



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time and Location Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

Tuesday, July 14, 2020

10:00 a.m.

*****Teleconference*****

Notice is hereby given that the Tuesday, July 14, 2020 Legislative/Human Resources Committee Meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:00 a.m.

Due to COVID-19 and in accordance with Alameda County Health Order 20-14a (issued June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

Dated: July 9, 2020

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

Rischa S. Cole
Secretary of the District

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

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Legislative/Human Resources Committee
Tuesday, July 14, 2020
10:00 a.m.**

Location

Due to COVID-19 and in accordance with Alameda County Health Order 20-14a (issued June 18, 2020), and with the Governor's Executive Order N-29-20 which suspends portions of the Brown Act, **this meeting will be conducted via teleconference only**. In compliance with said orders, a physical location will not be provided for this meeting. These measures will only apply during the period in which state or local public health officials have imposed or recommended social distancing.

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

Public Participation

***Dial 855-369-0450 to participate via telephone;
Enter participant pin 49-281-364 # when prompted***

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda. ***If you participate via telephone and wish to speak on agenda OR non-agenda items you will be asked to:***

- State your name, affiliation if applicable, and topic
- The Secretary will compile a list of those who wish to make public comment and will call each speaker in the order received
- The Secretary will keep track of time and inform each speaker when his/her allotted time has concluded
- Each speaker will be allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers

DETERMINATION AND DISCUSSION:

1. Legislative Update: (Dumaine)
 - Receive Legislative Report No. 06-20 and consider positions on the following bills:
AB 2060 (Holden) Drinking Water: Pipes and Fittings: Lead Content; AB 2421 (Quirk) Land Use:
Permitting: Wireless Communications: Emergency Standby Generators; SB 1348 (Stern) Fire
Prevention: Vegetation Management: Public Education: Grants: Defensible Space: Fire Hazard
Severity Zones: Forest Management; and H. Res 988 Condemning All Acts of Police
Brutality, Racial Profiling, and the Use of Excessive and Militarized Force throughout the Country;
and receive information on State and Federal Government Actions Related to the Coronavirus
Disease 2019 (COVID-19)
 - Update on Legislative Issues of Interest to EBMUD
2. EBMUD's Racial Equity and Justice Project Update (Acosta)

ADJOURNMENT:

Disability Notice

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

Document Availability

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

W:\Board of Directors - Meeting Related Docs\Agendas\Agendas 2020\2020 LHR Committee\071420_LHR_agenda.doc

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 9, 2020

MEMO TO: Board of Directors

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

FROM: Marlaigne Dumaine, Manager of Legislative Affairs *MD*

SUBJECT: Legislative Report No. 06-20

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on July 14, 2020.

RECOMMENDED ACTION

Approve positions on the following bills: 1) Support AB 2060 (Holden) Drinking water: pipes and fittings: lead content; 2) Support AB 2421 (Quirk) Land use: permitting: wireless communications: emergency standby generators; 3) Support and Amend SB 1348 (Stern) Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management; 4) Support H. Res. 988 Condemning all acts of police brutality, racial profiling, and the use of excessive and militarized force throughout the country; and receive information on State and Federal Government Actions Related to the Coronavirus Disease 2019 (COVID-19).

STATE LEGISLATION

RECOMMENDED POSITION

**AB 2060
(Holden)**

**DRINKING WATER: PIPES AND
FITTINGS: LEAD CONTENT**

SUPPORT

Existing law generally prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead-free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. In addition, "lead free" is defined, for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption, to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. In addition, all plumbing components must be tested and certified to ensure they meet certain performance standards.

AB 2060 (Holden), as amended June 4, 2020, is intended to bolster existing law (EBMUD's sponsored landmark "Get the Lead Out" legislation) that limits the amount of lead in plumbing fixtures by strengthening the performance standard that endpoint devices must comply with. Under AB 2060, to be considered "lead-free" endpoint plumbing devices, such as faucets, fixtures, and water fountains, would generally be prohibited from leaching more than one microgram of lead per liter of water, until NSF International (formerly known as the National Sanitation Foundation) adopts an equal or more stringent standard.

According to the U.S. Environmental Protection Agency (U.S. EPA), there is "no known safe level of lead in a child's blood." For infants and children, exposure to lead can result in delays in physical and/or mental development. Lead exposure in adults can result in kidney problems and/or high blood pressure. The U.S. EPA estimates that 10 to 20 percent of human exposure from lead may come from lead in drinking water.

Currently all pipes, pipe fittings, plumbing fittings, and fixtures must be certified by an independent third party, such as NSF International, as being in compliance with the "lead free" standard. In addition, to be certified as "lead free" NSF International requires that endpoint devices comply with a performance standard of leaching no more than five micrograms of lead per liter of water.

The intent of AB 2060, to help protect Californians from lead exposure, is consistent with EBMUD's efforts to reduce lead exposure in drinking water, including EBMUD's sponsorship of prior legislation. AB 2060 builds on existing law that reduced the allowable amount of lead in pipes and fixtures and helps reduce lead exposure in drinking water by codifying a more stringent performance standard that will reduce the amount of lead that endpoint devices may leach to be considered "lead free" and reflects the availability of improved endpoint devices.

With regard to anticipated costs and benefits to EBMUD and its ratepayers, benefits are anticipated in terms of reducing the amount of lead that may be leached into drinking water. Some minor additional costs may accrue if prices increase for endpoint devices that EBMUD uses. The environmental and public health benefit to EBMUD and its ratepayers from reducing lead exposure is expected to outweigh the anticipated costs.

EBMUD has historically supported measures to protect the public health by reducing exposure to lead in drinking water. In 2018, EBMUD supported AB 2370 (Holden) to establish new drinking water testing requirements for licensed child care centers. AB 2370 was signed into law (Chapter 626 of 2018). In 2016, EBMUD supported SB 1398 (Leyva) to facilitate the identification and replacement of lead pipes in water systems. SB 1398 was signed into law (Chapter 731 of 2016). In 2006, EBMUD sponsored California's landmark "Get The Lead Out" legislation, AB 1953 (Chan), that was signed into law (Chapter 853 of 2006), which reduced the allowable lead content in pipes and plumbing fixtures from 8% to 0.25%, a level that virtually eliminates lead contamination in faucets and drinking water, and prohibited the sale of plumbing components after 2010 not meeting the lower lead content standard.

The official list of support and opposition to AB 2060 is shown below.

Support

Environmental Working Group (Cosponsor)
Environmental Defense Fund (Cosponsor)
Alliance of Nurses for Healthy Environments
Breast Cancer Prevention Partners
California League of Conservation Voters
California Public Interest Research Group (CALPIRG)
Center for Environmental Health
Clean Water Action
Coalition of California Welfare Rights Organizations
Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Smart Oakland
Western Center on Law and Poverty

Opposition

None listed

AB 2421 (Quirk)	LAND USE: PERMITTING: WIRELESS COMMUNICATIONS: EMERGENCY STANDBY GENERATORS	SUPPORT
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Existing law provides that a state or local government may not deny, and shall approve, any request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such a tower or base station. Under the FCC rules governing such requests, the approval must be issued within 60 days or the request shall be deemed granted. Existing law also provides that the placement or installation of certain wireless facilities, including antennas and related equipment, on or immediately adjacent to a wireless telecommunications facility, is a permitted use not subject to a county or city discretionary permit.

AB 2421 (Quirk), as amended June 4, 2020, would require a city and county to make the installation of an emergency standby generator within the physical footprint of a macro cell tower site that meets specified requirements a permitted use subject only to local agency administrative review. The bill's provisions require the city or county to act on the completed application within 60 days, or the application will be deemed approved upon expiration of that period. Though the bill specifies that the city or county shall not require the applicant to submit proof of authorization from the property owner at the time of initial application, a city or county may require documentation of authorization prior to final installation. Additionally, if the city or county determines that the emergency standby generator violates any applicable state or local law or regulation, including building and fire safety codes, the permit or approval status may be revoked through the appropriate process. Provisions of the bill would sunset on January 1, 2024, and apply to all counties and cities, including charter cities.

According to the author, “In order to facilitate wireless network upgrades needed to mitigate the impacts of public safety power shutoffs, this legislation will help enable the rapid deployment of emergency standby generators at macro cell sites. These resources are vital for public safety and welfare to help ensure consumers maintain access to 911 services, wireless emergency alerts, and other public safety communications.” A recent committee analysis of the bill notes that AT&T reported delays ranging from five to 30 months in some jurisdictions for the permitting of back-up generators.

Because the bill will enable rapid deployment of standby generators and an expedited process to install those generators to support wireless communication services, this bill may benefit EBMUD’s emergency response due to improved cellular connectivity. Potential limited costs to EBMUD may include updating of district leases to include new equipment and to address liability issues, should there be applications submitted to a city or county which involve EBMUD property. EBMUD has not taken a position previously on the issue of backup generator deployment.

