AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
September 12, 2019
9:00 a.m.
Website Address: www.amadorwater.org

Please Note:
Members of the public will have the opportunity to directly address the Agency Board of Directors concerning any item listed on the Agenda below before or during consideration of that item. There is a three minute time limit per person.
In order to better accommodate members of the public, some Agenda Items will be heard at a specified time or soon thereafter. Agenda Items without specific times may be rearranged to accommodate the Board's schedule.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ADDITIONS TO AGENDA
   Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2

3. INTRODUCTION OF NEW EMPLOYEE
   A. Josh Hill- CSR/ Meter Reader

4. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA
   A. Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of Amador Water Agency; however, any matter that requires action will be referred to Staff for a report and action at a subsequent Board meeting. Please note there is a three (3) minute time limit per person.

5. CONSENT AGENDA
   A. Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

6. AGENCY GENERAL
   A. Amador County Assessor
      1. Update from Jim Rooney, Amador County Assessor

7. WATER SYSTEM
   A. Tanner Water Treatment Plant
      1. Discussion and possible action to authorize the expenditure of funds for the repair of electric actuators at the Tanner Water Treatment Plant

Paul Molinelli Jr., President        Rich Farrington, Vice President        Art Toy        Susan Peters        Gary Thomas
8. LEGAL COUNSEL'S REPORT
   A. Legislative report
   B. Discussion and possible action regarding Agency positions on other pending bills
   C. Other Legal Matters

9. CLOSED SESSION
   A. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(D)(1) – Existing Administrative Proceedings – State Water Resources Control Board Bay-Delta Water Quality Control Plan Update Proceeding
   B. Conference with Agency Negotiators Pursuant to Government Code Section 54956.8 (b) with direction regarding the terms for a one-time water transfer with Bay Area Water Supply and Conservation Agency (BAWSCA)
   C. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) – Existing Litigation – In re PG&E Corporation and Pacific Gas and Electric Company, United States Bankruptcy Court for the Northern District of California, Case No. 19-30088-DM (Chapter 11)
   E. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) – Existing Litigation – Howard Jarvis Taxpayers Association, et al. v. Amador Water Agency, et al. (Amador Superior Court Case No. 16-CVC-09564/Third District Court of Appeal Case No. C081757).
   F. Conference with legal counsel–anticipated litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(4); consideration of initiation of litigation involving one case
   G. Pursuant to Government Code Sections 54957 Public Employee Performance Evaluation-General Manager
   H. Pursuant to Government Code sections 54954.5 (e) and GC 54957 (b) Public employee discipline/dismissal/release.

10. COMMITTEE REPORTS, SPECIAL ASSIGNMENTS AND DIRECTOR COMMENTS
   A. Budget and Finance Committee (08-27-19)

11. FUTURE AGENDA TOPICS

12. ADJOURNMENT
AMADOR WATER AGENCY  
CONSENT AGENDA  
September 12, 2019  

Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

1. MINUTES  
   A. Approval of minutes of the Regular Board Meeting of August 22, 2019  
   B. Approval of minutes of the Special Board Meeting of August 22, 2019  
   C. Approval of minutes of the Special Board Meeting of August 29, 2019  
   D. Approval of minutes of the Special Board Meeting of August 30, 2019

2. MISCELLANEOUS APPROVALS  
   A. Approval of 2019-2020 Salary Schedules

3. RESOLUTIONS  
   A. Adoption of Resolution 2019-16, Approving Revisions to Section 4.12 of the Employee Handbook- Policy Prohibiting Harassment and Discrimination

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Cris Thompson at (209) 223-3018 or (209) 257-5281 (fax). Requests must be made as early as possible, and at least two-full business days before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Amador Water Agency Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection and copying at 12800 Ridge Rd, Sutter Creek CA 95685
AMADOR WATER AGENCY
Board of Directors
Regular Meeting

August 22, 2019

MINUTES

Directors Present: Paul Molinelli Jr., President
                    Richard Farrington, Vice President
                    Art Toy
                    Susan Peters
                    Gary Thomas

Directors Absent: None

Staff Present: Gene Mancebo, General Manager
               Cris Thompson, Assistant General Manager
               Karen Gish, HR/Office Manager
               Tracey Hays, Finance Manager
               Rick Ferriera, Operations Manager
               Darrel Evensen, Engineering Manager

CALL TO ORDER- President Molinelli Jr. called the meeting to order at 9:02 a.m.

ADDITIONS TO THE AGENDA (00:00:46)- None

PUBLIC COMMENT (00:41- 4:45)
Mr. Wayne Garibaldi, Amador County Historical Society
Mr. Shane Dante, Foothill Conservancy

CONSENT AGENDA (0:05:51- 11:59)

MOTION: It was moved by Director Thomas, seconded by Director Peters, and unanimously carried to approve the Consent Agenda

MOTION Amended:
It was moved by Director Thomas, seconded by Director Peters, and unanimously carried to approve the Consent Agenda without item 2.B- salary schedules
DEPARTMENT REPORTS (12:00-1:20:13)
A. Administration/Finance
B. Operations
C. Engineering

RECESS was called at 10:21 a.m. SESSION resumed at 10:30 a.m.

AGENCY GENERAL (1:20:13-2:05:12)
SIERRA NEVADA ENERGY WATCH LOCAL GOVERNMENT PARTNERSHIP
Presentation by Kari Sinoff, Sierra Business Council
Discussion and possible action to authorize the General Manager to execute a
participation agreement with Sierra Business Council to develop an Energy Action Plan
for the Agency

MOTION: It was moved by Director Peters, seconded by Director Thomas and
unanimously carried to execute a participation agreement with Sierra Business Council
to develop an Energy Action Plan for the Agency

RECESS was called at 11:15 a.m. SESSION resumed at 11:22 a.m.

ENTERPRISE FLEET MANAGEMENT (2:05:13-2:55:12)
Presentation by Jason Caponetti, Enterprise Fleet Management

Direction was given to bring back an analysis comparing the 5 year lease agreements to
7 year lease agreements

RAY MORGAN PRO IT (2:56:26-3:31:58)
Presentation by Ryan Dunn, Ray Morgan Pro It
Discussion and possible action to add Cyber Security Solutions to our monthly
managed services contract

MOTION: It was moved by Director Toy, seconded by Director Peters and unanimously
carried to add Cyber Security services in the amount of $2,175 per month in additional
costs to the current contract.

EMPLOYEE HANDBOOK SECTION 4.12 (3:32:52-3:51:26)
Review of Employee Handbook Section 4.12- Policy Prohibiting Harassment and
Discrimination

Direction was given to make suggested revisions and bring back to the next Board
Meeting.

RECESS was called at 1:20 p.m. for the Special Board Meeting.
OPEN SESSION resumed at 1:52 p.m.

CLOSED SESSION was called at 1:54 p.m.

Conference with legal counsel--anticipated litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(4); consideration of initiation of litigation involving one case

Pursuant to Government Code Section 54957 Public Employee Performance Evaluation- General Manager

Pursuant to Government Code sections 54954.5 (e) and GC 54957 (b) Public employee discipline/dismissal/release

OPEN SESSION resumed at 1:55 p.m. with nothing to report

GENERAL MANAGER'S REPORT (3:54:38- 4:02:52)

WATER SYSTEM (4:03:06- 4:05:25)
Ione Water Treatment Plant Expansion Project Notice of Completion
Discussion and possible action to adopt Resolution No. 2019-14, a resolution accepting completion of the Ione Water Treatment Plant Expansion Project and authorization to file a Notice of Completion with the County Recorder.

MOTION: It was moved by Director Farrington, seconded by Director Toy and unanimously carried to adopt Resolution No. 2019-14 accepting completion of the Ione Water Treatment Plant Expansion Project and authorization to file a Notice of Completion with the County Recorder subject to Legal Counsel opinion as to whether the word expansion can be deleted from the Resolution.

