated facilities, along with associated restoration of formerly inundated lands, hatchery modifications, and implementation of mitigation measures in the Klamath River Basin, undertaken or approved by a public agency if all of the following apply:

(a) The dams proposed to be removed are upstream of a river segment designated as a wild river, a scenic river, or a recreational river pursuant to the California Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5).

(b) There are no downstream dams on the same river, other than the dams proposed to be removed as a part of the same project that are significant barriers to fish passage.

(c) The lead agency certified or adopted the environmental review document prepared under this division and approved the project at least 180 days before the effective date of this section and no action or proceeding challenging the lead agency's approval was commenced within the applicable statute of limitations.

SEC. 25.

Section 31103.1 is added to the Public Resources Code, to read:

31103.1.

Pursuant to Section 1090 of the Government Code, an officer or employee of the conservancy shall not be deemed to be financially interested in a contract made in their official capacity when all of the following conditions are met:

(a) The financial interest in question is limited to the individual's salary, per diem, or reimbursement for expenses as an officer or employee of the conservancy.

(b) The individual is performing staff functions for the San Francisco Bay Restoration Authority as part of their employment by the conservancy.

(c) The contract involves a grant of funds by the San Francisco Bay Restoration Authority to the conservancy.

SEC. 26.

Section 42011 of the Public Resources Code is repealed.

SEC. 27.

Section 42012 of the Public Resources Code is amended to read:

42012.

The local governing body, or any person through the local governing body, may apply to the department for designation as a recycling market development zone.

SEC. 28.

Section 42013 of the Public Resources Code is amended to read:

42013.

The department shall adopt regulations and guidelines concerning the necessary contents of each application for designation and, in the countywide integrated waste management plans, shall determine the maximum number of recycling market development zones to be designated pursuant to this chapter.

SEC. 29.

Section 42014 of the Public Resources Code is amended to read:

42014.

The department may designate or redesignate recycling market development zones for persons applying for that designation.

SEC. 30.

Section 42015 of the Public Resources Code is repealed.

SEC. 31.

Section 42016 of the Public Resources Code is repealed.

SEC. 32.

Section 42017 of the Public Resources Code is repealed.

SEC. 33.

Section 42018 of the Public Resources Code is repealed.

SEC. 34.

Section 42019 of the Public Resources Code is amended to read:

42019.

In evaluating an application for the designation of a recycling market development zone, the department shall consider the amount of landfill capacity remaining in the jurisdiction where the zone would be located.

SEC. 35.

Section 42020 of the Public Resources Code is amended to read:

42020.

In evaluating an application for the designation of a recycling market development zone, the department shall not deny the application solely because of technical deficiencies. The department shall provide applicants with an opportunity to correct technical deficiencies. An application shall be denied if technical deficiencies are not corrected within 14 days.

SEC. 36.

Section 42021 of the Public Resources Code is repealed.

SEC. 37.

Section 42023.1 of the Public Resources Code is amended to read:

42023.1.

(a) The Recycling Market Development Revolving Loan Subaccount is hereby created in the account for the purpose of providing loans for purposes of the Recycling Market Development Revolving Loan Program established pursuant to this article and for making payments pursuant to subdivision (g).

(b) Notwithstanding Section 13340 of the Government Code, the moneys deposited into the subaccount are hereby continuously appropriated to the department without regard to fiscal year for making loans pursuant to this article and for making payments pursuant to subdivision (g).

(c) The department may expend interest earnings on moneys in the subaccount for administrative expenses incurred in carrying out the Recycling Market Development Revolving Loan Program, upon the appropriation of moneys in the subaccount for that purpose in the annual Budget Act.

(d) The moneys from loan repayments and fees, including, but not limited to, principal and interest repayments, fees and points, recovery of collection costs, income earned on an asset recovered pursuant to a loan default, and funds collected through foreclosure actions shall be deposited into the subaccount.

(e) All interest accruing on interest payments from loan applicants shall be deposited into the subaccount.

(f) The department may expend the moneys in the subaccount to make loans to local governing bodies, private businesses, and nonprofit entities within recycling market development zones, or in areas outside zones where making the loan will benefit a local jurisdiction or assist a local jurisdiction in complying with Section 40051.

(g) The department may expend the moneys in the subaccount to make payments to local governing bodies within a recycling market zone for services related to the promotion of the zone. The services may include, but are not limited to, training, outreach, development of written promotional materials, and technical analyses of feedstock availability.

(h) The department shall not fund a loan until it determines that the applicant has obtained all significant applicable federal, state, and local permits. The department shall determine which applicable federal, state, and local permits are significant.

