



STAFF REPORT

Meeting Type: Board of Directors
Title: Legislative Update
From: Shaun Horne, Director of Watershed Resources
Through: Ben Horenstein, General Manager
Meeting Date: May 21, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Receive a legislative update and consider adopting a position of support on Senate Bill (SB) 867 and Assembly Bill (AB) 2257

SUMMARY: The District regularly tracks state and federal legislation that may affect District interests. Staff will provide an update to the Board on legislative items presented at the March 19th Board of Directors meeting, Senate Bill (SB) 1159, Assembly Bill (AB) 2196, and Assembly Bill (AB) 2257. Additionally, staff will provide an update on Senate Bill (SB) 867. Staff is proposing that the Board adopt a support position on SB 867 and AB2257.

DISTRICT LEGISLATIVE TRACKING OVERVIEW

ITEM	INTRODUCED	Board Position from March 19, 2024	Staff's Recommendations on May 21, 2024	STATUS
SB1159 Roadside Wildfire Safety Bill	DODD	Support	Support	Sent letter of support to Senator Dodd.
AB 2196 Beaver Restoration	CONNOLLY	Watch	Watch	Amended. In Committee.
SB 867 2024 Climate Resilience Bond	ALLEN		Support	In Committee.
AB 2257 Local government: property-related water and sewer fees and assessments: remedies	WILSON	Watch	Support	In Committee. Third reading.

DISCUSSION:

State Legislation: AB 2196 (Connolly) Beaver Restoration

Status: Amended March 19, 2024. In committee.

Supports: California State Parks, CalTrout, Occidental Arts and Ecology Center (Sponsor), National Wildlife Federation, The Nature Conservancy, Trout Unlimited.

Opposes: Solano County Water Agency (unless amended), Central Valley Flood Control (unless amended).

On March 19th, the Board of Directors adopted a position of watch for AB 2196. On March 19th, the bill was amended in the Assembly. The bill no longer includes the requirement that CDFW expand the program by developing a licensing scheme, issuance of permits for the handling, transport and release of beavers on public and private lands. The bill does still include language stating that CDFW is required to, “through consultation with beaver restoration program partners, as defined, develop a program to promote beaver restoration across California.”

Given that the legislation continues to develop, staff recommends that the Board continue a position of watch. Staff will continue to monitor AB 2196 as it moves through the legislative session because it could advance beaver reintroduction in Marin County.

State Legislation: SB 867 (Allen): Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024

Status: In Committee

Supports: ACWA, California Association of Local Conservation Corps, California Municipal Utilities Association, California Trout, Mid-Peninsula Open Space District, Sonoma County Regional Parks.

Opposes: None identified at this time

Sebate bill 867 would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024. If this bill is passed by the legislature and signed by the governor it will be placed on the November 2024 ballot. If successful this bill will authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

The Association of California Water Agencies (ACWA) has built a coalition to advocate for a \$7.85 billion investment in water infrastructure. ACWA is focusing on the following critical water issues: Recycled water, groundwater recharge and storage, flood protection, dam safety,

conveyance, storage, safe drinking water, regional watershed resilience, state-water project improvements, and water conservation.

A 2024 Climate Resilience Bond would increase the potential for future grant funding for Marin Water's infrastructure projects.

Based on this, staff is recommending that the Board adopt a position of support. Additionally, staff recommends that the Board of Directors join the ACWA coalition that supports the Climate Bond, specifically focused on advocating for a \$7.85 billion investment in water infrastructure.

State Legislation: AB 2257 (Wilson) Local government: property-related water and sewer fees and assessments: remedies

Status: In Committee

Supports: ACWA sponsored and many public water agencies (see support letter attached)

Opposes: Howard Jarvis Taxpayers' Association

The Bill from Assemblymember Lori Wilson (D-Suisun City) would require, if a local agency complies with specified procedures, potential litigants challenging a public agency's water or waste water rates would first need to exhaust their administrative remedies by raising objections to the agency prior to the time of rate adoption.

The Association of California Water Agencies (ACWA) is sponsoring this bill in an effort to aid public agencies in defending against Proposition 218 lawsuits by requiring litigants to participate and raise specific objections during the public administrative process. In doing so, this proposal intends to bring to light all possible complaints and provide an opportunity for the public agency to resolve disputes and avoid litigation. The additional procedures would require the public agency to include the procedural requirements in the agency's Prop 218 notice, to consider and respond to any objections and to present all objections and responses to the legislative body prior to rate adoption. This would allow the possibility of changes to proposed rates early in the process and hopefully avoid unnecessary litigation. The bill would also set forth guidance on the appropriate scope of the administrative record in any rate litigation. The current lack of clarity on this issue was the source of a protracted dispute between the District and COST in the recent COST rate challenge. Statutory guidance could help save public agencies from getting bogged down in such disputes in the future. ACWA is encouraging members to join a coalition in support of the bill as it moved through the Legislature. Based on this, staff is recommending that the Board consider adopting a support position on AB 2257.

ENVIRONMENTAL REVIEW: Not applicable.

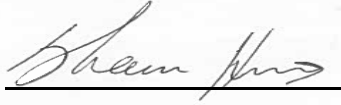
FISCAL IMPACT: None.

ATTACHMENT(S):

1. Description of Legislative Positions
2. AB 2257 Coalition Letter of Support

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
------------------------	------------------	----------

Watershed



Shaun Horne
Watershed Resources
Director



Ben Horenstein
General Manager