ASSISTANT GENERAL MANAGER’S REPORT (4:05:41- 4:18:47)

BOARD OF DIRECTOR DISTRICT REPORTS, COMMITTEE REPORTS AND DIRECTOR COMMENTS - (4:18:51- 4:25:20)
A. Engineering and Planning Committee (08-12-19)
B. Security Committee (08-15-19)
C. MRA (08-16-19)
D. CAMRA (08-21-19)

FUTURE AGENDA TOPICS (4:26:39- 4:30:31)
Presentation on Tanner Hydro
County Assessor Rooney
ADJOURNMENT
President Molinelli Jr. adjourned the meeting at 2:35 p.m.

Cris Thompson
Clerk of the Board of Directors
Approved: ___________________________
AMADOR WATER AGENCY BOARD OF DIRECTORS
Special Board Meeting
August 22, 2019

MINUTES

Directors Present: Paul Molinelli Jr., President
Rich Farrington, Vice President
Susan Peters
Gary Thomas
Art Toy

Directors Absent: None

Staff Present: Gene Mancebo, General Manager

CALL TO ORDER  President Molinelli Jr. called the Special Board meeting to order at 1:14 p.m.
CLOSED SESSION was called at 1:15 p.m.

Conference with Agency Negotiators Pursuant to Government Code section 54956.8 with direction regarding the terms for a one-time water transfer with Bay Area Water Supply and Conservation Agency (BAWSCA)

Conference with legal counsel -- anticipated litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d); consideration of initiation of litigation involving one case

OPEN SESSION resumed at 1:52 p.m. with direction to staff

ADJOURNMENT- President Molinelli Jr. adjourned the meeting at 1:52 p.m.

Cris L. Thompson
Clerk of the Board of Directors
Approved:__________________________

Special Board Meeting
August 22, 2019
Page 1
AMADOR WATER AGENCY BOARD OF DIRECTORS
Special Board Meeting
August 29, 2019

MINUTES

Directors Present: Paul Molinelli Jr., President
Rich Farrington, Vice President
Gary Thomas
Susan Peters
Art Toy

Directors Absent: None

Staff Present: Gene Mancebo, General Manager
Cris Thompson, AGM/ Clerk of the Board

CALL TO ORDER President Molinelli Jr. called the Special Board meeting to order at 10:01 a.m.

RECESS was called at 10:15 a.m. SESSION resumed at 10:25 a.m.

LUNCH RECESS was called at 11:45 SESSION resumed at 12:00 p.m.

AGENCY GENERAL
FY 18-19 Grand Jury Report Draft Response

Direction was given to staff to accept the changes provided today, incorporate the appendices and appropriate references into the draft for final review in September 4, 2017.

ADJOURNMENT- President Molinelli Jr. adjourned the meeting at 1:05 p.m.

Cris L. Thompson
Clerk of the Board of Directors
Approved: __________________________

Special Board Meeting
August 29, 2019
Page 1
AMADOR WATER AGENCY BOARD OF DIRECTORS
Special Board Meeting
September 4, 2019

MINUTES

Directors Present: Paul Molinelli Jr., President
Rich Farrington, Vice President
Gary Thomas
Susan Peters
Art Toy

Directors Absent: None

Staff Present: Gene Mancebo, General Manager
Cris Thompson, AGM/Clerk of the Board

CALL TO ORDER President Molinelli Jr. called the Special Board meeting to order at 2:04 p.m.

Public Comment: (0:01:00 - 7:02)
Thornton Consolo, Amador Central Railroad and Amador Historical Society regarding the Ione Hydro Project

Ione Hydro Project (7:05 -10:24)
Discussion and possible action to adopt Resolution No. 2019-15 authorizing the Board President to grant an easement to Pacific Gas & Electric Company (APN 011-250-002) relating to the Ione Hydro Project

MOTION: It was moved by Director Thomas, seconded by Director Peters and unanimously carried to authorize the Board President to grant an easement to Pacific Gas & Electric Company (APN 011-250-002) relating to the Ione Hydro Project.

AGENCY GENERAL
Discussion and possible authorization to staff to finalize and submit the Agency’s response to the FY18-19 Grand Jury Report

MOTION: It was moved by Director Farrington, seconded by Director Peters and unanimously carried to approve the final response to the FY 18-19 Grand Jury Report with revisions.
RECESS was called at 3:07 p.m. SESSION resumed at 3:12 p.m.

CLOSED SESSION was called at 3:13 p.m.
A. Pursuant to Government Code Section 54957 Public Employee Performance Evaluation- General Manager

B. Pursuant to Government Code sections 54954.5 (e) and GC 54957 (b) Public employee discipline/dismissal/release

OPEN SESSION resumed at 3:27 p.m. with nothing to report

ADJOURNMENT- President Molinelli Jr. adjourned the meeting at 3:27 p.m.

Cris L. Thompson
Clerk of the Board of Directors
Approved: ________________

Special Board Meeting
September 4, 2019
Page 2
Approval of July 2019 Salary Schedules

Requested Action:
Approve the July 1, 2019 Salary Schedules.

Background:
CalPERS recently informed me that the Board of Directors should be approving the salary schedules when the Agency has changes to them. Per the ratified AWA Employee's Association Memorandum of Understanding (MOU), the salary ranges increased by a Cost of Living Adjustment of two percent (2%) effective July 1, 2019.

The attached Salary Schedules for the General (revised to include the Electrical Technician position), Supervisor and Exempt positions reflect the two percent increase, with the exception of the General Manager salary, which has not changed.

Fiscal Impact: The two percent adjustment is part of the 2019/2020 budget.

Committee Review: No.

Recommendation: Approve the July 2019 Salary Schedules as attached.

Prepared by: Karen L. Gish, HR / Office Manager
<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>RANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asst GM/Clerk of the Board</td>
<td>Yearly: $140,321 $175,401</td>
</tr>
<tr>
<td></td>
<td>Hourly: $67.4620 $84.3275</td>
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<tr>
<td>Operations Manager</td>
<td>Yearly: $117,504 $146,880</td>
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<td></td>
<td>Hourly: $56.4923 $70.6154</td>
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<tr>
<td>Financial Manager</td>
<td>Yearly: $123,342 $154,178</td>
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<td></td>
<td>Hourly: $59.2990 $74.1238</td>
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<tr>
<td>HR/Office Manager</td>
<td>Yearly: $100,221 $125,276</td>
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<td>Hourly: $48.1832 $60.2290</td>
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<td>Engineering Manager</td>
<td>Yearly: $127,565 $159,456</td>
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<td></td>
<td>Hourly: $61.3293 $76.6617</td>
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<tr>
<td>General Manager</td>
<td>Yearly: $197,300</td>
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<tr>
<td></td>
<td>Hourly: $94.8558</td>
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Effective 7/1/19 - 2% COLA
# CLASSIFICATION WAGE SCALE