(i) The department shall establish and collect fees for applications for loans authorized by this section. The application fee shall be set at a level that is sufficient to fund the department's cost of processing applications for loans. In addition, the department shall establish a schedule of fees or points for loans that are entered into by the department, to fund the department's administration of the revolving loan program.

(j) The department may expend moneys in the subaccount for the administration of the Recycling Market Development Revolving Loan Program, upon the appropriation of moneys in the subaccount for that purpose in the annual Budget Act. In addition, the department may expend moneys in the account to administer the revolving loan program, upon the appropriation of moneys in the account for that purpose in the annual Budget Act. However, funding for the administration of the revolving loan program from the account shall be provided only if there are not sufficient moneys in the subaccount to fully fund the administration of the program.

(k) The department, pursuant to subdivision (a) of Section 47901, may set aside moneys for the purposes of paying costs necessary to protect the state's position as a lender-creditor. These costs

shall be broadly construed to include, but not be limited to, foreclosure expenses, auction fees, title searches, appraisals, real estate brokerage fees, attorney's fees, mortgage payments, insurance payments, utility costs, repair costs, removal and storage costs for repossessed equipment and inventory, and additional expenditures to purchase a senior lien in foreclosure or bankruptcy proceedings.

(l) (1) Except as provided in paragraph (2), this section shall become inoperative on July 1, 2031, and as of January 1, 2032, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2032, deletes or extends the date on which it becomes inoperative and is repealed.

(2) The repeal of this section pursuant to paragraph (1) shall not extinguish any loan obligation or the authority of the state to pursue appropriate actions for the collection of a loan.

SEC. 38.

Section 42023.4 of the Public Resources Code is amended to read:

42023.4.

(a) A loan made pursuant to Section 42023.1 shall be subject to all of the following requirements:

(1) The terms of an approved loan shall be specified in a loan agreement between the borrower and the department. The loan agreement shall include a requirement that the failure to comply with the agreement shall result in any remaining unpaid amount of the loan, with accrued interest, being immediately due and payable. Notwithstanding any term of the agreement, a recipient of a loan that the department approves shall repay the principal amount, plus interest. The department shall establish the loan interest rate as low as possible to make projects feasible and post the interest rate on its internet website. All money received as repayment and interest on loans made pursuant to this section shall be deposited in the subaccount.

(2) The department shall approve only those loan applications that demonstrate the applicant's ability to repay the loan.

(3) Priority for funding shall be given to projects for circular recycling programs that result in the product being recycled into a product that is also recyclable, as determined by the department, or that has a minimum lifespan of 10 or more years. The department shall establish project eligibility criteria and make it available to the public in order to achieve the intent of the Legislature.

(4) A loan shall not be provided for a project that will result in the production of fuels or energy through transformation, engineered municipal solid waste conversion, or other disposal activities.

(5) The Department of Finance may audit the expenditure of the proceeds of a loan made pursuant to Section 42023.1 and this section.

(b) (1) Except as provided in paragraph (2), this section shall become inoperative on July 1, 2031, and as of January 1, 2032, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2032, deletes or extends the dates on which it becomes inoperative and is repealed.

(2) The repeal of this section pursuant to paragraph (1) shall not extinguish any loan obligation or the authority of the state to pursue appropriate actions for the collection of a loan.

SEC. 39.

Section 42024 of the Public Resources Code is amended to read:

42024.

The department, the Treasurer, and other appropriate state agencies shall, to the extent feasible and as appropriate, coordinate activities that will leverage financing for market development projects and encourage joint activities to strengthen markets for recycled materials.

SEC. 40.

Section 42025 is added to the Public Resources Code, to read:

42025.

The department shall update its regulations relating to the implementation of this article. Any regulation promulgated pursuant to this article and in effect on September 1, 2021, shall remain in effect until the department revises or repeals that regulation or January 1, 2022, whichever occurs first.

SEC. 41.

Section 42999 of the Public Resources Code is amended to read:

42999.

(a) The department shall, upon appropriation by the Legislature, administer a grant program to provide financial assistance to promote in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or process organic and other recyclable materials into new, value-added products. Moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, to the department shall be expended consistent with the requirements of Article 9.7 (commencing with Section 16428.8) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code and Chapter 4.1 (commencing with Section 39710) of Part 2 of Division 26 of the Health and Safety Code.

(b) Eligible financial assistance shall be provided for any of the following:

(1) Organics composting.

(2) Organics in-vessel digestion.

(3) Recyclable material manufacturing.

(4) Activities that expand and improve organic waste diversion and recycling, including, but not limited to, the recovery of food for human consumption and food waste prevention.

(5) Preprocessing organic materials for composting or organics in-vessel digestion.

(6) Codigestion at existing wastewater treatment plants.