The official list of support and opposition to AB 2421 is shown below.

Support

100 Black Men of Long Beach, Inc.
African American Male Education Network and Development (A2MEND)
American Indian Chamber of Commerce of California
Asian Business Association of San Diego
Asian Pacific Islander American Public Affairs Association (APAPA)
AT&T
AT&T Central Valley Veterans
Beverly Oncology & Imaging
Black Business Association
Black Chamber of Orange County
Boys & Girls Club of El Dorado County Western Slope
Brotherhood Crusade
Burbank Chamber of Commerce
Calaveras County Sheriff’s Office
California Asian Pacific Chamber of Commerce
California Association of Highway Patrolmen
California Black Chamber of Commerce
California Hispanic Chambers of Commerce
California State Conference of The National Association for The Advancement of Colored People
Carlsbad Chamber of Commerce
Center for Fathers and Families
Coalition for Responsible Community Development
Community Women Vital Voices
Concerned Citizens Community Involvement

Congress of California Seniors
CTIA
El Dorado County Chamber of Commerce
El Dorado County Sheriff's Office
Escondido Chamber of Commerce
Filipina Women's Network
Fire Safe Council of San Diego County
Fresno Police Officers Association (FPOA)
Frontier Senior Center - AAASCO
Glendale Chamber of Commerce
Greater Coachella Valley Chamber of Commerce
Greater Los Angeles African American Chamber of Commerce
Greater Riverside Chambers of Commerce
Greater Sacramento Urban League
Hispanic 100
Inland Empire Economic Partnership (IEEP)
Janet Goeske Foundation
Kheir Clinic
Kings/Tulare Homeless Alliance
Korean American Seniors Association of Orange County
La Cañada Flintridge Chamber of Commerce and Community Association
Lakeside Chamber of Commerce
Lighthouse Counseling and Family Resource Center
Long Beach Area Chamber of Commerce
Los Angeles NAACP
Madera County Sheriff's Office
Mariposa County Sheriff's Office
Meeks Bay Fire Protection District
Monterey County Sheriff's Department
Mother Lode Rehabilitation Enterprises Inc. (MORE)
NAACP
North Tahoe Fire Protection District
Oceanside Chamber of Commerce
Orange County Business Council
Orange County Hispanic Chamber of Commerce
Organization of Chinese Americans
Organization of Chinese Americans, Greater Sacramento Chapter
Oroville Rescue Mission
Pasadena Chamber of Commerce and Civic Association
Pasadena/altadena Ivy Foundation
Peace Officers Research Association of California (PORAC)
Resource Conservation District of Greater San Diego County
Rural County Representatives of California
Sacramento Asian Pacific Chamber of Commerce

Sacramento Black Chamber of Commerce
Sacramento Hispanic Chamber of Commerce
San Diego Oasis
San Francisco Chamber of Commerce
San Gabriel Valley Economic Partnership
San Marcos Chamber of Commerce
Self-Help for the Elderly
Sf.citi
Sierra College Foundation
Slavic-American Chamber of Commerce
Society for the Blind
Southeast Community Development Corporation
Southern Border Broadband Consortium
Tahoe Prosperity Center
Technet-technology Network
The Arc and United Cerebral Palsy California Collaboration
The Arc of Butte County
The Arc San Francisco
The Village Project
Thinkwatts Foundation
UFCW Local 648
Urban Corps of San Diego County
Veterans Association of North County
Vista Chamber of Commerce
World Institute on Disability

Opposition

Communications Workers of America, District 9

SB 1348
(Stern)

**FIRE PREVENTION: VEGETATION
MANAGEMENT: PUBLIC EDUCATION:
GRANTS: DEFENSIBLE SPACE:
FIRE HAZARD SEVERITY ZONES:
FOREST MANAGEMENT**

**SUPPORT
AND AMEND**

Existing law requires the Director of the Department of Forestry and Fire Protection (CAL FIRE) to identify areas of the state as very high fire hazard severity zones based on specified criteria. Pursuant to legislation in 2017, CAL FIRE established a local assistance grant program for fire prevention activities in the state. Existing law defines the eligible activities for this grant funding. Existing law also requires a property owner in a high fire hazard severity zone to maintain defensible space and authorizes a local agency enforcing these requirements to conduct defensible space work if the owner fails to, and to place a lien on the property for the cost of that work. Additionally, existing law establishes tiers of penalties for failure to maintain defensible space for repeat violators.

SB 1348 (Stern), as amended on June 18, 2020, making changes to state law in the four main areas described below.

First, the bill would require the Director of CAL FIRE to identify areas of the state as “moderate” and “high” fire hazard severity zones based on consistent statewide criteria and the severity of fire hazard expected for those areas. Cities or counties with areas designated by CAL FIRE as a moderate or high would be required to make the information available for public review and comment within 30 days of the designation. These requirements are similar to existing law for very high fire hazard severity zones.

Second, the bill would expand the eligible activities for CAL FIRE’s local assistance grant fund program to specifically include projects for vegetation management along roadways and driveways, and public education outreach regarding home and community wildfire resistance. According to a recent legislative policy committee analysis of the bill, the suggestion to expand eligibility came from the Oakland FireSafe Council. This bill also authorizes any project or program to improve forest health and reduce GHG emissions or any grant funded by the Greenhouse Gas Reduction Fund (GGRF) to include projects or programs for vegetation management along roadways and driveways, including defensible space training, as well as public education outreach and community wildfire assistance.

Third, SB 1348 would require CAL FIRE to take on additional responsibilities to:

- adopt regulations related to defensible space requirements in vacant lots;
- create and maintain a public database relating to defensible space inspections and assessments conducted by CAL FIRE, local agencies, or volunteers;
- develop and propose to the legislature a financial penalty structure to apply to situations where CAL FIRE has authorized and removed vegetation and placed a lien upon the property to recover its costs; and
- establish in cooperation with the U. S. Forest Service and specified federal agencies, a program for purposes of the development of specified federal and state environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 50,000 acres.

Finally, SB 1348 would require the California Building Standards Commission to update its code pertaining to the construction of new buildings in specified fire hazard zones.

SB 1438 is intended to enhance fire prevention efforts throughout the state by expanding the range of projects for which funding may be available and, according to the author, to address recommendations contained in CAL FIRE’s 2019 Community Wildfire Prevention & Mitigation Report, which was prepared in response to Governor Newsom’s Executive Order N-05-19.

SB 1348’s local assistance grant provisions could provide potential funding eligibility for EBMUD, as well as its local partners, in both EBMUD’s service area and upcountry facilities, including the Upper Mokelumne River Watershed Authority (UMRWA). By providing potential

funding eligibility, SB 1348 may make local projects more feasible, thus helping reduce fire risk and impacts in the East Bay and Mokelumne watershed area. While this bill could result in costs to EBMUD to provide information to CAL FIRE on defensible space inspections as well as possible costs related to increased vegetation management in vacant lots and other areas, the benefits of lessened fire risk and potential cost savings in terms of avoided fires are expected to outweigh any costs.

In its current form, SB 1348 would likely benefit EBMUD and its partners. However, the bill would be further strengthened by clarifying the annual database requirements. To ensure that information in the database is meaningful and correct, CAL FIRE should consider convening a stakeholder process to create the database, which will also help to increase future communication efforts between local agencies and CAL FIRE on vegetation management and defensible space requirements. Staff will work with the author's office to address this issue.

EBMUD has previously supported measures to facilitate forest health and fire prevention. In 2018, EBMUD supported SB 1079 (Monning) to facilitate access to grants for forest health and fire prevention efforts.

The official list of support and opposition to SB 1348 is shown below.

Support

California Association of Local Conservation Corps
City of Thousand Oaks
Congress of California Seniors
Napa Community Firewise Foundation
Pacific Forest Trust
Pacific Gas and Electric Company
San Diego Gas and Electric Company
The Nature Conservancy

Opposition

None listed

<u>FEDERAL LEGISLATION</u>		<u>RECOMMENDED POSITION</u>
H. Res. 988	CONDEMNING ALL ACTS OF POLICE BRUTALITY, RACIAL PROFILING, AND THE USE OF EXCESSIVE AND MILITARIZED FORCE THROUGHOUT THE COUNTRY	SUPPORT

House Resolution 988 (H. Res. 988), as introduced on June 1, 2020, condemns all acts of brutality, racial profiling, and the use of excessive force by law enforcement officers and calls for the end of militarized policing practices through three specific statements.

First, H. Res. 988 “condemns all acts of brutality, racial profiling, and the use of excessive force by law enforcement officers and calls for the end of militarized policing practices.”