## EMPLOYEE ASSOCIATION UNIT

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>RANGES</th>
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<tbody>
<tr>
<td></td>
<td>Range #</td>
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<tr>
<td>Accounting Clerk</td>
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<tr>
<td>Accountant</td>
<td>15</td>
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<tr>
<td>Administrative Assistant I</td>
<td>11</td>
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<tr>
<td>Administrative Assistant II</td>
<td>3</td>
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<tr>
<td>Administrative Assistant III</td>
<td>5</td>
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<td>Construction I</td>
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<td>14</td>
</tr>
<tr>
<td>Distribution III</td>
<td>18</td>
</tr>
<tr>
<td>GIS/CAD Technician</td>
<td>29</td>
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7/1/2019 - 2% COLA per MOU
<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>CLASSIFICATION WAGE SCALE</th>
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<tr>
<td>Customer Service Rep II</td>
<td></td>
</tr>
<tr>
<td>Customer Service Rep III</td>
<td></td>
</tr>
<tr>
<td>Inspector</td>
<td></td>
</tr>
<tr>
<td>Electrical Technician</td>
<td></td>
</tr>
<tr>
<td>Instrumentation/Electrician Tech</td>
<td></td>
</tr>
<tr>
<td>Meter Reader/Customer Svc Tech</td>
<td></td>
</tr>
<tr>
<td>Plant Operator II</td>
<td></td>
</tr>
<tr>
<td>Plant Operator III</td>
<td></td>
</tr>
<tr>
<td>Purchasing Agent</td>
<td></td>
</tr>
<tr>
<td>Regulatory Compliance Specialist</td>
<td></td>
</tr>
<tr>
<td>Utility I</td>
<td></td>
</tr>
<tr>
<td>Utility II</td>
<td></td>
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<tr>
<td>Utility III</td>
<td></td>
</tr>
<tr>
<td>Wastewater Operator I</td>
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<tr>
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<tr>
<td>Customer Service Rep II</td>
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<td>Customer Service Rep III</td>
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<tr>
<td>Inspector</td>
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<tr>
<td>Electrical Technician</td>
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<tr>
<td>Instrumentation/Electrician Tech</td>
<td>$77,210</td>
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<td>Meter Reader/Customer Svc Tech</td>
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<td>Regulatory Compliance Specialist</td>
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<td>Utility I</td>
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<td>Utility III</td>
<td>$60,821</td>
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<tr>
<td>Wastewater Operator I</td>
<td>$54,631</td>
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7/1/2019 - 2% COLA per MOU
## Classification Wage Scale

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<tr>
<th>Wastewater Operator II</th>
<th>20</th>
<th>Annual: $60,622</th>
<th>$75,778</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Hourly: $29.1452</td>
<td>$36.4315</td>
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</table>

7/1/2019 - 2% COLA per MOU
## CLASSIFICATION WAGE SCALE
### SUPERVISORY/PROFESSIONAL UNIT

<table>
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<tr>
<th>CLASSIFICATION</th>
<th>RANGE #</th>
<th>Yearly: $</th>
<th>Hourly: $</th>
</tr>
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<tbody>
<tr>
<td>Construction Supervisor</td>
<td>30</td>
<td>84,909</td>
<td>40.8216</td>
</tr>
<tr>
<td>Distribution/Canal Supervisor</td>
<td>30</td>
<td>84,909</td>
<td>40.8216</td>
</tr>
<tr>
<td>Instrumentation/Electrical Supervisor</td>
<td>35</td>
<td>88,794</td>
<td>42.6894</td>
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<tr>
<td>Wastewater Supervisor</td>
<td>30</td>
<td>84,909</td>
<td>40.8216</td>
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<tr>
<td>Water Treatment Supervisor</td>
<td>30</td>
<td>84,909</td>
<td>40.8216</td>
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### PROFESSIONAL EMPLOYEE

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<th>CLASSIFICATION</th>
<th>RANGE #</th>
<th>Yearly: $</th>
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</thead>
<tbody>
<tr>
<td>Assistant Engineer</td>
<td>32</td>
<td>78,962</td>
<td>37.9625</td>
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<tr>
<td>Resident Engineer</td>
<td>46</td>
<td>91,976</td>
<td>44.2192</td>
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7/1/2019 - 2% COLA per MOU
Resolution 2019-16
Revisions to Policy Prohibiting Harassment and Discrimination

Requested Action:
Adoption of Resolution 2019-16 Approving Revisions to Section 4.12 of the Employee Handbook Policy Prohibiting Harassment and Discrimination

Background:
At the Regular Board meeting of August 22, 2019, the Board of Directors reviewed the current Policy Prohibiting Harassment and Discrimination and requested minor revisions. Those revisions are noted in the track-change document attached for Board member reference. In addition, the revisions were presented to the AWA Employees’ Association, with concurrence. In addition to the marked up version, a final version is included as well.

Fiscal Impact: None

Committee Review: No

Recommendation:
Adoption of Resolution 2019-16 Approving Revisions to Section 4.12 of the Employee Handbook Policy Prohibiting Harassment and Discrimination

Prepared by: Karen L. Gish, HR / Office Manager
RESOLUTION NO. 2019-16
OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY
APPROVING REVISIONS TO SECTION 4.12 OF THE EMPLOYEE HANDBOOK-
POLICY PROHIBITING HARASSMENT AND DISCRIMINATION OF THE
EMPLOYEE HANDBOOK

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Amador Water Agency hereby approves the revisions to the Employee Handbook Attachment "A"

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this 12th day of September, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Signed and approved by me after its passage this 12th day of September 2019

________________________________________________________________________
Paul Molinelli Jr, President
Board of Directors

ATTEST:

________________________________________________________________________
Cris L. Thompson
Clerk of the Board of Directors
Section 4.12  Policy Prohibiting Harassment and Discrimination

The Agency is committed to providing a work environment that is free of unlawful discrimination, and harassment and retaliation. In keeping with the commitment, the Agency strictly prohibits harassment on the basis of an employee's race, sex, religious creed, color, national origin, ancestry, age, marital status, medical condition, veteran status, sexual orientation, physical or mental disability, or any other characteristic protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. Harassment of, or discrimination or retaliation against, any Agency employee or Agency service provider on any of these bases is strictly prohibited.

Examples of conduct prohibited under this policy include, but are not limited to, the following:

- Verbal harassment such as jokes, derogatory comments or slurs based on a protected characteristic or unwanted sexual advances, invitations or comments;
- Physical harassment such as assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on one of the protected categories above;
- Visual harassment such as derogatory posters, cartoons, drawings on one of the categories listed above;
- Threats or demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, or offers of employment benefits in return for sexual favors;
- Conduct which does, or which has the potential to, affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment;
- Retaliation for having reported, or threatened to report, harassment and/or discrimination.

If you have reason to think you have been or are being harassed, discriminated or retaliated against in violation of this policy, or if you are aware of or suspect the occurrence of any conduct in violation of this policy, you should immediately report this to your manager, any other Agency manager, the Human Resources Department or the General Manager.
The Agency will investigate such complaints promptly and, to the extent possible, discreetly. Those deemed by the Agency to have violated this policy will be subject to appropriate corrective action, including possible termination of employment.

There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation of alleged harassment or discrimination.

Revised: 8/22/19
Adopted:
Section 4.12  Policy Prohibiting Harassment and Discrimination

The Agency is committed to providing a work environment that is free of unlawful discrimination, harassment and retaliation. In keeping with the commitment, the Agency strictly prohibits harassment on the basis of an employee’s race, sex, religious creed, color, national origin, ancestry, age, marital status, medical condition, veteran status, sexual orientation, physical or mental disability, or any other characteristic protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. Harassment of, or discrimination or retaliation against, any Agency employee or Agency service provider on any of these bases is strictly prohibited.

Examples of conduct prohibited under this policy include, but are not limited to, the following:

- Verbal harassment such as jokes, derogatory comments or slurs based on a protected characteristic or unwanted sexual advances, invitations or comments;
- Physical harassment such as assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on one of the protected categories above;
- Visual harassment such as derogatory posters, cartoons, drawings on one of the categories listed above;
- Threats or demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, or offers of employment benefits in return for sexual favors;
- Conduct which does, or which has the potential to, affect an employee’s work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment;
- Retaliation for having reported, or threatened to report, harassment and/or discrimination.

If you have reason to think you have been or are being harassed, discriminated or retaliated against in violation of this policy, or if you are aware of or suspect the occurrence of any conduct in violation of this policy, you should immediately report this to your manager, any other Agency manager, the Human Resources Department or the General Manager.
The Agency will investigate such complaints promptly and, to the extent possible, discreetly. Those deemed by the Agency to have violated this policy will be subject to appropriate corrective action, including possible termination of employment.

There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation of alleged harassment or discrimination.

Revised: 8/22/19
Adopted:
STAFF REPORT

Tanner Water Treatment Plant Electric Actuators

Requested Action:
Discussion and possible action to authorize the expenditure of funds for the repair of electric actuators at the Tanner Water Treatment Plant for an amount not to exceed $8,226.55 excluding staff time which will be paid through the Water Treatment Plant maintenance fund as a budget augmentation.