(c) For purposes of this section, eligible infrastructure projects include, but are not limited to, any of the following:

(1) Capital investments in new facilities and increased throughput at existing facilities for activities, such as converting windrow composting to aerated-static-pile composting to use food waste as feedstock.

(2) Designing and constructing organics in-vessel digestion facilities to produce products, such as biofuels to be used or distributed on site, bioenergy, and soil amendments.

(3) Designing and constructing or expanding facilities for processing recyclable materials.

(4) Projects to improve the quality of recycled materials.

(d) In awarding a grant for organics composting or organics in-vessel digestion pursuant to this section, the department shall consider all of the following:

(1) The amount of reductions of emissions of greenhouse gases that may result from the project.

(2) The amount of organic material that may be diverted from landfills as a result of the project.

(3) If and how the project may benefit disadvantaged communities.

(4) For a grant awarded for an organics in-vessel digestion project, if and how the project maximizes resource recovery, including the production of clean energy or low-carbon or carbon negative transportation fuels.

(5) Project readiness and permitting that the project may require.

(6) Air and water quality benefits that the project may provide.

(e) To the degree that funds are available, the department may provide larger grant awards for large-scale regional integrated projects that provide cost-effective organic waste diversion and maximize environmental benefits.

SEC. 42.

Section 2827.10 of the Public Utilities Code is amended to read:

2827.10.

(a) As used in this section, the following terms have the following meanings:

(1) "Electrical corporation" means an electrical corporation, as defined in Section 218.

(2) "Eligible fuel cell electrical generating facility" means a facility that includes the following:

(A) Integrated powerplant systems containing a stack, tubular array, or other functionally similar configuration used to electrochemically convert fuel to electricity.

(B) An inverter and fuel processing system where necessary.

(C) Other plant equipment, including heat recovery equipment used to support the facility's operation or its energy conversion.

(3) (A) "Eligible fuel cell customer-generator" means a customer of an electrical corporation that meets all the following criteria:

(i) Uses a fuel cell electrical generating facility with a generating capacity of not more than five megawatts that is located on or adjacent to the customer's owned, leased, or rented premises, is interconnected and operates in parallel with the electrical grid while the grid is operational or in a grid independent mode when the grid is nonoperational, and is sized to offset part or all of the eligible fuel cell customer-generator's own electrical requirements.

(ii) Is the recipient of local, state, or federal funds, or who self-finances projects designed to encourage the development of eligible fuel cell electrical generating facilities.

(iii) Uses technology the commission has determined will achieve reductions in emissions of greenhouse gases pursuant to subdivision (b).

(iv) Complies with the emissions standards adopted by the State Air Resources Board pursuant to the distributed generation certification program requirements of Section 94203 of Title 17 of the California Code of Regulations, or any successor regulation.

(B) For purposes of this paragraph, a person or entity is a customer of the electrical corporation if the customer is physically located within the service territory of the electrical corporation and receives bundled service, distribution service, or transmission service from the electrical corporation.

(4) "Net energy metering" means measuring the difference between the electricity supplied through the electrical grid and the difference between the electricity generated by an eligible fuel cell electrical generating facility and fed back to the electrical grid over a 12-month period as described in subdivision (f). Net energy metering shall be accomplished using a time-of-use meter capable of registering the flow of electricity in two directions. If the existing electrical meter of an eligible fuel cell customer-generator is not capable of measuring the flow of electricity in two directions, the eligible fuel cell customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is able to measure electricity flow in two directions. If an additional meter or meters are installed, the net energy metering calculation shall yield a result identical to that of a time-of-use meter.

(b) (1) Not later than March 31, 2017, the State Air Resources Board, in consultation with the Energy Commission, shall establish a schedule of annual greenhouse gas emissions reduction standards for a fuel cell electrical generation resource for purposes of clause (iii) of subparagraph (A) of paragraph (3) of subdivision (a) and shall update the schedule every three years with applicable standards for each intervening year.

(2) The greenhouse gas emissions reduction standards shall ensure that each fuel cell electrical generation resource, for purposes of clause (iii) of subparagraph (A) of paragraph (3) of subdivision (a), reduces greenhouse gas emissions compared to the electrical grid resources, including renewable resources, that the fuel cell electrical generation resource displaces, accounting for both procurement and operation of the electrical grid.

(c) (1) Every electrical corporation, not later than March 1, 2004, shall file with the commission a standard tariff providing for net energy metering for eligible fuel cell customer-generators, consistent with this section. Subject to the limitation in subdivision (g), every electrical corporation shall make this tariff available to eligible fuel cell customer-generators upon request, on a first-come-first-served basis, until the total cumulative rated generating capacity of the eligible fuel cell electrical generating facilities receiving service pursuant to the tariff, in addition to the installed capacity as of January 1, 2017, reaches a level equal to its proportionate share of a statewide limitation of 500 megawatts cumulative rated generation capacity served under this section. The proportionate share shall be calculated based on the ratio of the electrical corporation's peak demand compared to the total statewide peak demand.