Second, H. Res. 988 expresses support for “strengthening efforts to eliminate excessive use of force, and conduct stringent oversight and independent investigations into instances of police brutality, racial profiling, and excessive use of force, and hold individual law enforcement officers and police departments accountable.” As part of this statement, H. Res. 988 also calls on the Department of Justice (DOJ) to “reinstate its role in investigating instances of police brutality, violence, and racial profiling, and police departments that violate civil rights,” and for DOJ to take on a role of “filing briefs urging courts to reconsider decisions that permit unreasonable and excessive police practices and establish meaningful oversight of consent decrees.” It also calls for “establishing independent all-civilian review boards, with the authority to effectively investigate incidents of police misconduct, to ensure meaningful community level oversight, transparency, accountability, and discipline of police officers.”

Finally, H. Res. 988 “calls for the adoption of sound and unbiased law enforcement policies at all levels of government that reduce the disparate impact of police brutality and use of force on Black and Brown people and other historically marginalized communities.”

The Board, at its June 23, 2020 meeting, adopted a resolution authorizing principles and an action plan for EBMUD’s response to racial discrimination and violence against Black and African Americans as most recently exemplified by the killing of George Floyd. The Board resolved to support legislation that aligns with these principles and strategies, and promotes its commitment to combatting racism. Several of the adopted strategies in the EBMUD resolution are aligned with H. Res. 988, including both of the following:

- Review and update the practices and procedures of [EBMUD’s] internal security force and contractor(s) to ensure that their interactions with the public are appropriate, including during public meetings or protests; and

- Engage [EBMUD's] partnering law enforcement agencies in dialogue to express our concerns and inquire about the steps they are taking regarding issues of excessive force and/or violence by their officers.

There is no official list of support and opposition available.

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

INFORMATION

An overview of key state and federal actions taken in response to the COVID-19 pandemic since Legislative Report No. 04-20, which was reviewed by the Board on June 9, 2020, is provided below.

State Government Actions

Executive Orders

Subsequent to the writing of Legislative Report No. 04-20, four additional executive orders have been issued. Information on those executive orders of direct interest to EBMUD is provided below.

June 5, 2020; Executive Order N-68-20; Omnibus

This order addresses numerous issues including increasing the availability of over-the-counter medications and medical devices and extending waivers related to placement of foster youth. Of particular interest to EBMUD, the executive order included workers' compensation-related provisions applicable to EBMUD that extend statutory deadlines related to the following:

- Timeframe of when a petition for reconsideration is deemed to have been denied by the Workers' Compensation Appeals Board.
- Timeframe for when the Workers' Compensation Appeals Board must act on decisions by Workers' Compensation judges.

June 30, 2020; Executive Order N-71-20; Omnibus

This order addresses numerous issues including the extension of rental eviction protections through September 30 and the extension of previous waivers on a variety of issues such as Medi-Cal, foster care, CalWORKS, obtaining driver's licenses and identification cards, and real estate licenses. Of particular interest to EBMUD, the executive order included extensions of deadlines related to the following:

- Timeframe of presentation of claims against government entities extended by an additional 60 days. The initial 60-day extension was granted in paragraph 11 of EO N-35-20.
- Timeframe of Workers' Compensation Appeals Board, addressed in Executive Order N-68-20 described above, to end on August 29, 2020.
- Timeframe of various labor and occupational health and safety laws.

Staff is evaluating these provisions in the context of EBMUD operations.

Other

On June 18, 2020, the California Department of Public Health (CDPH) issued guidance on the use of face coverings, which generally requires the use of face coverings when people are in public or common spaces. CDPH has updated various industry guidance documents, including those relevant to EBMUD, to take the face covering guidance into account. Staff is evaluating the updated industry guidance documents in the context of EBMUD operations.

Federal Government Actions

Congress continues to discuss additional COVID-19-related economic stimulus and relief.

Stimulus

In mid-June, EBMUD sent its federal stimulus funding requests to members of the EBMUD delegation. The letter summarized EBMUD's programmatic requests pertaining to drinking water and wastewater infrastructure needs in the categories of the Clean Water State Revolving Fund (SRF), Drinking Water SRF, Water Resources Development Act, CALFED Bay-Delta Program, and water and wastewater utility workforce development. Examples of EBMUD shovel-ready and near-term capital improvement projects (CIP) were included to demonstrate the overwhelming need for infrastructure funding for EBMUD's continuing operations. EBMUD also included two non-CIPs to demonstrate EBMUD's role as an innovator—a nutrient removal project and a hatchery project.

On June 11, 2020, House democrats introduced H.R. 2, the "Invest in America Act," based on the "Moving America and the Environment Forward" framework released by Speaker Pelosi last January. H.R. 2 contains similar funding levels in programs consistent with EBMUD's stimulus funding requests. On July 1, 2020, H.R. 2 passed the House, which signals the start of negotiations with the Senate and White House on a compromise approach, which is anticipated to differ from the introduced bill.

Relief

Discussions are still underway for additional COVID-19 funding. EBMUD has requested relief for EBMUD and its ratepayers in the form of low-income ratepayer assistance, payroll tax credit for the CARES Act extended leave, federally-funded essential worker hazard pay, and relief funding for water and wastewater utilities that are special districts. The House passage of the HEROES Act, H.R. 6800, on May 15, 2020, signaled the start of negotiations with the Senate on a fourth coronavirus relief package, which are ongoing. Separately, President Trump signed S. 4116 on July 4, 2020, to extend the authority of commitments for the Paycheck Protection Program, which was one of the components of previous COVID-19 legislation.

NEXT STEPS

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

CCC:MD:DM/JW

Attachments

I:\SEC\2020 Board Related Items\LegHRCmte and Regular Mtg\071420 BoardItems\OGM - Legislative Report No. 06-20.doc

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2060

Introduced by Assembly Member Holden
(Coauthor: Assembly Member Gonzalez)

February 4, 2020

An act to amend ~~Section~~ *Sections 25214.4.3 and 116875* of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL’S DIGEST

AB 2060, as amended, Holden. Drinking water: pipes and fittings: lead content.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines “lead free” for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures.

This bill would additionally define “lead free,” for purposes of manufacturing, industrial processing, or conveying or dispensing water for human consumption, to mean *does not leach* more than one microgram of lead under certain tests and meeting a specified

certification when used with respect to ~~end-use devices~~; *endpoint devices, except as specified.*

Existing law requires the Department of Toxic Substances Control, based on its available resources and staffing, to annually select no more than 75 drinking water faucets or other drinking water plumbing fittings and fixtures for testing and evaluation, including the locations from which to select the faucets, fittings, and fixtures, to determine compliance with the above-specified lead plumbing standards.

This bill would authorize the department, when evaluating an endpoint device's compliance with the above-specified definition of "lead free" that the bill would establish, to base its evaluation upon specified documentation that demonstrates certification that the endpoint device does not leach more than one microgram of lead under certain tests.

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

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

- 1 *SECTION 1. Section 25214.4.3 of the Health and Safety Code*
2 *is amended to read:*
3 25214.4.3. (a) Lead plumbing monitoring and compliance
4 testing shall be undertaken by the department, as a part of the
5 department's ongoing program for reducing toxic substances from
6 the environment.
7 (b) For purposes of implementing this article, the department
8 shall, based on its available resources and staffing, annually select
9 not more than 75 drinking water faucets or other drinking water
10 plumbing fittings and fixtures for testing and evaluation, including
11 the locations from which to select the faucets, fittings, and fixtures,
12 to determine compliance with Section 116875.
13 (c) In implementing this article, the department shall use test
14 methods, protocols, and sample preparation procedures that are
15 adequate to determine total lead concentration in a drinking water
16 plumbing fitting or fixture to determine compliance with the
17 standards for the maximum allowable total lead content set forth
18 in Section 116875.
19 (d) (1) In selecting drinking water faucets and other drinking
20 water plumbing fittings and fixtures to test and evaluate pursuant
21 to this article, the department shall exercise its judgment regarding
22 the specific drinking water plumbing fittings or fixtures to test.

(2) This article does not require the department's selection to be either random or representative of all available plumbing fittings or fixtures.

(3) The department shall acquire its samples of fittings and fixtures from locations that are readily accessible to the public at either retail or wholesale sources.

(4) When evaluating an endpoint device's compliance with paragraph (2) of subdivision (e) of Section 116875, the department may base its evaluation upon documentation developed by an American National Standards Institute (ANSI) accredited third party that demonstrates that the ANSI accredited third party has certified that the endpoint device does not leach more than one microgram of lead for test statistic Q or R, when normalized for the one liter first draw sample, as calculated in accordance with section N-1.8.9 of the March 2020 NSF International/ANSI Standard 61, until NSF International adopts an equal or more stringent standard.

(e) The department shall annually post the results of the testing and evaluation conducted pursuant to this article on its ~~Internet~~ ~~Web site~~ *internet website* and shall transmit these results in an annual report to the State Department of Public Health.

SECTION 1.