Background
AWA completed the Tanner WTP Backwash Recycling Project earlier this year. During construction it was noted by the contractor that all of the below grade vaults were filling with groundwater and that the electric actuators were submerged for a period of time. The contract documents included the geotechnical site report which states that no groundwater was encountered anywhere on the project site.

AWA approved a change order to the contractor to install sump pumps and controls in each of the valve control vaults. AWA paid for Rotork, the manufacturer of the electric actuator, to inspect the actuators for potential damage. The manufacturer found corrosion on the contact plates and sent AWA a quote to repair the wire contacts to prevent eventual failure.

Alternatives: Do not approve the expenditure this fiscal year.

Fiscal Impact: $8,226.55

Reviewed by Committee: No

Staff Recommendation:
Authorize the expenditure of funds for the repair of electric actuators at the Tanner Water Treatment Plant for an amount not to exceed $8,226.55 excluding staff time which will be paid through the Water Treatment Plant maintenance fund as a budget augmentation.

Prepared by: Darrel Evensen, Engineering Manager
Customer: Amador Water Agency  
Attn: Accounts Payable  
12800 Ridge Road  
Sutter Creek, CA  95685  
(209) 257-5242

Work Location: Primary  
Amador Water Agency  
Darrel Everson  
12800 Ridge Road  
Sutter Creek, CA  95685  
(209) 257-5242

Rotork Service Contact:  
L. Sweeting x1404  
(laurie.sweeting@rotork.com)  
Rotork Project Technician:  
Manuel Lopez - Western

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Actuator Type:  
C22197 Water Ingress into Terminal Compartment x6

Job Summary: Corrosion on terminals of terminal bund due to water ingress; quote to replace terminal bungs and covers.

Quote includes:  
2 x 8 hours site labor  
NOTE: Rotork will only charge for actual site hours used or a minimum 4 hours, whichever is greater  
2x 7 hours RT travel from Petaluma Ca to Sutter Creek CA  
500 RT miles from Petaluma CA to Sutter Creek CA  
Parts to perform repair

NOTES:  
Technician to have free and clear access to site and permanent supply power to be available and ready to energize.  
Lifting equipment, if required to be provided by others  
If additional site hours or parts are required, revised pricing will be submitted  
Actuator to perform as intended at conclusion of work. If additional service calls are requested for adjustments, calibration, configuration, etc. additional charges will apply.

TRAVEL NOTES:  
If job is performed in conjunction with other scheduled jobs to/ from site, travel costs will be adjusted accordingly  
Travel will be adjusted if work is completed less than two days  
If days at site exceed two days, additional travel costs will apply.
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY

CC: GENE MANCEBO, GENERAL MANAGER

FROM: JOSH HOROWITZ & PAT FITZGERALD

DATE: SEPTEMBER 5, 2019

RE: LEGISLATIVE REPORT FOR THE SEPTEMBER 12, 2019 AMADOR WATER AGENCY BOARD MEETING

The following are bills of potential interest to the Amador Water Agency pending in the California Legislature. [** - denotes bills added since last month’s report.]

STATE ASSEMBLY

AB 9 (Reyes) - Employment discrimination: limitation of actions.  
Introduced: 12/03/18  
Existing law requires a person to file a complaint under the California Fair Employment and Housing Act (FEHA) regarding certain unlawful employment and housing practices, including discrimination and harassment, within one year. This bill would extend the period within which someone may file these claims to three years.  
ACWA: None.

AB 51 (Gonzalez) - Employment discrimination: enforcement.  
Introduced: 12/03/18  
This bill would prohibit any person from requiring any applicant for employment or any employee to waive any right, forum, or procedure for a violation of any provision of FEHA or other specific statutes governing employment as a condition of employment, continued employment, or the receipt of any employment-related benefit. The bill would also prohibit an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of specific statutes governing employment.  
ACWA: Watch.
AB 60 (Friedman) - Water conservation: water meters: accuracy standards.

Introduced: 12/03/18

Status: 4/24/19 - Failed deadline for passage out of Asm. Comm. on Appropriations; may be acted upon Jan. 2020 (2-year bill).

Existing law requires the State Energy Resources Conservation and Development Commission to establish design and construction standards and energy and water conservation design standards for new residential and new nonresidential buildings and to establish minimum levels of operating efficiency to promote the use of energy and water efficient appliances. This bill would require the commission, on or before January 1, 2022, to adopt regulations setting standards for the accuracy of water meters, as described. The bill would prohibit any water meter manufactured on or after the effective date of those regulations from being sold or offered for sale in the state, or installed by a water purveyor, unless it is certified by the manufacturer to be in compliance with those standards. Notwithstanding these provisions, the bill would require the regulations to include an exception for purchase of a noncompliant water meter pursuant to a contract entered into before January 1, 2020, and the subsequent installation of that water meter. The bill would allow a water purveyor to maintain water meters that are installed as of the effective date of the regulations, or pursuant to that exception, until the end of their useful service, as determined by the water purveyor.

ACWA: Not favor unless amended.

AB 68 (Ting) - Land use: accessory dwelling units.

Introduced: 12/03/18


Existing law limits the ability of a local agency, special district, or water corporation to require the installation of a new or separate utility connection and the payment of a related connection fee or capacity charge for certain accessory dwelling units (ADUs). As amended, this bill would require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit permit within 60 days of receipt instead of the 120-day period in existing law.

On June 12, this bill was amended to clarify that a local agency, special district, or water corporation may consider an ADU to be a new residential use for purposes of calculating connection fees or capacity charges, and subject to a new or separate utility connection between the ADU and the utility, if the ADU is constructed with a new single-family home. In addition, while current law exempts an ADU from requirements to install a new or separate utility connection and to pay connection fees or capacity charges if the ADU is within an existing structure, the bill now would exempt ADUs that would be within an existing structure that includes an expansion of up to 150 square feet to accommodate ingress and egress.

ACWA: Watch.
AB 100 (Committee on Budget) – Drinking water.
Introduced: 12/3/2018
Status: 6/24/19 – Passed by Sen. Comm. on Budget & Fiscal Review. Ordered to third reading. This bill is the Assembly budget trailer bill concerning safe and affordable drinking water funding. For the latest information on the state and affordable drinking water funding proposal, see the discussion following AB 134, below.
ACWA: Support.

AB 134 (Bloom) – Safe drinking water restoration.
Introduced: 12/05/18
As introduced, this bill stated findings and declarations of the Legislature’s intent to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water. Governor Newsom’s proposed budget summary, released on Jan. 11, stated that he would be advancing a safe drinking water funding framework “consistent with the policy framework of SB 623” (the “Safe and Affordable Drinking Water Act” that proposed a water tax and failed in summer 2018). This bill was seen as a potential vehicle for advancing this proposal in the legislature. As an alternative approach to a new tax, ACWA was proposing a Safe Drinking Water Trust to fund costs for community water systems in disadvantaged communities. (See discussion of SB 669, below.)

In March, AB 134 was amended to establish accountability provisions for implementation of AB 217, the Assembly policy bill that proposes a water tax as one funding mechanisms for safe drinking water solutions for disadvantaged communities. In May, AB 134 was subject to more extensive revisions, which added provisions relating to needs assessments, plans to get at-risk systems into compliance, and program accountability and oversight.

On May 15, the Senate Budget and Fiscal Review Committee Subcommittee No. 2 rejected the Governor’s budget trailer bill language with a proposed water tax, and instead adopted a $150 million per year continuous appropriation from the General Fund to the Safe and Affordable Drinking Water Fund, proposed by SB 200. On May 22, an Assembly budget subcommittee also did not approve the Governor’s budget trailer bill language, but deferred action on the creation of a Safe and Affordable Drinking Water Program to the legislative bill process. After SB 669 was held in the Senate Appropriations Committee on the suspense file, ACWA turned its focus to supporting the Senate’s safe drinking water plan. (See discussion of SB 200, below.)
ACWA: Not favor.