(2) To continue the growth of the market for onsite electrical generation using fuel cells, the commission may review and incrementally raise the limitation established in paragraph (1) on the total cumulative rated generating capacity of the eligible fuel cell electrical generating facilities receiving service pursuant to the tariff in paragraph (1).

(d) In determining the eligibility for the cumulative rated generating capacity within an electrical corporation's service territory, preference shall be given to facilities that, at the time of installation, are located in a community with significant exposure to air contaminants or localized air contaminants, or both, including, but not limited to, communities of minority populations or low-income populations, or both, based on the ambient air quality standards established pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code.

(e) (1) Each net energy metering contract or tariff shall be identical, with respect to rate structure, all retail rate components, and any monthly charges, to the contract or tariff to which the customer would be assigned if the customer was not an eligible fuel cell customer-generator. Any new or additional demand charge, standby charge, customer charge, minimum monthly charge, interconnection charge, or other charge that would increase an eligible fuel cell customer-generator's costs beyond those of other customers in the rate class to which the eligible fuel cell customer-generator would otherwise be assigned are contrary to the intent of the Legislature in enacting this section, and shall not form a part of net energy metering tariffs.

(2) The commission shall authorize an electrical corporation to charge a fuel cell customer-generator a fee based on the cost to the utility associated with providing interconnection inspection services for that fuel cell customer-generator.

(f) The net metering calculation shall be made by measuring the difference between the electricity supplied to the eligible fuel cell customer-generator and the electricity generated by the eligible fuel cell customer-generator and fed back to the electrical grid over a 12-month period. The following rules apply to the annualized metering calculation:

(1) The eligible fuel cell customer-generator shall, at the end of each 12-month period following the date of final interconnection of the eligible fuel cell electrical generating facility with an electrical corporation, and at each anniversary date thereafter, be billed for electricity used during that period. The electrical corporation shall determine if the eligible fuel cell customer-generator was a net consumer or a net producer of electricity during that period. For purposes of determining if the eligible fuel cell customer-generator was a net consumer or a net producer of electricity during that period, the electrical corporation shall aggregate the electrical load of the meters located on the property where the eligible fuel cell electrical generating facility is located and on all property adjacent or contiguous to the property on which the facility is located, if those properties are solely owned, leased, or rented by the eligible fuel cell customer-generator. Each aggregated account shall be billed and measured according to a time-of-use rate schedule.

(2) At the end of each 12-month period, where the electricity supplied during the period by the electrical corporation exceeds the electricity generated by the eligible fuel cell customer-generator during that same period, the eligible fuel cell customer-generator is a net electricity consumer and the electrical corporation shall be owed compensation for the eligible fuel cell customer-generator's net kilowatthour consumption over that same period. The compensation owed for the eligible fuel cell customer-generator's consumption shall be calculated as follows:

(A) The generation charges for any net monthly consumption of electricity shall be calculated according to the terms of the tariff to which the same customer would be assigned to or be eligible for if the customer was not an eligible fuel cell customer-generator. When the eligible fuel cell customer-generator is a net generator during any discrete time-of-use period, the net kilowatthours produced shall be valued at the same price per kilowatthour as the electrical corporation would charge for retail kilowatthour sales for generation, exclusive of any surcharges, during that same time-of-use period. If the eligible fuel cell customer-generator's time-of-use electrical meter is unable to measure the flow of electricity in two directions, paragraph (4) of subdivision (a) applies. All other charges, other than generation charges, shall be calculated in accordance with the eligible fuel cell customer-generator's applicable tariff and based on the total kilowatthours delivered by the electrical corporation to the eligible fuel cell customer-generator. To the extent that charges for transmission and distribution services are recovered through demand charges in any particular month, no standby reservation charges shall apply in that monthly billing cycle.

(B) The net balance of moneys owed shall be paid in accordance with the electrical corporation's normal billing cycle.

(3) At the end of each 12-month period, where the electricity generated by the eligible fuel cell customer-generator during the 12-month period exceeds the electricity supplied by the electrical corporation during that same period, the eligible fuel cell customer-generator is a net electricity producer and the electrical corporation shall retain any excess kilowatthours generated during the prior 12-month period. The eligible fuel cell customer-generator shall not be owed any compensation for those excess kilowatthours.

(4) If an eligible fuel cell customer-generator terminates service with the electrical corporation, the electrical corporation shall reconcile the eligible fuel cell customer-generator's consumption and production of electricity during any 12-month period.