SEC. 2. Section 116875 of the Health and Safety Code is amended to read:

116875. (a) A person shall not use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

(b) (1) A person shall not introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, as defined in subdivision (e). This includes kitchen faucets, bathroom faucets, and any other ~~end-use~~ *endpoint* devices intended to convey or dispense water for human consumption through drinking or cooking, but excludes service saddles, backflow preventers for nonpotable services such as irrigation and industrial, and water distribution main gate valves that are two inches in diameter and above.

(2) Pipes, pipe or plumbing fittings, or fixtures that are used in manufacturing, industrial processing, for irrigation purposes, and any other uses where the water is not intended for human consumption through drinking or cooking are not subject to the requirements of paragraph (1).

(3) For all purposes other than manufacturing, industrial processing, or to convey or dispense water for human consumption, “lead free” is defined in subdivision (f).

(c) A person engaged in the business of selling plumbing supplies, except manufacturers, shall not sell solder or flux that is not lead free.

(d) A person shall not introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

(e) For purposes of this section, ~~“lead free” means both of the following:~~ *following apply:*

(1) ~~Not~~ *“Lead free” means not more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting, plumbing fitting, and fixture shall be calculated by using the following formula: The percentage of lead content within each component that comes into contact with water shall be multiplied by the percent of the total wetted surface of the entire pipe and pipe fitting, plumbing fitting, or fixture represented in each component containing lead. These percentages shall be added and the sum shall constitute the weighted average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.*

(2) ~~When~~ *“Lead free” means, when used with respect to end-use devices, not endpoint devices other than supply stops, flexible plumbing connectors, and miscellaneous components, does not leach more than one microgram of lead for test statistic Q or R, when normalized for the one liter first draw sample, as calculated in accordance with section B.8.9 N-1.8.9 of the March 2020 NSF International/American National Standards Institute (ANSI) Standard 61 and NSF International/ANSI Standard 61-certified,*

1 *certified by an ANSI accredited third party*, until NSF International
2 adopts an equal or more stringent standard.

3 (f) For purposes of paragraph (3) of subdivision (b), “lead free,”
4 consistent with the requirements of federal law, means not more
5 than 0.2 percent lead when used with respect to solder and flux
6 and not more than 8 percent lead when used with respect to pipes
7 and pipe fittings. With respect to plumbing fittings and fixtures,
8 “lead free” means not more than 4 percent lead by dry weight after
9 August 6, 2002, unless the department has adopted a standard,
10 based on health effects, for the leaching of lead.

11 (g) (1) All pipe, pipe or plumbing fittings or fixtures, solder,
12 or flux shall be certified by an independent ANSI accredited third
13 party, including, but not limited to, NSF International, as being in
14 compliance with this section.

15 (2) (A) The certification described in paragraph (1) shall, at a
16 minimum, include testing of materials in accordance with the
17 protocols used by the Department of Toxic Substances Control in
18 implementing Article 10.1.2 (commencing with Section 25214.4.3)
19 of Chapter 6.5 of Division 20.

20 (B) The certification required pursuant to this subdivision shall
21 not interfere with either the department’s exercise of its
22 independent authority to protect public health pursuant to this
23 section, or the Department of Toxic Substances Control’s exercise
24 of its independent authority to implement Article 10.1.2
25 (commencing with Section 25214.4.3) of Chapter 6.5 of Division
26 20.

27 (3) It is the intent of the Legislature that this subdivision only
28 provide guidance and assistance to the entities that use an
29 independent ANSI accredited third party to demonstrate
30 compliance with this section. Any tests developed by an
31 independent ANSI accredited third party in accordance with this
32 subdivision shall have no weight of authority under California
33 statute.

34 (4) Notwithstanding paragraph (1), the department shall retain
35 its independent authority in administering this article.

36 (h) This section shall become operative on January 1, 2010. The
37 requirement described in subdivision (g) shall not be construed in

- 1 any manner as to justify a delay in compliance with the lead-free
- 2 standard set forth in subdivision (e).

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AMENDED IN ASSEMBLY JUNE 4, 2020

AMENDED IN ASSEMBLY MARCH 12, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2421

Introduced by Assembly Member Quirk

February 19, 2020

An act to add and repeal Section 65850.75 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2421, as amended, Quirk. Land use: permitting: wireless ~~communications~~. *communications: emergency standby generators.*

Under existing law, a wireless telecommunications collocation facility, as specified, is subject to a city or county discretionary permit and is required to comply with specified criteria, but a collocation facility, which is the placement or installation of wireless facilities, including antennas and related equipment, on or immediately adjacent to that wireless telecommunications collocation facility, is a permitted use not subject to a city or county discretionary permit. Existing law defines various terms for these purposes.

This bill would, until January 1, 2024, require local agencies to ~~adopt specified approval procedures for an application to install an emergency standby generator, that meets specified standards, within the physical footprint of a macro cell tower site.~~ *make the installation of an emergency standby generator within the physical footprint of a macro cell tower site that meets specified requirements a permitted use subject only to local agency administrative review. The bill would specify procedures for the processing of permit applications by a local agency*

and would authorize a local agency to impose a fee to cover costs associated with administering the bill's provisions. Because ~~this~~ the bill would impose new duties on local agencies, it would impose a state-mandated local program.

The bill would define terms for purposes of these provisions and provide legislative findings and declarations in support of these provisions in order to maintain cellular communications during implemented power shutoffs.

Existing law, the California Environmental Quality Act (CEQA) requires a local agency 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 might 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 does not apply to ministerial approval of projects.

By requiring administrative approval of the installation of emergency standby generators, this bill would expand the CEQA ministerial approval exemption.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

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

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

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

3 (a) Unprecedented wildfires are forcing California to develop
4 new strategies to preserve public safety and welfare. One strategy
5 is a proactive Public Safety Power Shutoff. In October 2019, three
6 of the largest electric utilities implemented power shutoffs affecting
7 more than 2,000,000 Californians.

8 (b) These shutoffs interrupted commercial power to wireless
9 infrastructure, resulting in some consumers losing access to
10 communications services. In response, wireless providers have
11 developed backup power solutions to ensure networks remain
12 operational during power shutoffs.

13 (c) In March 2019, Governor Gavin Newsom issued a
14 proclamation of emergency in response to the wildfire threat, which
15 waived permitting barriers to critical forest management projects.
16 ~~The Legislature has also created~~ *This act also creates* exemptions
17 for public safety actions.

18 (d) Enabling the rapid deployment of emergency standby
19 generators is vital for public safety to help ensure consumers
20 maintain access to 911 services, wireless emergency alerts, and
21 other public safety communications. Fragmented and lengthy
22 permitting requirements could delay these public safety
23 deployments by many months and in some cases could prevent
24 them altogether.

25 (e) Given the urgency of ensuring wireless providers are
26 prepared for fire-threat events, it is necessary to expedite these
27 public safety deployments. ~~This legislation would create~~ *act creates*
28 a narrow time-limited exemption and a uniform process for the
29 expedited installation of low emission, emergency standby
30 generators ~~rated by the State Air Resources Board~~ and associated
31 storage tanks located within, or immediately adjacent to, an already
32 permitted macro cell tower site.

33 (f) Specifically, ~~this legislation will allow~~ *act allows* wireless
34 providers to prepare for future fire seasons and power outages
35 using an expedited process that does both of the following:

36 (1) Applies to the installation of a standard-configuration
37 standby emergency generator at previously permitted macro cell
38 tower sites.

(2) Provides for local administrative review with a 60-day deadline for local agencies to approve or deny applications.

(g) ~~This legislation would~~ *act does* not apply to any law, regulation, permit, information request, order, variance, or other requirement related to the installation of small cells for the deployment of 5G network technologies.

(h) To assist in expediting deployment of emergency standby generators, ~~this legislation would allow~~ *act allows* applicants to concurrently seek consent from landowners while applying for permits, but does not allow an applicant to begin installation until approval from the landowner is received by the local agency.

SEC. 2. Section 65850.75 is added to the Government Code, immediately following Section 65850.7, to read:

65850.75. (a) For purposes of this section, the following terms have the following meanings:

(1) “Emergency standby generator” means a stationary generator used for the generation of electricity that meets the criteria set forth in Section 93115(29) of Title 17 of the California Code of Regulations.

(2) “Local agency” means a city, county, or city and county.

(3) “Macro cell tower site” means the place where wireless telecommunications equipment and network components, including towers, transmitters, base stations, and emergency powers necessary for providing wide area outdoor service, are located. A macro cell tower site does not include rooftop, small cell, or outdoor and indoor distributed antenna system sites.

(b) ~~An~~ *Notwithstanding any law, an* emergency standby generator proposed to be installed within the physical footprint of a macro cell tower site shall be a permitted use subject only to local agency administrative review if it meets ~~both~~ *all* of the following requirements:

(1) The emergency standby generator is rated below 50 horsepower, certified to California emission standards, has a 190-gallon double-wall storage tank, and is mounted on a concrete pad.