Update on Safe and Affordable Drinking Water Legislation
In June, the Legislature’s Conference Committee on the Budget reached a deal to provide safe and affordable drinking water in the State budget without a “water tax”. The 2019 Budget Act (AB 74, which has been passed by the Legislature and signed by the Governor), includes initial funding for a Safe and Affordable Drinking Water Fund with $100 million from the Greenhouse Gas Reduction Fund (GGRF) and $30 million from the General Fund.

On July 24, Governor Newsom signed SB 200 (Monning), which creates the Safe and Affordable Drinking Water Fund to provide the legal structure and process for managing the funds first allocated in the 2019-2020 budget signed by the Governor in June. After the initial allocation of $130 million from the budget, beginning in the 2020-21 fiscal year, SB 200 will transfer 5% of the annual proceeds of the GGRF, up to the sum of $130,000,000, into the Safe and Affordable Drinking Water Fund. Beginning in the 2023-24 fiscal year, the bill will add the General Fund as a backstop to ensure annual allocations of $130 million to the fund. The funding will sunset in 2030.

**AB 171 (Gonzalez) - Employment: sexual harassment.**
*Introduced: 1/24/19*

This bill would prohibit an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee’s status as a victim of sexual harassment, as defined by FEHA. The bill would establish a rebuttable presumption of unlawful retaliation based on the employee’s status as a victim of domestic violence, sexual assault, sexual harassment, or stalking if an employer takes specific actions within 90 days following the date that the victim provides notice to the employer or the employer has actual knowledge of the status. This bill contains similar provisions as AB 3081, which passed the legislature last term but was vetoed by Governor Brown.

**ACWA: Watch.**

**AB 231 (Mathis) – California Environmental Quality Act: exemption: recycled water.**
*Introduced: 1/17/19*
*Status: 5/9/19 - Failed deadline for passage out of policy committee; may be acted upon Jan 2020 (2-year bill).*

This bill would exempt from the requirements of the California Environmental Quality Act (CEQA) any project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions during a state of emergency proclaimed by the Governor, if the project meets specified criteria. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.

**ACWA: Favor.**

**AB 287 (Voepel) - Public employees' retirement: annual audits.**
*Introduced: 1/28/19*
Status: 2/07/19 - Referred to Asm. Committee on Public Employment & Retirement. Current law requires each state and local public pension or retirement system, on and after the 90th day following the completion of the annual audit of the system, to provide a concise annual report on the investments and earnings of the system, as specified, to any member who makes a request and pays a fee, if required, for the costs incurred in preparation and dissemination of that report. This bill would also require each state and local pension or retirement system to post a concise annual audit of the information described above on that system's website no later than the 90th day following the audit's completion.

ACWA: None.

AB 289 (Fong) – California Public Records Act Ombudsperson. Introduced: 1/28/19
Status: 7/2/19 – Failed passage from Sen. Comm. on Judiciary. Reconsideration granted. This bill would establish an ombudsperson within the California State Auditor's Office who would serve as the appeals body for requests related to the California Public Records Act. As amended, the bill would only authorize the ombudsperson to review denials of records requests submitted to state agencies. However, the bill authorizes the ombudsperson to provide written information, guidance, and advice to public agencies, including local agencies, regarding the act.

ACWA: None.

AB 292 (Quirk) - Recycled water: raw water and groundwater augmentation. Introduced: 1/28/19
Status: 8/30/19 – Ordered to the inactive file at the request of Senator Dodd.
Current law requires the State Water Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would require, on or before December 31, 2023, the State Board to adopt uniform water recycling criteria for raw water augmentation. On March 4, 2019, the bill was amended to also revise the definition of “treated drinking water augmentation,” to mean the planned placement of recycled water “directly into a finished” water distribution system.

ACWA has adopted a support position on this bill because it clarifies definitions that are confusing to the public, following up on 2017’s AB 528, which similarly streamlined various water reuse definitions in the Water Code.

ACWA: Support.

AB 322 (Gallagher) - Political Reform Act of 1974: online filing and disclosure system. Introduced: 1/30/19
Status: 5/16/19 – In Asm. Appropriations Comm.: hearing postponed by committee.
The Political Reform Act of 1974 requires the filing of certain statements, reports and other
documents. Under the act, a local government agency may require these filings to be made
online or electronically and then make all data so filed available on the Internet. This bill
would require a local government agency to post on its website a copy of any certain
statement, report, or other document filed with that agency in paper format. This bill would
require that the statement, report, or other document be made available for four years from
the date of the election associated with the filing.
ACWA: None.

**AB 352 (Garcia, Eduardo) - Wildfire Prevention, Safe Drinking Water, Drought
Preparation, and Flood Protection Bond Act of 2020.
Introduced: 2/4/19
Status: 5/16/19 – In Asm. Appropriations Comm.: hearing postponed by committee.
Previously a bill concerning the Greenhouse Gas Reduction Fund, AB 352 was gutted-and-
amended on August 14 to serve as a vehicle for a new legislative bond. If passed by the
legislature and approved by voters in the November 3, 2020, statewide general election, this
bill would authorize the issuance of $3.92 billion in bonds to finance wildfire prevention,
wastewater projects, drought preparation, and flood protection projects. As drafted, the bond
would include $925 million for safe drinking water and water supply and water quality
measures, including $275 million for water supply and water quality projects, $100 million
for groundwater management and habitat projects, and $150 million for flood management
projects.

According to ACWA staff, there are ongoing discussions at the highest levels whether or not
the legislature should act quickly on a bond before the legislature adjourn in September or
take more time to work on bond and pass it in time for the 2020 election.
ACWA: Favor if amended.

AB 402 (Quirk) – State Water Resources Control Board: local primacy delegation:
funding stabilization program.
Introduced: 2/6/19
Status: 8/30/19 – Held under submission in Sen. Comm. on Appr.
The California Safe Drinking Water Act requires the State Water Board to administer
provisions relating to the regulation of drinking water to protect public health. The act
requires the State Water Board to provide certain local agencies (called local primacy
agencies), to the extent funds are available from the Safe Drinking Water Account, with an
annual drinking water surveillance program grant to cover the costs of conducting inspection,
monitoring, surveillance, and water quality evaluation activities. The act requires the State
Water Board to adopt a schedule of fees and requires a public water system under the
jurisdiction of a local primacy agency to pay these fees to the local primacy agency in lieu of the State Water Board.

On June 5, the ACWA State Legislative Committee held an emergency meeting and adopted an oppose-unless-amended position on the bill, after learning that the author intends to amend the bill to authorize the State Water Board to establish and collect fees on all public water systems in order to subsidize this program. ACWA is circulating a coalition letter opposing the bill and asking members to contact Senators and Assembly Members to express opposition. On June 18, the bill was amended to include provisions that would require each public water system to submit an annual fee to the State Water Board under a fee schedule adopted by the board. ACWA continues to organize opposition to the bill, arguing that the recent amendments represent a substantial shift from the original intent of the bill to assess fees only on small public water systems, rather than the current proposal to assess fees on all public water systems.

In August, ACWA and the coalition, including the Agency, withdrew opposition to the bill and adopted a “watch” position after reviewing proposed amendments that would reduce the overall cost of the program and potential fees imposed on public water systems.

ACWA: Watch.

AB 441 (Eggman) – Water: underground storage.
Introduced: 2/11/19
Status: 5/17/19 – Failed deadline for passage out of Asm. Comm on Appropriations; may be acted upon Jan. 2020 (2-year bill).
Under existing law, the right to use water is limited to that amount of water reasonably required to serve beneficial uses. Failure to beneficially use a water right for a period of five years may result in forfeiture of that right. Existing law provides that diversions for storing water underground constitute a beneficial use if the stored water is thereafter applied to beneficial uses; the underground storage itself is not a beneficial use. This bill would provide that certain uses of water while underground constitute beneficial use. This bill would provide that water thus being beneficially used, or held in storage for a later beneficial use, is not subject to forfeiture.
ACWA: Watch.