(g) A fuel cell electrical generating facility shall not be eligible for the tariff unless it commences operation on or before December 31, 2023, unless a later enacted statute, that is chaptered on or before December 31, 2023, extends this eligibility commencement date. The tariff shall remain in effect for an eligible fuel cell electrical generating facility that commences operation pursuant to the tariff on or before December 31, 2023. A fuel cell customer-generator is eligible for the tariff established pursuant to this section only for the operating life of the eligible fuel cell electrical generating facility.

SEC. 43.

Section 5001 of the Water Code is amended to read:

5001.

(a) Except as provided in subdivision (c), each person who, after 1955, extracts ground water in excess of 25 acre-feet in any year shall file with the board a "Notice of Extraction and Diversion of Water" (hereinafter called "notice") in the form provided in Section 5002, as provided in subdivision (b).

(b) (1) For extractions after December 31, 1955, and before January 1, 2021, the notice shall be filed before March 1 of the year after the extraction.

(2) For extractions after December 31, 2020, and before October 1, 2021, the notice shall be filed before February 1, 2022.

(3) For extractions after September 30, 2021, the notice shall include extractions during the one-year period from October 1 of each year through September 30, inclusive, of the following year, and shall be filed before February 1 of the year after that one-year period.

(c) No notice need be filed with respect to, and there shall not be required to be included in a notice, any of the following:

(1) Information concerning the extraction or diversion of water from a source from which less than 10 acre-feet has been taken during the year.

(2) Information concerning a taking or diversion of surface water for the purpose of generating electrical energy and other nonconsumptive uses, and for incidental uses in connection with that taking or diversion.

(3) Information concerning extractions or diversions of water that are included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have

extracted or diverted water and give the general place of use and the quantity of water that has been extracted or diverted from each source.

SEC. 44.

Section 5101 of the Water Code is amended to read:

5101.

(a) Each person who, after December 31, 1965, diverts water shall file with the board a statement of their diversion and use, as provided in subdivision (b), except that a statement is not required to be filed if the diversion is any of the following:

(1) From a spring that does not flow off the property on which it is located and from which the person's aggregate diversions do not exceed 25 acre-feet in any year.

(2) Covered by a registration for small domestic use, small irrigation use, or livestock stockpond use, or permit or license to appropriate water on file with the board.

(3) Included in a notice filed pursuant to Part 5 (commencing with Section 4999).

(4) Regulated by a watermaster appointed by the department and included in annual reports filed with a court or the board by the watermaster, which reports identify the persons who have diverted water and describe the general purposes and the place, the use, and the quantity of water that has been diverted from each source.

(5) Included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity of water that has been diverted from each source.

(6) For use in compliance with Article 2.5 (commencing with Section 1226) or Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2.

(7) A diversion that occurs before January 1, 2009, if any of the following applies:

(A) The diversion is from a spring that does not flow off the property on which it is located, and the person's aggregate diversions do not exceed 25 acre-feet in any year.

(B) The diversion is covered by an application to appropriate water on file with the board.

(C) The diversion is reported by the department in its hydrologic data bulletins.

(D) The diversion is included in the consumptive use data for the Delta lowlands published by the department in its hydrologic data bulletins.

(b) (1) For diversions after December 31, 1965, and before January 1, 2021, the statement shall be filed before July 1 of the year after the diversion.

(2) For diversions after December 31, 2020, and before October 1, 2021, the statement shall be filed before April 1, 2022.

(3) For diversions after September 30, 2021, the statement shall include diversions during the one-year period from October 1 of each year through September 30, inclusive, of the following year, and shall be filed before February 1 of the year after that one-year period.

SEC. 45.

Section 5104 of the Water Code is amended to read:

5104.

(a) Supplemental statements shall be filed annually, as provided in subdivision (b). They shall contain the quantity of water diverted and the rate of diversion by months in the preceding calendar year and any change in the other information contained in the preceding statement.

(b) (1) For diversions before January 1, 2021, a supplemental statement required under this section shall be filed before July 1 of the year after the diversion.

(2) For diversions after December 31, 2020, and before October 1, 2021, the supplemental statement shall be filed before April 1, 2022.

(3) For diversions after September 30, 2021, the supplemental statement shall include diversions during the one-year period from October 1 of each year through September 30, inclusive, of the following year, and shall be filed before February 1 of the year after that one-year period.

(c) If there is a change in the name or address of the person diverting the water, a supplemental statement shall be filed with the board that includes the change in name or address.

(d) A supplemental statement filed prior to July 1, 2016, shall include data satisfying the requirements of subdivision (a) for any diversion of water in the 2012, 2013, and 2014 calendar years, that was not reported in a supplemental statement submitted prior to July 1, 2015.

(e) This section does not limit the authority of the board to require additional information or more frequent reporting under any other law.

SEC. 46.