(2) The macro cell tower site at which the emergency standby generator is proposed to be installed is an existing site that was previously permitted by the local agency.

1 (3) *The emergency standby generator complies with all*
2 *applicable state and local laws and regulations, including building*
3 *and fire safety codes.*

4 (c) A local agency that receives a ~~completed~~ permit application
5 to install an emergency standby generator that meets the
6 requirements in subdivision (b) shall approve or deny the
7 application within 60 days of submittal of the application, subject
8 to both of the following:

9 (1) If, within 10 days of submission, the local agency notifies
10 the applicant in writing that the application is ~~deficient, incomplete,~~
11 then the 60-day period shall be tolled until the applicant provides
12 the information requested.

13 (2) The local agency shall not require any new or different
14 information for the permit applications than it routinely requires
15 for applications for other emergency standby generators.

16 (d) (1) A completed application that the local agency has not
17 approved or denied within 60 days of receiving the application or
18 upon expiration of any tolling period shall be deemed approved.

19 (2) *This section does not prohibit a local agency from revoking,*
20 *through the appropriate process, the permit or approval status for*
21 *an emergency standby generator that is determined to violate an*
22 *applicable state or local law or regulation, including building and*
23 *fire safety codes, or from otherwise enforcing state and local law*
24 *with respect to the emergency standby generator.*

25 (e) If the local agency requires more than one permit application
26 for the installation of an emergency standby generator, all
27 applications submitted concurrently shall be issued within the same
28 60-day period set forth in subdivision (c).

29 (f) The local agency shall not require the applicant to submit
30 proof of consent or other authorization from an underlying property
31 owner as part of the initial application for an emergency standby
32 generator permit; however, the applicant shall not install the
33 emergency standby generator until the applicant provides
34 documentation, if required, to the local agency.

35 (g) *A local agency may impose a permit fee to cover its costs*
36 *associated with administering this section. The fee shall not exceed*
37 *the reasonable costs of providing the service for which the fee is*
38 *charged and shall not be levied for general revenue purposes.*

39 ~~(g)~~

1 (h) This section shall remain in effect until January 1, 2024, and
2 as of that date is repealed.

3 SEC. 3. The Legislature finds and declares that the installation
4 of an emergency standby generators at wireless telecommunications
5 facility sites as set forth in this section has a significant public
6 safety impact in California and is a matter of statewide concern
7 and is not a municipal affair as that term is used in Section 5 of
8 Article XI of the California Constitution. Therefore, Section 2 of
9 this act adding Section 65850.75 to the Government Code applies
10 to all cities, including charter cities.

11 ~~SEC. 4. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 SEC. 4. *No reimbursement is required by this act pursuant to*
17 *Section 6 of Article XIII B of the California Constitution because*
18 *a local agency or school district has the authority to levy service*
19 *charges, fees, or assessments sufficient to pay for the program or*
20 *level of service mandated by this act, within the meaning of Section*
21 *17556 of the Government Code.*

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 8, 2020

SENATE BILL

No. 1348

Introduced by Senator Stern

February 21, 2020

An act to amend Sections 51178, 51178.5, and 51182 of the Government Code, to add Section 18941.12 to the Health and Safety Code, and to amend Sections 4124.5, 4291, and 4799.05 of, and to add Sections 4119.5, 4291.4, and 4799.05.5 to, the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as amended, Stern. Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.

(1) Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Existing law requires a local agency, within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review, as provided.

This bill would also require the director to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for ~~public review~~, *review and comment*, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

(2) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the

building standard to the California Building Standards Commission for approval and adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed. Existing law requires the commission to publish, or cause to be published, editions of the code in its entirety once every 3 years.

This bill would require the commission to adopt, approve, codify, and publish amendments to the California Building Standards Code that would extend provisions of the code relating to construction of new buildings in specified fire zones to land designated as moderate, high, and very high fire hazard severity zones and land designated as wildland-urban interface fire areas, as provided.

(3) Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. *Existing law authorizes a greater distance than specified above on the specified land in a very high fire hazard severity zone. Existing law specifies that clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.*

This bill would specify that the above-described clearance on adjacent property may also be conducted pursuant to a local ordinance. The bill would require the Department of Forestry and Fire Protection to, on or before July 1, 2021, adopt regulations relating to defensible space requirements in vacant lots, create and maintain a public database relating to defensible space inspections and assessments conducted by the department, local agencies, or volunteers, and develop, and propose to the Legislature for consideration, a financial penalty structure to apply to landowners for whom the director has authorized the removal of vegetation that is not consistent with defensible space requirements and has made the expense of the removal a lien upon the property, as provided.

(4) Existing law requires the department to establish a local assistance grant program for fire prevention activities in the state. *Existing law requires the local assistance grant program to establish a robust year-round fire prevention effort in and near fire threatened communities.* Existing law requires that the eligible activities include,

among other things, fire prevention activities, as provided. *Existing law permits the director to authorize advance payments, not exceeding 25% of the total grant award, from a grant awarded pursuant to the local assistance grant program. Existing law requires the grantee to expend these funds from the advance payment within 6 months of receipt, as provided.*

This bill would ~~also define “fire threatened communities” as provided.~~ The bill would specifically include vegetation management along roadways and driveways and public education outreach regarding home and community wildfire resistance, as provided, as part of the eligible activities, as provided. *The bill would instead authorize an advance payment not exceeding 50% of the total grant award and would instead require the grantee to expend these funds within 12 months.*

(5) Existing law requires the director to provide grants to, or enter into contracts or other cooperative agreements with, specified entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board, as part of a market-based compliance mechanism to reduce air emissions, to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires that any project or program described above that is funded with moneys from the Greenhouse Gas Reduction Fund complies with all statutory and program requirements applicable to the use of moneys from the fund.

This bill would authorize any project or program described above, or any grant, funded from the Greenhouse Reduction Fund, to include projects or programs for vegetation management along roadways and driveways, including defensible space training, as well as public education outreach regarding home and community wildfire resistance, as provided.

This bill would require the department, in cooperation with ~~the United States Forest Service,~~ *specified federal agencies and other federal agencies*, to establish a program for purposes of the development of specified federal *and state* environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 50,000 acres. The bill would authorize the department to contract with Native American tribes, local governments, forest collaboratives, and qualified nongovernmental organizations to develop the federal documents.

(6) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 51178 of the Government Code is
2 amended to read:

3 51178. The director shall identify areas in the state as moderate,
4 high, and very high fire hazard severity zones based on consistent
5 statewide criteria and based on the severity of fire hazard that is
6 expected to prevail in those areas. Moderate, high, and very high
7 fire hazard severity zones shall be based on fuel loading, slope,
8 fire weather, and other relevant factors including areas where Santa
9 Ana, Mono, and Diablo ~~winds~~ *winds, and other regional winds*,
10 have been identified by the Department of Forestry and Fire
11 Protection as a major cause of wildfire spread.

12 SEC. 2. Section 51178.5 of the Government Code is amended
13 to read:

14 51178.5. Within 30 days after receiving a transmittal from the
15 director that identifies fire hazard severity zones pursuant to
16 Section 51178, a local agency shall make the information available
17 for public ~~review~~ *review and comment*. The information shall be
18 presented in a format that is understandable and accessible to the
19 general public, including, but not limited to, maps.

20 SEC. 3. Section 51182 of the Government Code is amended
21 to read:

22 51182. (a) A person who owns, leases, controls, operates, or
23 maintains an occupied dwelling or occupied structure in, upon, or
24 adjoining a mountainous area, forest-covered land, brush-covered
25 land, grass-covered land, or land that is covered with flammable
26 material, which area or land is within a very high fire hazard
27 severity zone designated by the local agency pursuant to Section
28 51179, shall at all times do all of the following:

1 (1) Maintain defensible space of 100 feet from each side and
2 from the front and rear of the structure, but not beyond the property
3 line except as provided in paragraph (2). The amount of fuel
4 modification necessary shall take into account the flammability
5 of the structure as affected by building material, building standards,
6 location, and type of vegetation. Fuels shall be maintained in a
7 condition so that a wildfire burning under average weather
8 conditions would be unlikely to ignite the structure. This paragraph
9 does not apply to single specimens of trees or other vegetation that
10 are well-pruned and maintained so as to effectively manage fuels
11 and not form a means of rapidly transmitting fire from other nearby
12 vegetation to a structure or from a structure to other nearby
13 vegetation. The intensity of fuels management may vary within
14 the 100-foot perimeter of the structure, the most intense being
15 within the first 30 feet around the structure. Consistent with fuels
16 management objectives, steps should be taken to minimize erosion.