AB 456 (Chu, Bonta, Low) – Public contracts: claim resolution.
Introduced: 2/11/19
The Public Contract Code currently provides, for contracts entered into after January 1, 2017, a claim resolution process for claims by a contractor in connection with a public works project against a public entity. That claim resolution process provision is set to sunset on January 1, 2020. As amended in August, this bill would extend the sunset date to January 2, 2027.
ACWA: None.
AB 654 (Rubio, Blanca) – Public records: utility customers: disclosure of personal information.
Introduced: 2/15/19
Status: 4/26/19 – Failed deadline for passage out of Asm. Comm. on Judiciary; may be acted upon Jan. 2020 (2-year bill).
The California Public Records Act (CPRA) currently authorizes local agencies to disclose certain utility customer information under certain circumstances, including to another governmental agency when the information is necessary for the performance of that agency's official duties. This bill would amend the act to authorize a local agency to disclose the name, utility usage data, and home address of utility customers to another governmental agency when the disclosure is not necessary for the performance of the other governmental agency's official duties but is to be used for scientific, educational, or research purposes, and the requesting agency receiving the disclosed material agrees to maintain it as confidential in accordance with specified criteria. Disclosure would be at the sole discretion of the disclosing agency.
ACWA: Favor.

AB 658 (Arambula) – Water rights: water management.
Introduced: 2/15/19
This bill would authorize the State Water Board to issue conditional temporary permits and change orders to groundwater sustainability agencies or local agencies to authorize the diversion of surface water to underground storage for beneficial use that advanced the sustainability goal of a groundwater basin. This bill additionally would expand beneficial uses of water to include diversions of water to underground storage in certain circumstances, including for groundwater recharge and protection of water quality.
ACWA: Support if amended.

AB 756 (C. Garcia) - Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances.
Introduced: 2/19/19
Status: 7/31/19 – Approved by the Governor. Chaptered by Secretary of State - Chapter 162, Statutes of 2019.
Existing law, the California Safe Drinking Water Act, requires the State Water Board to administer provisions relating to the regulation of drinking water to protect public health. The act's implementing regulations are required to include monitoring of contaminants and requirements for notifying the public of the quality of the water delivered to customers. This bill would require public water systems to monitor for perfluoroalkyl and polyfluoroalkyl substances (collectively, PFAS). The bill also would require a public water system to publish and keep current on its website water quality information relating to
regulated contaminants and to notify each customer on the customer's next water bill and through email, as prescribed, of confirmed detections of specified excess contaminants.

As amended on May 24, the bill would require public monitoring systems to meet specified customer notice requirements as a result of any confirmed detection. Following these amendments, ACWA adopted an oppose position, asserting that that monitoring and customer notice concerning PFAS should instead follow the process set forth in AB 841 (see below). In addition, ACWA was concerned this bill would set a precedent specifically for PFAS contaminants via legislation instead of the regulatory process. Additional regulatory action concerning PFAS is expected from the State Water Board's Division of Drinking Water. ACWA: Oppose.

**AB 841 (Ting) - Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.**
*Introduced: 2/20/19*
*Status: 7/10/2019 – Failed deadline for passage out of policy committee; may be acted upon Jan. 2020 (2-year bill).*

This bill would require the state Office of Environmental Health Hazard Assessment to adopt and complete a work plan to assess which PFAS should be identified as a potential risk to human health and subject to notification requirements by public water systems under the Health & Safety Code. The bill would require the office to provide an update on the assessment by January 1, 2022.

ACWA: Favor.

**AB 868 (Bigelow) - Electrical corporations, electrical cooperatives, local publicly owned electric utilities: wildfire mitigation plans.**
*Introduced: 2/20/19*
*Status: 5/17/2019 – Failed deadline for passage out of Asm. Comm. on Appropriations; may be acted upon Jan. 2020 (2-year bill).*

Under existing law, the PUC has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law provides that electrical cooperatives are subject to the regulatory authority of the PUC under the Public Utilities Act, except as specified. This bill would require each covered electrical utility that deenergizes portions of the electrical grid as a wildfire mitigation measure to adopt protocols for when de-energization will be undertaken, for providing notice and other steps to be taken to minimize any adverse effects from de-energization, and for restoring electrical service following a de-energization. The bill would require that the utility, in developing the protocols, consult with persons and institutions that are reasonably likely to be affected by a de-energization, including local water suppliers, wastewater agencies, consumer groups, fire departments, law enforcement agencies, and local government officials. The bill would require an electrical utility that deenergizes portions of the electrical grid as a wildfire mitigation measure to maintain an
internet website or dedicated web page identified and accessible from its general internet website, devoted to public safety as it relates to the utility services provided by the utility.

ACWA: Favor.

AB 881 (Bloom) – Accessory Dwelling Units.
Introduced: 2/20/19
This bill would make several changes to the Planning and Zoning Law provisions concerning ADUs. Among other things, this bill would clarify the requirements for when a local agency must approve an ADU building permit, and for when an ADU may not be required to install a new water or sewer connection or pay a related connection fee or capacity charge. Under this bill, an ADU would be exempt from these requirements if it was within an “existing structure,” including the primary residence, or a studio, garage, pool house, or similar structure. The bill would remove the requirements for an exempt ADU to have independent exterior access from the existing residence and sufficient side and rear setbacks for fire safety. As amended in August, this bill would require a local agency that has the power to designate where ADUs may be permitted but does not provide water or sewer service to consult with the local water or sewer service provided regarding the adequacy of water and sewer services before making such a designation.

ACWA: None.

AB 945 (McCarty) – Local government: financial affairs: surplus funds.
Introduced: 2/20/19
Status: 7/1/19 – Read second time and amended by Senate. Ordered to third reading.
Existing law prescribes the instruments and criteria by which a local agency, as defined, may invest and deposit its funds, including its surplus funds. This bill would, commencing January 1, 2020, authorize a local agency to invest and deposit the agency’s surplus funds in deposits at specified types of financial institutions whether those investments are certificates of deposit or another form, and would increase the percentage of the local agency’s funds that can be invested in this manner to 50% of the agency’s investment portfolio. As amended on July 1, the 50% portfolio limit would expire on January 1, 2026, at which time a 30% portfolio limit would become operative.

ACWA: Favor.

AB 992 (Mullin) – Open meetings: local agencies: social media.
Introduced: 2/21/19
The Ralph M. Brown Act generally requires local agencies to conduct open meetings. The Brown Act prohibits, among other things, direct or indirect communications among a majority of a local agency’s legislative body to hear, discuss, deliberate, or take action on any
item within that legislative body's subject matter jurisdiction. This bill would clarify that the Brown Act does not apply to posting, commenting, liking, interaction with, or participation in, internet-based social media platforms by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the local agency's subject matter jurisdiction.

ACWA: None.

AB 1184 (Gloria) – Public records: retention of writings transmitted by email.
Introduced: 2/21/19
This bill would require every public agency to retain and preserve for at least two years every writing transmitted by email that contains information relating to the conduct of the public's business for purposes of the California Public Records Act. As amended in August, this bill would only apply to emails that otherwise meet the definition of “public record” under the California Public Records Act.
ACWA: Not favor.

AB 1204 (Rubio, Blanca) – Public water systems: primary drinking water standards: implementation date.
Introduced: 2/21/19
The California Safe Drinking Water act currently requires the State Water Board to regulate drinking water, and requires the board to adopt primary drinking water standards for contaminants in drinking water. This bill would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard, or that is more stringent than a federal primary drinking water standard, to take effect three years after the date on which the State Water Board adopts or amends the primary drinking water standard. The bill would authorize the State Water Board to delay the effective date of the primary drinking water standard adoption or amendment by no more than two additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.
ACWA: Support.

Introduced: 2/22/2019
Previously related to fire protection, this bill was gutted-and-amended in August to become a vehicle for a new legislative bond to finance a climate resiliency, fire risk reduction,
recycling, groundwater and drinking water supply, clean beaches, and jobs infrastructure program. If passed by the legislature and approved by voters at the November 3, 2020, statewide general election, this bill would authorize the issuance of an as-yet-unspecified amount of money for projects, including projects for safe drinking water, water quality, and flood control.