Section 5202 of the Water Code is amended to read:

5202.

(a) This section applies to a person who does either of the following:

(1) Extracts groundwater from a probationary basin 90 days or more after the board designates the basin as a probationary basin pursuant to Section 10735.2.

(2) Extracts groundwater on or after July 1, 2017, in an area within a high- or medium-priority basin subject to the requirements of subdivision (a) of Section 10720.7 that is not within the management area of a groundwater sustainability agency and where the county does not assume responsibility to be the groundwater sustainability agency, as provided in subdivision (b) of Section 10724.

(b) Except as provided in subdivision (c), a person subject to this section shall file a report of groundwater extraction by February 1 of each year for extractions made in the preceding water year.

(c) Unless reporting is required pursuant to paragraph (2) of subdivision (c) of Section 10735.2, this section does not apply to any of the following:

(1) An extraction by a de minimis extractor.

(2) An extraction excluded from reporting pursuant to paragraph (1) of subdivision (c) of Section 10735.2.

(3) An extraction reported pursuant to Part 5 (commencing with Section 4999).

(4) An extraction that is included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water. The reports shall identify the persons who have extracted water and give the general place of use and the quantity of water that has been extracted from each source.

(d) Except as provided in Section 5209, the report shall be filed with the board.

(e) The report may be filed by the person extracting water or on that person's behalf by an agency that person designates and that maintains a record of the water extracted.

(f) Each report shall be accompanied by the fee imposed pursuant to Section 1529.5.

SEC. 47.

Notwithstanding those statutes granting the City of Long Beach certain tidelands and submerged lands of the state upon certain trusts and conditions (Chapter 676 of the Statutes of 1911, Chapter 102 of the Statutes of 1925, and Chapter 158 of the Statutes of 1935), Chapter 29 of the Statutes of 1956, and the oil revenue sharing provisions of Chapter 138 of the Statutes of 1964 of the First Extraordinary Session, the state consents to the application of the Business License Tax by the City of Long Beach only as specifically provided for in City Ordinances C-6259 Section 1 (part), 1986; City Ordinance C-6751 Section 1, 1990, Prop. H, 5-1-07; and Measure US Section 1, 2020, to the state's share of oil revenue within the "Long Beach Tidelands," as defined in Section 1 of Chapter 138 of the Statutes of 1964 of the First Extraordinary Session, for taxes on such production levied and in effect as of October 1, 2021.

SEC. 48.

The state's share of oil revenue within the "Long Beach Tidelands," as defined in Section 1 of Chapter 138 of the Statutes of 1964 of the First Extraordinary Session, shall not be subject to any business license tax, severance tax, oil barrel production tax, or other municipal tax, fee, or assessment not already in existence and levied on or before October 1, 2021, that has the effect of reducing the state's share of oil revenue, net profits, or remaining oil revenue received into the General Fund, without express statutory authorization for that tax, fee, or assessment.

SEC. 49.

Upon appropriation by the Legislature in the annual Budget act, one hundred and fifty million dollars ($150,000,000) shall be available in 2022-23 fiscal year and one hundred and fifty million dollars ($150,000,000) shall be available in the 2023-24 fiscal year to support programs and activities that mitigate extreme heat impacts. Programs and activities include, but are not limited to, any of the following:

(a) Heat resilient infrastructure, built, natural, and social, including, but not limited to, projects that support the installation of cool surfaces, reduce indoor and outdoor school temperatures through nature-based solutions and cool building or cool surface materials, reduce outdoor temperatures along key active transportation corridors in heat-vulnerable communities, or use nature-based solutions and cool surface materials in new and existing low-income residential projects in heat-vulnerable communities.

(b) Workforce development, training, and apprenticeships that support projects specified in subdivision (a).

(c) Climate research.

(d) Increased public awareness of how to prepare and respond to extreme heat.

(e) Programs that support implementation of California's extreme heat framework.

SEC. 50.

Upon appropriation by the Legislature, fifty million dollars ($50,000,000) shall be available in the 2022–23 fiscal year to the Department of Conservation, in coordination with the State Air Resources

Board and the State Energy Resources Conservation and Development Commission, for pilot projects in the Sierra Nevadas to create carbon-negative fuels from materials resulting from forest vegetation management. All eligible projects shall identify a California use of the hydrogen or liquid fuel to be created and have a lifecycle analysis of the carbon emitted and sequestered from the project, including any emissions from related transportation needs of bringing the feedstock materials to the facility and delivering resulting fuels and carbon dioxide to its end uses. The Department of Conservation shall notify the Joint Legislative Budget Committee of proposed projects to be funded 30 days prior to the funds being issued.

SEC. 51.