17 (2) A greater distance than that required under paragraph (1)
18 may be required by state law, local ordinance, rule, or regulation.
19 Clearance beyond the property line may only be required if the
20 state law, local ordinance, rule, or regulation includes findings that
21 the clearing is necessary to significantly reduce the risk of
22 transmission of flame or heat sufficient to ignite the structure, and
23 there is no other feasible mitigation measure possible to reduce
24 the risk of ignition or spread of wildfire to the structure. Clearance
25 on adjacent property shall only be conducted following written
26 consent by the adjacent ~~landowner~~. *landowner or pursuant to a*
27 *local ordinance*.

28 (3) An insurance company that insures an occupied dwelling
29 or occupied structure may require a greater distance than that
30 required under paragraph (1) if a fire expert, designated by the fire
31 chief or fire official from the authority having jurisdiction, provides
32 findings that the clearing is necessary to significantly reduce the
33 risk of transmission of flame or heat sufficient to ignite the
34 structure, and there is no other feasible mitigation measure possible
35 to reduce the risk of ignition or spread of wildfire to the structure.
36 The greater distance may not be beyond the property line unless
37 allowed by state law, local ordinance, rule, or regulation.

38 (4) Remove that portion of a tree that extends within 10 feet of
39 the outlet of a chimney or stovepipe.

1 (5) Maintain a tree, shrub, or other plant adjacent to or
2 overhanging a building free of dead or dying wood.

3 (6) Maintain the roof of a structure free of leaves, needles, or
4 other vegetative materials.

5 (7) Before constructing a new dwelling or structure that will be
6 occupied or rebuilding an occupied dwelling or occupied structure
7 damaged by a fire in that zone, the construction or rebuilding of
8 which requires a building permit, the owner shall obtain a
9 certification from the local building official that the dwelling or
10 structure, as proposed to be built, complies with all applicable state
11 and local building standards, including those described in
12 subdivision (b) of Section 51189, and shall provide a copy of the
13 certification, upon request, to the insurer providing course of
14 construction insurance coverage for the building or structure. Upon
15 completion of the construction or rebuilding, the owner shall obtain
16 from the local building official, a copy of the final inspection report
17 that demonstrates that the dwelling or structure was constructed
18 in compliance with all applicable state and local building standards,
19 including those described in subdivision (b) of Section 51189, and
20 shall provide a copy of the report, upon request, to the property
21 insurance carrier that insures the dwelling or structure.

22 (b) A person is not required under this section to manage fuels
23 on land if that person does not have the legal right to manage fuels,
24 nor is a person required to enter upon or to alter property that is
25 owned by any other person without the consent of the owner of
26 the property.

27 (c) The Department of Forestry and Fire Protection shall
28 develop, periodically update, and post on its internet website a
29 guidance document on fuels management pursuant to this chapter.
30 Guidance shall include, but not be limited to, regionally appropriate
31 vegetation management suggestions that preserve and restore native
32 species, minimize erosion, minimize water consumption, and
33 permit trees near homes for shade, aesthetics, and habitat; and
34 suggestions to minimize or eliminate the risk of flammability of
35 nonvegetative sources of combustion such as woodpiles, propane
36 tanks, decks, and outdoor lawn furniture.

37 (d) On or before July 1, 2021, the Department of Forestry and
38 Fire Protection shall adopt, by taking into consideration the slope
39 of the land and other aspects of the terrain, vegetation cover, and
40 the proximity to structures and other ignition-prone lands,

1 regulations relating to defensible space requirements in vacant
2 lots, including the size of the lot and the frequency with which
3 they shall be treated to maintain safety.

4 SEC. 4. Section 18941.12 is added to the Health and Safety
5 Code, to read:

6 18941.12. The commission shall, commencing with the next
7 triennial edition of the California Building Standards Code (Title
8 24 of the California Code of Regulations) adopted after January
9 1, 2021, adopt, approve, codify, and publish amendments that
10 extend the provisions of Section 701A.3.1 of the California
11 Building Standards Code to land designated as moderate, high,
12 and very high fire hazard severity zones by the Director of Forestry
13 and Fire Protection pursuant to Section 51178 of the Government
14 Code, and to land designated as wildland-urban interface fire areas
15 as defined in Section 4902.1 of the California Fire Code. If any
16 changes are made to these designations, the commission shall
17 update the California Building Standards Code with these changes
18 at the next update of the code.

19 SEC. 5. Section 4119.5 is added to the Public Resources Code,
20 to read:

21 4119.5. On or before July 1, 2021, the department shall create
22 and maintain a public database that contains any defensible space
23 inspections and assessments conducted by the department, local
24 agencies, or volunteers, to the extent this information is known by
25 the department. The department shall update this database annually.

26 SEC. 6. Section 4124.5 of the Public Resources Code is
27 amended to read:

28 4124.5. (a) The department shall establish a local assistance
29 grant program for fire prevention activities in California. Groups
30 eligible for grants shall include, but are not limited to, local
31 agencies, resource conservation districts, fire safe councils, the
32 California Conservation Corps, certified local conservation corps,
33 University of California Cooperative Extension, Native American
34 tribes, and qualified nonprofit organizations. The department may
35 establish a cost-share requirement for one or more categories of
36 projects.

37 (b) (1) The local assistance grant program shall establish a
38 robust year-round fire prevention effort in and near fire threatened
39 communities. The department shall prioritize, to the extent feasible,
40 projects that are multiyear efforts.

(2) For purposes of this subdivision, “fire threatened communities” means those communities in high and very high fire hazard severity zones, identified by the director pursuant to Section 51178 of the Government Code, or on the “Fire Risk Reduction Community” list maintained by the board pursuant to Section 4290.1.

(c) Eligible activities shall include, but not be limited to, all of the following:

(1) Development and implementation of public education and outreach programs. Programs may include technical assistance, workforce recruitment and training, and equipment purchases.

(2) Fire prevention activities as defined in Section 4124.

(3) Projects to improve compliance with defensible space requirements as required by Section 4291 through increased inspections and assistance for low-income residents.

(4) Technical assistance to local agencies to improve fire prevention and reduce fire hazards.

(5) Creation of additional “Firewise USA” communities in the state or other community planning or certification programs deemed as appropriate by the department.

(6) Projects to improve public safety, including, but not limited to, access to emergency equipment and improvements to public evacuation routes.

(7) Vegetation management along roadways and driveways to reduce fire risk including defensible space training.

(8) Public education outreach regarding making homes and communities more wildfire resistant.

(d) The department may consider the fire risk of an area, the geographic balance of projects, and whether the project is complementary to other fire prevention or forest health activities when awarding local assistance grants.

(e) (1) Until January 1, 2024, the director may authorize advance payments from a grant awarded pursuant to this section. The advance shall not exceed ~~25~~ 50 percent of the total grant award.

(2) The grantee shall expend the funds from the advance payment within ~~six~~ 12 months of receipt, unless the department waives this requirement.

(3) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

1 (f) The department may expand or amend an existing grant
2 program to meet the requirements of this section.

3 (g) Funding for the local assistance grant program created
4 pursuant to this section shall be made upon appropriation by the
5 Legislature.

6 SEC. 7. Section 4291 of the Public Resources Code is amended
7 to read:

8 4291. (a) A person who owns, leases, controls, operates, or
9 maintains a building or structure in, upon, or adjoining a
10 mountainous area, forest-covered lands, brush-covered lands,
11 grass-covered lands, or land that is covered with flammable
12 material, shall at all times do all of the following:

13 (1) Maintain defensible space of 100 feet from each side and
14 from the front and rear of the structure, but not beyond the property
15 line except as provided in paragraph (2). The amount of fuel
16 modification necessary shall take into account the flammability
17 of the structure as affected by building material, building standards,
18 location, and type of vegetation. Fuels shall be maintained in a
19 condition so that a wildfire burning under average weather
20 conditions would be unlikely to ignite the structure. This paragraph
21 does not apply to single specimens of trees or other vegetation that
22 are well-pruned and maintained so as to effectively manage fuels
23 and not form a means of rapidly transmitting fire from other nearby
24 vegetation to a structure or from a structure to other nearby
25 vegetation. The intensity of fuels management may vary within
26 the 100-foot perimeter of the structure, the most intense being
27 within the first 30 feet around the structure. Consistent with fuels
28 management objectives, steps should be taken to minimize erosion.
29 For purposes of this paragraph, “fuel” means any combustible
30 material, including petroleum-based products and wildland fuels.

31 (2) A greater distance than that required under paragraph (1)
32 may be required by state law, local ordinance, rule, or regulation.
33 Clearance beyond the property line may only be required if the
34 state law, local ordinance, rule, or regulation includes findings that
35 the clearing is necessary to significantly reduce the risk of
36 transmission of flame or heat sufficient to ignite the structure, and
37 there is no other feasible mitigation measure possible to reduce
38 the risk of ignition or spread of wildfire to the structure. Clearance
39 on adjacent property shall only be conducted following written
40 consent by the adjacent landowner.