ACWA: Not yet considered.

**AB 1347 (Boerner Horvath) – Electricity: renewable energy and zero-carbon resources: state and local government buildings.**
**Introduced**: 2/22/2019

Existing law establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. This bill would establish the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to state and local government buildings by December 31, 2030.

ACWA: None.

**AB 1375 (Bigelow) - Disaster relief: dead and dying tree removal: allocation to local agencies.**
**Introduced**: 2/22/18

The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share for the removal of dead and dying trees in connection with the Governor’s Proclamation of a State of Emergency issued on October 30, 2015, is no more than 90% of total state eligible costs.

ACWA: Favor.

**AB 1414 (Friedman) - Urban retail water suppliers: reporting.**
**Introduced**: 2/22/18
**Status**: 8/27/19 – Enrolled and presented to the Governor.

Existing law requires each urban retail water supplier to develop water use targets in accordance with specified requirements. Existing law requires each urban retail water supplier, on or before October 1, 2017, and on or before October 1 of each year thereafter, to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as prescribed by rules adopted by DWR. This bill would require each urban retail water supplier on or before January 1 of each year until January 1, 2024 (if
reporting on a fiscal year basis) or on or before October 1 of each year until October 1, 2023 (if reporting on calendar year basis) to submit a completed and validated water loss audit report as prescribed by DWR. The bill would require on or before January 1, 2024, and on or before January 1 of each year thereafter, each urban retail water supplier to submit a completed and validated water loss audit report for the previous calendar year or previous fiscal year as part of an existing report relating to its urban water use.

ACWA: Favor.

ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.
Introduced: 12/03/18
Status: 8/19/19 – Read third time. Refused adoption. Motion to reconsider made by Assembly Member Aguiar-Curry.
This bill would propose an amendment to the State Constitution to make three changes to the voting requirements to pass certain taxes. First, the amendment would create an additional exception to the 1 percent maximum ad valorem tax rate on real property for the service of bonds incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the tax is approved by 55 percent of the voters. Second, the amendment would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax or a parcel tax for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure or affordable housing, if the tax is approved by 55 percent of voters. Third, this amendment would lower the two-thirds voting threshold to 55 percent for the authorization of bonds to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects. As amended on March 18, the amendment would prohibit any special district other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district.
ACWA: Watch.
STATE SENATE


Introduced: 12/03/18
In an effort to combat revisions to federal air, water, and endangered species protection regulations, this bill would require respective state agencies to monitor federal rulemaking and consider taking certain actions to maintain a 2017 baseline under state law if federal standards are relaxed. The bill also would create a private right of action authorizing citizen suits in state courts to enforce the new state regulations under certain circumstances, including if citizen suit enforcement of those standards is no longer available under federal law. As amended, the bill would also use state rulemaking to enforce minimum labor and worker health and safety standards.

ACWA is leading a coalition of water suppliers to seek additional amendments to the bill. ACWA’s primary concerns are that: by allowing state agencies to adopt federal statutes and regulations, including biological opinions governing water operations that no longer are in effect at the federal level, the bill would cause uncertainty in future operations and environmental responsibilities of the State Water Project and put at risk the SWP’s ability to participate in the Bay-Delta Voluntary Agreement process; the bill would remove certain due process rights by waiving Administrative Procedure Act safeguards when state agencies adopt federal baseline standards; and the bill would apply the California Endangered Species Act to the federal Central Valley Project, the legality of which is uncertain, and which likely would lead to significant litigation if SB 1 passed in its current form.

ACWA: Oppose unless amended.

SB 13 (Wieckowski) - Accessory dwelling units.

Introduced: 12/03/18
This bill would make a number of changes to local agency authority to regulate accessory dwelling units, including the impact fees that may be charged for water and sewer service. This bill would exempt any ADU less than 750 square feet from any impact fees, and require that any ADU 750 square feet or greater be subject to any impact fees in proportion the square footage of the primary dwelling unit.

On July 1, the bill was amended to exclude from the definition of “impact fee” any connection fee or capacity charged by a local agency, special district, or water corporation. As a result, ACWA, along with the California Municipal Utilities Association and the California Association of Sanitation Agencies, withdrew its opposition to the bill.

ACWA: Watch.

SB 19 (Dodd) – Water resources: streamgages.
Introduced: 12/03/18  
This bill would require DWR and the State Water Board to, upon appropriation of funds, develop a plan to deploy a network of stream gages, including a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages in priority locations across hydrologic regions in the state. The bill would require the DWR and the State Board, in consultation with CDFW, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. The sponsor introduced an identical bill last session (SB 919) that died in the Assembly Committee on Appropriations.  
ACWA: Support.

Introduced: 12/3/18  
This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of $4 billion in bonds to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.  
ACWA: Favor if amended.

SB 62 (Dodd) - Endangered species: accidental take associated with routine and ongoing agricultural activities.  
Introduced: 1/03/19  
Status: 7/30/19 – Approved by the Governor. Chaptered by Secretary of State. Chapter 137, Statutes of 2019.  
The California Endangered Species Act prohibits the “taking” of an endangered or threatened species, except in certain situations. Currently, the act provides an exception from this prohibition for the accidental take of protected species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities. That exception expires January 1, 2020, but this bill would make the exception permanent.  
ACWA: Favor.

SB 101 (Committee on Budget and Fiscal Review) – Drinking Water.  
Introduced: 1/10/19

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Status: 6/24/19 – From committee with author's amendments. Read second time and amended. Re-referred to Asm. Comm. on Budget. This bill is the Senate budget trailer bill concerning safe and affordable drinking water. For the latest on the state and affordable drinking water funding proposal, see the discussion following AB 134, above.
ACWA: Oppose.

SB 134 (Hertzberg) - Water conservation: water loss performance standards: enforcement.
Introduced: 1/15/19
Status: 8/30/19 – Approved by the Governor. Chaptered by Secretary of State. Chapter 203, Statutes of 2019.
Existing law authorizes the State Water Board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, and to impose civil liability for a violation of an order or regulation issued pursuant to those provisions. Current law requires the State Board to adopt rules requiring urban retail water suppliers to meet water loss performance standards. This bill would prohibit the board from imposing liability for a violation of water loss performance standards except as part of the enforcement of an urban water use objective.

As amended on May 8, 2019, this bill would prohibit the State Water Board from issuing an information or conservation order related to an urban water use objective if the following conditions are met: an urban retail water supplier is not meeting its urban water use objective solely because it has exceeded the water loss standard component; and the State Water Board is taking separate enforcement action pursuant to the water loss standards established in Section 10608.34 of the Water Code.
ACWA: Watch.

SB 200 (Monning) - Safe and Affordable Drinking Water Fund.
Introduced: 1/31/19
Status: 7/24/2019 – Chaptered by Secretary of State- Chapter 120, Statutes of 2019.
This bill would create a “Safe and Affordable Drinking Water Fund,” from which moneys would be available to the State Water Resources Control Board, upon appropriation from the legislature, to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill also would include criteria for funding eligibility, and how the funds would be prioritized and administered. Senator Monning sponsored SB 623, which was the principal vehicle for the water tax proposed in the 2018 legislative session. However, SB 200 as currently drafted does not propose a water tax. Instead, it is paired with continuous appropriation of $150 million per year from the General Fund, as proposed by Senate Budget Subcommittee No. 2. As a result, ACWA supports both SB 200 and Senate
Budget Subcommittee No. 2's proposal. For more on efforts to advance Safe and Affordable Drinking Water proposals, see the discussion following AB 134, above.

**ACWA:** Support.

**SB 307 (Roth) - Water conveyance: use of facility with unused capacity.**

**Introduced:** 2/15/19  
**Status:** 7/31/19 – Approved by the Governor. Chaptered by Secretary of State. Chapter 169, Statutes of 2019.

