



LEGISLATIVE AND PUBLIC AFFAIRS
COMMITTEE

Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433

Agenda Report

File #: 2021-1553

Agenda Date: 4/12/2021

Agenda Item No: 3.

FROM: James D. Herberg, General Manager

SUBJECT:

ASSEMBLY BILL POSITIONS: AB 59 (GABRIEL) AND AB 339 (LEE) - OPPOSE; AB 361 (RIVAS) AND AB 622 (BLOOM) - SUPPORT

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Approve position letters for:

AB 59 Mitigation Fee Act: fees: notice and timelines. (Gabriel) - Oppose

AB 339 State and local government: open meetings. (Lee) - Oppose

AB 361 Open meetings: local agencies: teleconferences. (Rivas) - Support

AB 622 Washing machines: microfiber filtration. (Bloom) - Support

BACKGROUND

AB 59 (Gabriel)-Oppose

AB 59 would make it more difficult for the Orange County Sanitation District (OC San) to sustainably plan for future infrastructure and public service projects due to the increase in potential liability and legal costs that would emerge. AB 59 would repeal Government Code §66022, which establishes a 120-day statute of limitations for legal challenges to new or increased connection fees or capacity charges. AB 59 also requires a protest to be filed within 90 days after the imposition of the connection fee or capacity charge on the applicant and an action to attack, review, set aside, void, or annul the imposition of the fees to be filed within 180 days after delivery of a specified notice by the local agency.

AB 339 (Lee)-Oppose

If passed, AB 339 would require that OC San provide translation services at its meetings to all languages that are spoken by at least 5 percent of the population of its jurisdiction. OC San represents 2.6 million people in central and northwest Orange County. Our vast and diverse population would most likely result in an untenable cost to provide translation services in an unknown number of languages. Also, the bill does not address how local public agencies would know which languages are spoken by 5 percent of the population, who do not also speak English.

Additionally, AB 339 would require OC San to provide a call-in option or an internet-based service option that provides closed captioning services at its meetings that are public. While this goal is rooted in good intentions of improving public access to all members of the community, including those with disabilities, the bill ignores technological burdens this may have on local public agencies.

AB 361 (Rivas)-Support

AB 361 would allow local agencies to safely meet remotely during an emergency. The changes to the law included in AB 361 are what have allowed local agencies to continue to operate while also complying with important public health directives issued by officials during the COVID-19 pandemic. By enshrining these provisions in statute, this bill ensures that local agencies would continue to be able to remain safe in future emergencies including those that threaten public health.

AB 622 (Friedman)-Support

AB 622 would require that, by 2024, all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller. As stewards of our natural resources, one of OC San's goals is to prevent or reduce the amount of pollution entering our environment. Microfibers and other forms of microplastics are incredibly difficult to remove from the wastewater stream, whether through traditional wastewater treatment and discharge or even advanced indirect potable reuse. These microplastics could eventually make their way through the treatment process and subsequently be discharged into the ocean or other bodies of water.

RELEVANT STANDARDS

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

It is important to have a strong advocacy program to ensure that the needs of OC San and the entire industry as a whole are highly regarded and protected.

PROPOSED SOLUTION

Staff has drafted the following position letters for the Committee's consideration:

- AB 59 (Gabriel) - Oppose
- AB 339 (Lee) - Oppose
- AB 361 (Rivas) - Support
- AB 622 (Bloom) - Support

TIMING CONCERNS

It is important that OC San has a voice and is seen as a leader on the issues that could have an effect on OC San and the entire wastewater industry.

RAMIFICATIONS OF NOT TAKING ACTION

OC San's positions could not be heard and not taken into consideration therefore legislation could pass or conversely not pass and have a negative effect on OC San and the entire industry.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov <<http://www.ocsan.gov>>) with the complete agenda package:

- Letter of Opposition for Assembly Bill 59
- Assembly Bill 59
- Letter of Opposition for Assembly Bill 339
- Assembly Bill 339
- Letter of Support for Assembly Bill 361
- Assembly Bill 361
- Letter of Support for Assembly Bill 622
- Assembly Bill 622