1 (3) An insurance company that insures an occupied dwelling
2 or occupied structure may require a greater distance than that
3 required under paragraph (1) if a fire expert, designated by the
4 director, provides findings that the clearing is necessary to
5 significantly reduce the risk of transmission of flame or heat
6 sufficient to ignite the structure, and there is no other feasible
7 mitigation measure possible to reduce the risk of ignition or spread
8 of wildfire to the structure. The greater distance may not be beyond
9 the property line unless allowed by state law, local ordinance, rule,
10 or regulation.

11 (4) Remove that portion of a tree that extends within 10 feet of
12 the outlet of a chimney or stovepipe.

13 (5) Maintain a tree, shrub, or other plant adjacent to or
14 overhanging a building free of dead or dying wood.

15 (6) Maintain the roof of a structure free of leaves, needles, or
16 other vegetative materials.

17 (7) Before constructing a new building or structure or rebuilding
18 a building or structure damaged by a fire in an area subject to this
19 section, the construction or rebuilding of which requires a building
20 permit, the owner shall obtain a certification from the local building
21 official that the dwelling or structure, as proposed to be built,
22 complies with all applicable state and local building standards,
23 including those described in subdivision (b) of Section 51189 of
24 the Government Code, and shall provide a copy of the certification,
25 upon request, to the insurer providing course of construction
26 insurance coverage for the building or structure. Upon completion
27 of the construction or rebuilding, the owner shall obtain from the
28 local building official, a copy of the final inspection report that
29 demonstrates that the dwelling or structure was constructed in
30 compliance with all applicable state and local building standards,
31 including those described in subdivision (b) of Section 51189 of
32 the Government Code, and shall provide a copy of the report, upon
33 request, to the property insurance carrier that insures the dwelling
34 or structure.

35 (b) A person is not required under this section to manage fuels
36 on land if that person does not have the legal right to manage fuels,
37 nor is a person required to enter upon or to alter property that is
38 owned by any other person without the consent of the owner of
39 the property.

(c) (1) Except as provided in Section 18930 of the Health and Safety Code, the director may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.

(2) An exemption or variance under paragraph (1) shall not apply unless and until the occupant of the structure, or if there is not an occupant, the owner of the structure, files with the department, in a form as the director shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.

(d) The director may authorize the removal of vegetation that is not consistent with the standards of this section. The director may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.

(e) The department shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion, such as woodpiles, propane tanks, decks, ~~and outdoor lawn furniture.~~ *furniture, barbecue equipment, and outdoor fire pits.*

(f) On or before July 1, 2021, the department shall adopt regulations relating to defensible space requirements in vacant lots, including the size of the lot and the frequency with which they shall be treated to maintain safety. When adopting the regulations the department shall take into consideration the slope of the land and other aspects of the terrain, vegetation cover, and the proximity to structures and other ignition-prone lands.

(g) As used in this section, “person” means a private individual, organization, partnership, limited liability company, or corporation.

SEC. 8. Section 4291.4 is added to the Public Resources Code, to read:

4291.4. On or before July 1, 2021, the department shall develop, and propose to the Legislature for consideration, a financial penalty structure to apply to landowners for whom the director has authorized the removal of vegetation and has made the expense of the removal a lien upon the property pursuant to subdivision (d) of Section 4291. The proposed financial penalty structure shall exceed the value of the lien.

SEC. 9. Section 4799.05 of the Public Resources Code is amended to read:

4799.05. (a) (1) The director may provide grants to, or enter into contracts or other cooperative agreements with, entities, including, but not limited to, private or nongovernmental entities, Native American tribes, or local, state, and federal public agencies, for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions.

(2) (A) Until January 1, 2024, the director may authorize advance payments to a nonprofit organization, a local agency, a special district, a private forest landowner, or a Native American tribe from a grant awarded pursuant to this section. No single advance payment shall exceed 25 percent of the total grant award.

(B) (i) The grantee shall expend the funds from the advance payment within six months of receipt, unless the department waives this requirement.

(ii) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

(C) (i) The department shall provide a report to the Legislature on or before January 1, 2023, on the outcome of the department’s use of advance payments.

(ii) A report submitted pursuant to this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(iii) The requirement for submitting a report imposed under clause (i) is inoperative on January 1, 2027, pursuant to Section 10231.5 of the Government Code.

1 (b) (1) Any project or program described in this section that is
2 funded with moneys from the Greenhouse Gas Reduction Fund,
3 created pursuant to Section 16428.8 of the Government Code, shall
4 comply with all statutory and program requirements applicable to
5 the use of moneys from the fund.

6 (2) Any project or program described in this section, or any
7 grant funded from the Greenhouse Reduction Fund, created
8 pursuant to Section 16428.8 of the Government Code, may include
9 projects or programs for vegetation management along roadways
10 and driveways to reduce fire risk, including defensible space
11 training, as well as public education outreach regarding making
12 homes and communities more wildfire resistant.

13 (c) Moneys appropriated to the department for landscape-scale
14 projects shall be allocated as follows:

15 (1) To subsidize the removal of small diameter material,
16 especially surface fuels and ladder fuels, as well as dead trees, in
17 order to help develop markets for beneficial uses of the material,
18 including, but not limited to, animal bedding, biochar,
19 cross-laminated timber, mulch, oriented strand board, pulp, post,
20 shredding, and veneer products.

21 (2) For multiple benefit projects, such as tree thinning, carbon
22 sequestration, forest resilience, and improved ecological outcome
23 projects, including, but not limited to, restoring watershed health
24 and function and supporting biodiversity and wildlife adaptation
25 to climate change. The department shall give grant funding priority
26 to landowners who practice uneven aged forest management with
27 a resilient forest of diverse age, size, and species class within the
28 boundaries of the project and whose activities are conducted
29 pursuant to an approved timber harvest plan, nonindustrial timber
30 harvest plan, or working forest management plan. An application
31 for a grant for a project under this subparagraph shall include a
32 description of how the proposed project will increase average stem
33 diameter and provide other site-specific improvement to forest
34 complexity, as demonstrated by the expansion of the variety of
35 tree age classes and species persisting for a period of at least 50
36 years. The department shall also give funding priority to
37 landowners who agree to long-term forest management goals
38 prescribed by the department.

39 (3) For activities on national forest lands to increase tree stand
40 heterogeneity, create forest openings of less than one acre, and

1 increase average tree stand diameter of residual trees. Any grants
2 provided under this subparagraph shall be approved by the
3 department, in collaboration with appropriate state agencies,
4 including the State Air Resources Board.

5 (d) (1) Division 13 (commencing with Section 21000) does not
6 apply to prescribed fire, thinning, or fuel reduction projects
7 undertaken on federal lands to reduce the risk of high-severity
8 wildfire that have been reviewed under the federal National
9 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321) if either
10 of the following is satisfied:

11 (A) The primary role of a state or local agency is providing
12 funding or staffing for those projects.

13 (B) A state or local agency is undertaking those projects pursuant
14 to the federal Good Neighbor Authority (Public Law 113-79) or
15 a stewardship agreement with the federal government entered into
16 pursuant to Public Law 113-79.

17 (2) Division 13 (commencing with Section 21000) does not
18 apply to the issuance of a permit or other project approval by a
19 state or local agency for projects described in paragraph (1).

20 (3) This section does not alter, affect, or in any way diminish
21 the authority of a state or local agency to impose mitigation
22 measures or conditions on projects described in paragraph (1)
23 pursuant to other laws or regulations.

24 (4) Commencing December 31, 2019, and annually thereafter,
25 the department shall report to the relevant policy committees of
26 the Legislature the number of times the process in this subdivision
27 was used.

28 (5) (A) This subdivision shall remain operative only if the
29 Secretary of the Natural Resources Agency certifies on or before
30 January 1 of each year that the National Environmental Policy Act
31 of 1969 or other federal laws that affect the management of federal
32 forest lands in California have not been substantially amended on
33 or after August 31, 2018.

34 (B) Any CEQA exemption established under this subdivision
35 shall continue in effect for those projects conducted under a
36 National Environmental Policy Act record of decision, finding of
37 no significant impact, or notice of exemption or exclusion that was
38 issued prior to the date by which the Secretary determines that the
39 National Environmental Policy Act or federal forest management
40 laws were substantially amended.

1 (6) This subdivision shall become inoperative on January 1,
2 2023.