(a) Upon appropriation by the Legislature in the annual budget act, five hundred ninety-three million dollars ($593,000,000) shall be available in the 2022–23 fiscal year and one hundred seventy-five million dollars ($175,000,000) shall be available in the 2023–24 fiscal year to the Natural Resources Agency, and to its departments, conservancies, and boards, to support programs and activities that advance multibenefit and nature-based solutions. Of this amount, not less than sixty million dollars ($60,000,000) shall be available in the 2022–23 fiscal year and not less than sixty million dollars ($60,000,000) shall be available in the 2023–24 fiscal year to support state conservancies. Programs and activities supported include, but are not limited to, any of the following:

(1) Activities that support implementation of the state's 30 by 30 goal to conserve 30 percent of lands and coastal waters by 2030 and support their long-term protection.

(2) Protection of California's fish and wildlife resources in response to changing climate conditions and the highly variable habitat needs of fish and wildlife.

(3) Restoration and stewardship projects that restore or manage the land to improve its resilience to climate impacts and natural disasters and support carbon neutrality, including through controlling or eradicating invasive plants and species, as well as the protection of lakes, streams, and rivers.

(4) Development and implementation of natural community conservation plans, habitat conservation plans, and regional conservation investment strategies.

(5) Activities that support healthy urban streams and rivers, including, but not limited to, the Los Angeles River and Parkway and the Guadalupe River.

(6) Acquisitions, including in-fee, conservation easements, and long-term management.

(7) Floodplain restoration projects that provide multiple benefits, including migratory bird habitat, and salmon, steelhead trout, splittail, and other native species recovery.

(8) Intertidal wetland, tidal marsh, and wetland habitat projection or restoration projects.

(9) Activities to accelerate climate smart management of California's natural and working lands, including, but not limited to, efforts to scale nature-based climate solutions in climate vulnerable communities, increase landscape health and connectivity, scale climate smart agriculture, and support workforce training for high road nature-based careers.

(10) Projects that are adjacent and accessible to urban populations and disadvantaged communities.

(b) This section does not apply to projects for which natural resource restoration or conservation is a secondary purpose, or to projects that include restoration solely for purposes of meeting regulatory requirements.

SEC. 52.

(a) Upon appropriation by the Legislature, the sum of three hundred fifty million dollars ($350,000,000) shall be available in the 2022–23 fiscal year and the sum of one hundred fifty million dollars ($150,000,000) shall be available in the 2023–24 fiscal year to the State Coastal Conservancy for grants or expenditures for the protection and restoration of coastal and ocean resources from the impacts of sea level rise and other impacts of climate change. Eligible projects include, but are not limited to, projects to protect, restore, and increase the resilience of coastal and ocean ecosystems and coastal watersheds. The State Coastal Conservancy may coordinate with the Ocean Protection Council on project implementation. Funds shall be available for any of the following projects:

(1) Projects that are consistent with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code), including, but not limited to, projects that address sea level rise, flood management, and wetland restoration.

(2) Projects for the purpose of the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code.

(3) Coastal resilience projects along the coast, including coastal wetlands and watersheds, beaches, dunes, bluffs, bays, fisheries, and other wildlife, and projects that build resilience for coastal communities, public access, and critical infrastructure.

(4) Coastal wetlands projects and projects that protect and restore coastal habitat, estuary conditions, uplands, and forest habitat.

(5) Projects that remove outdated or obsolete dams and projects that upgrade associated downstream infrastructure to increase climate resilience, enhance natural habitat transport, or improve wildlife and fish passage.

(6) Grants through the Climate Ready Program pursuant to Section 31113 of the Public Resources Code.

(b) In addition to the purposes in subdivision (a), the State Coastal Conservancy may provide funding for any of the following:

(1) Projects for nonmotorized trails of statewide significance.

(2) Projects for the restoration of coastal land for public uses on surplus land for formerly fossil-fueled powerplants.

(3) Projects for the purpose of establishing a Sea Level Rise Revolving Loan Program (Division 20.6.6 (commencing with Section 30975) of the Public Resources Code) for the purpose of providing low-interest loans to local jurisdictions to purchase properties, pursuant to guidelines developed by the Ocean Protection Council, expected to be at risk to sea level rise.

(4) Projects for purposes of the Santa Ana River Conservancy Program established pursuant to Chapter 4.6 (commencing with Section 31170) of Division 21 of the Public Resources Code.

SEC. 53.

Upon appropriation by the Legislature, the sum of fifty million dollars ($50,000,000) shall be available in the 2022–23 fiscal year and the sum of fifty million dollars ($50,000,000) shall be available in the 2023–24 fiscal year to the Ocean Protection Council for grants or expenditures for resilience projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems, including, but not limited to, estuarine and kelp forest habitat, the state's system of

marine protected areas, and sustainable or climate-ready fisheries, and including projects that address harmful algal blooms, marine invasive species, and ocean acidification and hypoxia.