Existing law prohibits the state or a regional or local public agency from denying a bona fide transferor of water from using a water conveyance facility that has unused capacity for the period of time for which that capacity is available, if fair compensation is paid for that use and other requirements are met. This bill would, notwithstanding that provision, prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying “desert lands,” as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands. ACWA opposed the bill, which is intended to add an additional layer of review for the Cadiz Valley Water Conservation, Recovery, and Storage Project, because adding the additional approvals would set a bad precedent for other water projects that otherwise meet regulatory requirements.

**ACWA:** Not favor.

**SB 414 (Caballero) - Small System Water Authority Act of 2019.**

**Introduced:** 2/20/19  
**Status:** 8/30/2019 – August 30 hearing postponed by Comm. on Appr.

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Board various responsibilities and duties. The act authorizes the State Water Board to order consolidation with a receiving water system if a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. If consolidation is not appropriate or not technically and economically feasible, the State Water Board may contract with an administrator to provide administrative and managerial services to designated public water systems and to order the designated public water system to accept those services. This bill would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the State Water Board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a small public water system that is not in compliance with one or more state or federal primary drinking water standard maximum contaminant levels for the period from July 1, 2018, through December 31, 2019. This bill
would require further actions for an entity receiving a notice to remedy a violation or the State Water Board may take prescribed actions to resolve the problem through a plan or formation of an authority by the applicable LAFCO to serve the customers of the public water system.

On April 4, the bill was amended to clarify the State Water Board's available actions if it rejects a plan submitted by a water system to remedy a violation of drinking water standards, or if a plan was not filed by a specified deadline. In these circumstances, the State Water board may either: (1) form an authority, (2) exercise its existing consolidation authority or take actions to remedy the failure to meet drinking water standard, or (3) use existing funding sources and legal authority to remedy drinking water violations.

ACWA: Support.

SB 518 (Wieckowski) - Public records: disclosure: court costs and attorney's fees.
Introduced: 2/21/19
The CPRA requires a court to award costs and reasonable attorney's fees to a prevailing party if the court orders the disclosure of public records and finds that a public official's decision to refuse disclosure of public records is not justified. In addition, the act requires the court to award costs and reasonable attorney's fees to the public agency if the court finds that the requesting party's case is clearly frivolous. This bill, for the purposes of the award of costs and attorney's fees, would specifically except a provision of existing law that prescribes the withholding or augmentation of costs if an offer is made before judgment or award in a trial or arbitration.

In June, the bill was gutted and amended. In current form, the bill now would amend section 998 of the Code of Civil Procedure, concerning pre-trial settlement offers. In its current form, the bill would exempt CPRA actions from section 998's provisions that shift certain litigation fees and costs to a party that rejects a settlement offer and subsequently fails to obtain a more favorable judgment or award.

ACWA: None.

SB 615 (Hueso) - Public records: disclosure.
Introduced: 2/21/19
Status: 3/14/19 – Referred to Comm. on Judiciary.
Also concerning litigation under the CPRA, this bill would require a party seeking to inspect or copy a public record to meet and confer in good faith with the public agency in an attempt to informally resolve the issues before instituting a judicial proceeding to compel disclosure. This bill also would require a court to make certain findings concerning the agency's actions before awarding costs to a prevailing party.

ACWA: None.

SB 646 (Morrell) - Local agency utility services: extension of utility services.
Introduced: 2/22/19
Status: 7/10/19 – Approved by the Governor. Chaptered by Secretary of State. Chapter 78, Statutes of 2019.
The Mitigation Fee Act limits a local agency’s fees for water or sewer connections or capacity charges to the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term “fee” for these purposes. This bill would revise the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the water connection or sewer connection.
ACWA: Watch.

SB 669 (Caballero) - Water quality: Safe Drinking Water Fund.
Introduced: 2/22/19
Sponsored by ACWA and the California Municipal Utilities Association as an alternative to the statewide water tax proposals, this bill would create the Safe Drinking Water Trust in the State Treasury, funded with general fund dollars during a state budget surplus year. Net income earned from the trust would be transferred to a Safe Drinking Water Fund, which the State Water Board would administer, for costs associated with operation and maintenance of water treatment facilities, as well as efforts to consolidate smaller water systems that are out of compliance with drinking water standards.
ACWA: Support.

SB 772 (Bradford) – Long duration bulk energy storage: procurement.
Introduced: 2/22/19
Status: 5/30/19 – Ordered to inactive file on request of Senator Bradford. 2-year bill.
This bill would require the Independent System Operator (ISO), on or before June 30, 2022, to complete a competitive solicitation process for the procurement of one or more long duration energy storage projects that in aggregate have between 2,000 megawatts and 2,400 megawatts of capacity. The bill, while not entirely clear, appears to include large pumped storage projects as a preferred option. The bill would require the ISO, after December 31, 2030, and only if found to be necessary, to complete an additional competitive solicitation process for additional long duration bulk energy storage projects that in aggregate have up to 2,000 megawatts capacity and have targeted commercial operation dates of not later than January 1, 2045. The bill would require that the competitive solicitation processes provide for cost recovery from load-serving entities within the ISO-controlled electrical grid in a manner that allocates those costs among load-serving entities based on cost causation and
each load-serving entity's need for, and benefits realized from, the long duration bulk energy storage.
ACWA: Watch.

SB 778 (Committee on Labor, Public Employment and Retirement) - Employers: sexual harassment training: requirements.
Introduced: 02/26/19
Status: 8/30/19 – Approved by the Governor. Chaptered by Secretary of State. Chapter 215, Statutes of 2019.
Current law requires an employer with five or more employees to provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all employees within six months of their assumption of a position. This training must be provided before January 1, 2020. This bill would clarify that employees must receive refresher training every two years, and an employer who has provided this training and education to an employee after January 1, 2018, is not required to provide refresher training until after December 31, 2020.
ACWA: None.

SB 779 (Committee on Natural Resources and Water) - Appropriation of water: change of point of diversion, place of use, or purpose of use.
Introduced: 2/27/19
Status: 8/27/19 – Enrolled and presented to the Governor.
Under existing law, an applicant, permittee, or licensee may change the point of diversion, place of use, or purpose of use from that specified in the application, permit, or license, upon receiving permission of the State Water Board. This bill would authorize an applicant, permittee, or licensee to change any other provision or condition in the application, permit, or license, upon permission of the State Water Board. This bill also would authorize the State Water Board to make a minor change to an application, permit, or license without requiring the filing of a change petition for change if the State Water Board makes specified findings, including that the change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses. The bill would require the State Water Board to provide notice and to allow at least 15 days for public comment before making a minor change to an application, permit, or license.

As amended on April 29, the bill would allow the State Water Board to initiate a minor change to an application, permit, or license, only with consent of the water-right applicant. In addition, the bill would define a “minor change” as a change that would not initiate a new appropriative right and would meet certain specified requirements.
ACWA: Favor.

FEDERAL LEGISLATION

Introduced: 6/20/2019

Status: 7/18/2019 – Hearings held in Senate Energy and Natural Resources Subcommittee on Water and Power.

This bill would expand and update funding authorizations for the Bureau of Reclamation under the Water Infrastructure Improvements for the Nation (WIIN) Act. It would extend WIIN Act funding for an additional five years, including $670 million for surface and groundwater storage projects, and supporting conveyance, $100 million for water recycling projects, and $60 million for desalination projects. In addition, the bill would create a new loan program at 30-year Treasury rates (currently around 2.6%) for water supply projects. Under this program, repayment can be deferred until five years after completion of the project. The bill also would authorize $140 million for habitat restoration and environmental compliance projects, including forest, meadow and watershed restoration and projects that benefit threatened and endangered species. The bill contains two provisions to offset the costs of these appropriations: (1) an extension of WIIN Act provisions allowing water districts to prepay outstanding capital debts and to convert to indefinite length water supply contracts to bring in additional revenue over the next ten years, and (2) a process to deauthorize inactive water recycling project authorizations.

ACWA: Support.