3 SEC. 10. Section 4799.05.5 is added to the Public Resources
4 Code, immediately following Section 4799.05, to read:

5 4799.05.5. In cooperation with the United States Forest Service,
6 *the United States Bureau of Land Management, the National Parks*
7 *Service, and other federal agencies*, the department shall establish
8 a program for purposes of the development of federal National
9 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)
10 ~~documents~~ *documents, and documents prepared pursuant to the*
11 *California Environmental Quality Act (Division 13 (commencing*
12 *with Section 21000))*, for landscape scale ecological restoration
13 and fire resiliency projects on national forest lands that are at least
14 50,000 acres. The department may contract with Native American
15 tribes, local governments, forest collaboratives, and qualified
16 nongovernmental organizations to develop the federal documents.

17 SEC. 11. If the Commission on State Mandates determines
18 that this act contains costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.

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116TH CONGRESS
2D SESSION

H. RES. 988

Condemning all acts of police brutality, racial profiling, and the use of
excessive and militarized force throughout the country.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2020

Ms. PRESSLEY (for herself, Ms. BONAMICI, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Ms. CLARKE of New York, Mr. CLYBURN, Mr. CONNOLLY, Mr. COX of California, Ms. ESCOBAR, Mr. ESPAILLAT, Ms. FUDGE, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Mr. HORSFORD, Ms. JAYAPAL, Mr. JEFFRIES, Ms. JOHNSON of Texas, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. POCAN, Mr. RASKIN, Mr. RICHMOND, Ms. SCHAKOWSKY, Ms. TLAIB, Mrs. TRAHAN, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. HUFFMAN, Mr. NADLER, Mr. JOHNSON of Georgia, Ms. ESHOO, Ms. WASSERMAN SCHULTZ, Ms. OMAR, Ms. LEE of California, Ms. BASS, Ms. ADAMS, Ms. PINGREE, Mr. BUTTERFIELD, Ms. UNDERWOOD, Mr. MEEKS, Ms. MENG, Mrs. CAROLYN B. MALONEY of New York, and Mr. WELCH) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Condemning all acts of police brutality, racial profiling, and
the use of excessive and militarized force throughout
the country.

Whereas police brutality and the use of excessive and militarized force are among the most serious ongoing human rights and civil liberties violations in the United States and have led to community destabilization, a decrease in

public safety, and the exacerbation of structural inequities;

Whereas the system of policing in America, and its systemic targeting of and use of deadly and brutal force against people of color, particularly Black people, stems from the long legacy of slavery, lynching, Jim Crow laws, and the War on Drugs in the United States and has been perpetuated by violent and harmful law enforcement practices;

Whereas contemporary police practices that employ policing for low level offenses or so called “broken windows” policing, as well as expanded and excessively militarized policing, has led to mass criminalization, heightened violence, and mass incarceration that disproportionately impacts Black and Brown people;

Whereas data shows there is a direct correlation between the increased militarization of a police department and corresponding levels of police brutality;

Whereas police use of force is among the leading causes of death for young men of color;

Whereas Black people, including Black women and girls, Native Americans, and Latinos are killed by police at disproportionately higher rates than their White peers;

Whereas people with disabilities and other historically marginalized communities, including LGBTQ+ individuals, immigrants, and those experiencing homelessness are significantly more likely to be criminalized and targets of police violence;

Whereas police brutality and the use of excessive force have robbed countless communities of precious lives, have inflicted intergenerational harm and trauma to families, and are intensifying our Nation’s mental health crisis;

Whereas police in the United States, through acts of brutality and the use of excessive force, kill far more people than police in other comparable nations and have been historically shielded from accountability;

Whereas the killings of hundreds each year, and the demonstrations that followed have brought sustained national attention to the racially biased police violence against people;

Whereas the House of Representatives finds that the conduct of police officers who engage in racial profiling and excessive force, which can include shootings, brutal beatings, fatal chokings, and any other excessive treatment is a violation of the Constitution of the United States;

Whereas the House of Representatives finds that the rule of law in the United States is undermined when police officers engage in conduct inconsistent with the Constitution of the United States; and

Whereas the House of Representatives has a moral and constitutional obligation to protect the civil rights and liberties of all people from police abuses: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns all acts of brutality, racial
3 profiling, and the use of excessive force by law en-
4 forcement officers and calls for the end of milita-
5 rized policing practices;

6 (2) supports strengthening efforts to eliminate
7 instances of excessive use of force, and conduct
8 stringent oversight and independent investigations

1 into instances of police brutality, racial profiling,
2 and excessive use of force, and hold individual law
3 enforcement officers and police departments ac-
4 countable, including—

5 (A) calling on the Department of Justice

6 to—

7 (i) reinstate its role in investigating
8 individual instances of police brutality, vio-
9 lence, and racial profiling, and police de-
10 partments that violate civil rights; and

11 (ii) take on a role in filing briefs urg-
12 ing courts to reconsider decisions that per-
13 mit unreasonable and excessive police prac-
14 tices and establish meaningful oversight of
15 consent decrees; and

16 (B) establishing independent all-civilian re-
17 view boards, with the authority to effectively in-
18 vestigate incidents of police misconduct, to en-
19 sure meaningful community level oversight,
20 transparency, accountability, and discipline of
21 police officers; and

22 (3) calls for the adoption of sound and unbiased
23 law enforcement policies at all levels of government
24 that reduce the disparate impact of police brutality

- 1 and use of force on Black and Brown people and
- 2 other historically marginalized communities.



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EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 9, 2020

MEMO TO: Board of Directors

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

FROM: Laura A. Acosta, Manager of Human Resources *Laura*

SUBJECT: EBMUD's Racial Equity and Justice Project Update

SUMMARY

This memo provides an update on EBMUD's Racial Equity and Justice Project. This information will be discussed at the July 14, 2020 Legislative/Human Resources Committee meeting.

BACKGROUND

At its June 23, 2020 meeting, the Board adopted the Resolution on Principles and Action Plan for District's Response to Racial Discrimination and Violence Against Black and African Americans as most Recently Exemplified by the Killing of George Floyd (Resolution). As adopted in the Resolution, the Board will continue to work collaboratively with staff to develop a formal action plan to implement these principles and strategies through the Legislative/Human Resources Committee. Staff has named this work the EBMUD's Racial Equity and Justice Project.

DISCUSSION

The Resolution contains eight strategies.

1. Listen to the voices of Black and African American employees at the District, in the external community, and other impacted individuals and provide space to engage in safe and productive conversations about dealing with and overcoming individual and systemic racism.
2. Engage a diverse cross-section of District employees and our external community, particularly Black and African Americans, to identify issues and devise solutions to the impacts of acts of prejudice, abuse of power, racial bias, or racism and barriers to diversity, equity and inclusion.
3. Review and evaluate the District's history of dealing with issues of prejudice, racial bias, and/or racism in its individual and systemic forms, and address any impacts of systemic racism on District processes (employment, management, and contracting) to identify and implement solutions to fix compromised or broken systems.

4. Review and enhance District policies and procedures to ensure the environment and workplace make no allowances for acts of prejudice, abuse of power, racial bias, or racism, and set the expectation that all District employees and contractors be reflective and willing to address any conscious or unconscious bias.
5. Through training and dialogue, build organizational cultural competence and emotional intelligence to create a sustainable environment where all District employees and communities served have a sense of inclusion and equity; training will include guidance for District employees on ways to become an ally in eliminating bias and racism in the workplace and avoid being bystanders who inadvertently help perpetuate injustice.
6. Establish protocols for following up and responding to racism by customers toward District employees, particularly those interfacing with customers in their neighborhoods, and at all District facilities.
7. Review and update the practices and procedures of our internal security force and contractor(s) to ensure that their interactions with the public are appropriate, including during public meetings or protests.
8. Engage our partnering law enforcement agencies in dialogue to express our concerns and inquire about the steps they are taking regarding the issues of excessive force and/or violence by their officers.

Staff has implemented the following in fulfillment of the action plan:

- Expansion of Wellness Check-In discussions. The discussions have provided a safe atmosphere for employees to debrief their thoughts and feelings about how they have been personally impacted by current events. To date, approximately 95 employees (primarily Black and African American) have participated.
- Black Employee Network outreach. The leaders of the District's affinity group for Black and African American employees are conducting personal check-ins with its members and employees identified as within this demographic to facilitate honest and safe communication.
- Project staffing implementation. The District has contracted with Maria Robinson Consulting to provide project management services for the EBMUD's Racial Equity and Justice Project. Staff will ask the Board to consider an additional Limited-Term Senior Human Resources Analyst position to support this project.

NEXT STEPS

At its July 14 meeting, staff will ask the Board to consider adding a Limited-Term Senior Human Resources Analyst position to support EBMUD's Racial Equity and Justice Project. If approved, staff will begin a recruitment to fill the position. Staff will continue to work on establishing teams consisting of a cross-section of employees to address the principles and strategies in the Resolution, and begin development of the action plan. The contractor and support staff will focus on the structure of the project, sequencing the eight strategies, and coordinating activities with the Diversity and Inclusion Master Plan Project.

CCC:LAA:rdw