SEC. 54.

Upon appropriation by the Legislature in the annual Budget Act, twenty-five million dollars ($25,000,000) shall be made available in the 2022–23 fiscal year and seventy-five million dollars ($75,000,000) shall be made available in the 2023–24 fiscal year to the Office of Planning and Research, through the Integrated Climate Adaptation and Resiliency Program for the establishment of a grant program for projects that mitigate the impacts of extreme heat or the urban heat island effect, by adopting strategies, including, but not limited to, heat action plans, providing mechanical or natural shade, increasing building and surface reflectance, providing passive or low-energy cooling strategy, and promoting evaporative cooling. Grants pursuant to this section shall involve multistakeholder partnerships.

SEC. 55.

Upon appropriation by the Legislature in the annual Budget Act, twenty-five million dollars ($25,000,000) shall be made available in the 2022–23 fiscal year and seventy-five million dollars ($75,000,000) shall be made available in the 2023–24 fiscal year to the Strategic Growth Council, in coordination with the Office of Planning and Research, for the establishment of a community resilience centers grant program. Grants pursuant to this section shall involve multistakeholder partnerships and demonstrate involvement of community-based organizations and community residents within governance and decisionmaking processes. Funding shall be available for the construction of new facilities or the retrofit of existing facilities that will serve as community resilience centers, including hydration stations, cooling centers, clean air centers, respite centers, community evacuation and emergency response centers, and similar facilities to mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change, such as wildfire, power outages, or flooding, on local populations. These centers will serve as both community emergency response facilities and to build long-term resilience, preparedness, and recovery operations for local communities. Grants for community resilience centers shall be awarded for comprehensive upgrades to model integrated delivery of services. Guideline development and awards shall go through a public process allowing for transparency and stakeholder feedback.

SEC. 56.

With respect to Section 24, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances existing on the Klamath River.

SEC. 57.

Section 17.5 of this bill incorporates amendments to Section 116766 of the Health and Safety Code proposed by both this bill and SB 776. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 116766 of the Health and Safety Code, and (3) this bill is enacted after SB 776, in which case Section 116766 of the Health and Safety Code, as amended by Section 17 of this bill, shall remain operative only until the operative date of SB 776, at which time Section 17.5 of this bill shall become operative.

SEC. 58.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates

a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 59.

This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

RESOLUTION NO. 2022-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
REINSTATING PENALTIES AND LATE FEES ON UTILITY BILLS AND REINSTATING THE POLICY FOR DISCONTINUATION OF RESIDENTIAL WATER SERVICE/LATE FEES DUE TO THE EXPIRATION OF THE MORATORIUM ON SHUTOFF FOR WATER UTILITIES DURING THE COVID-19 EMERGENCY

WHEREAS, on March 4, 2020, the Governor of the State of California ("Governor") declared a state of emergency in the State of California ("State") based on the number of confirmed cases of the novel coronavirus ("COVID-19") in the State; and

WHEREAS, on April 4, 2020, the Governor of the State of California ("Governor") issued Executive Order N-42-20, which issued that water systems shall restore any residential service to occupied residences that had been discontinued for nonpayment since March 4, 2020, Water systems shall not discontinue service to any business in the critical infrastructure sectors, and the State Water Resources Control Board shall identify best practices, guidelines, or both to be implemented during the COVID-19 emergency; and

WHEREAS, on April 14, 2020, Georgetown Divide Public Utility Board of Directors passed Resolution 2020-24 waiving late fees on utility bills for customers impacted by COVID-19 during the El Dorado County shelter in place order; and

WHEREAS, the Governor issued executive orders N-08-21 (June,11 2021) and N-12-21 (August 16, 2021) which extended the declared state of emergency to Dec 31, 2021

WHEREAS, on Sept. 23, 2021, the Governor signed into law SB 155 which extended the moratorium on water shutoffs from Exec Order N-42-20 through Dec 31, 2021

WHEREAS, the stay-at-home order has been lifted; the economy has reopened and the moratorium on water shutoffs has expired,

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT as follows:

The Georgetown Divide Public Utility District ("District") shall

1. Rescind Resolution 2020-24 and reinstate all late fees and penalties related to customer shutoffs.
2. Reinstate the current District policy for Discontinuation of Residential Water Service/Late fees.

a. The policy will go into effect after sixty (60) days of this resolution.

b. The customers will be notified that the moratorium has expired, and water shutoffs will begin within sixty (60) days.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the eighth day of February 2022, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____
Michael Saunders, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

_____
Adam Coyan, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of Resolution 2022-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this eighth day of February 2022.

_____
Adam Coyan, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT