

WESTERN MUNICIPAL WATER DISTRICT
14205 Meridian Parkway, Riverside, CA 92518

AGENDA
COMMUNITY AND GOVERNMENT AFFAIRS
COMMITTEE MEETING
FEBRUARY 24, 2026, at 9:30 AM

**To join the Zoom virtual meeting: <https://wmwd.zoom.us/j/81022296831> or telephone access: (669) 219-2599 or (669) 900-6833
Meeting ID: 810 2229 6831**

Members of the public may view and/or participate in this meeting in person, online via Zoom, or by viewing the live-streamed meeting at www.WesternWaterCA.gov. This meeting may also be video recorded for on demand viewing and broadcasting purposes. Primary notice of this meeting will be the physical posting of the agenda in the public notice area, located at the District's Headquarters office, 14205 Meridian Parkway, Riverside, California 92518. In addition, every effort will be made to publish this agenda on the District's website at: <https://wmwd.primegov.com/public/portal>, subject to technical difficulties, such as power failure, internet disruption, or other third-party interference. Members of the public who wish to comment on any item within the jurisdiction of the District, or any item on the agenda, may make comments in person, virtually via Zoom at the time noted on the agenda, or by submitting comments in writing at the following web address: <https://wmwd.com/publiccomments>, by in-person delivery or via U.S. Mail addressed to the District's Headquarters office. Written comments received by 4:30 p.m. on February 23, 2026 will become part of the Board meeting record. Pursuant to Government Code Section 54957.5, any writing that (1) is a public record; (2) relates to an agenda item set for open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors. Any such writing will be available for public inspection at the District office located at 14205 Meridian Parkway, Riverside, California 92518. In addition, such writing may also be posted on the District's website at <https://wmwd.primegov.com/public/portal>. Any person with a disability who requires a modification or accommodation in order to participate in this meeting, or the agenda or agenda packet documents made available in an appropriate alternative format, or any person with limited English proficiency (LEP) who requires language assistance to communicate with the Western Municipal Water District Board of Directors during the meeting, should contact the Western Municipal Water District Board Secretary at (951) 571-7209 or boardsecretary@wmwd.com, no less than 72 hours prior to this meeting, to enable the Western Municipal Water District to make reasonable arrangements to ensure accessibility or language assistance for this meeting.

**Western Water | Community and Government Affairs Committee Meeting
February 24, 2026**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Committee considers that matter. Each individual's comment is limited to a maximum of three (3) minutes; however, the Presiding Officer reserves the right to reduce the amount of time each individual can speak in order to ensure all members of the public have an opportunity to comment.

4. CONSENT Consent Calendar items are expected to be routine and non-controversial and are to be acted upon by the Committee by one motion, without discussion. If any Committee member, staff member, or interested person requests that an item be removed from the Consent Calendar for further discussion, it will be moved to the first item on the Action Agenda.

A. Approve the Minutes of the December 9, 2025, Community and Government Affairs Committee Meeting

5. ITEMS TO BE ADDED TO THE AGENDA

(If any) In accordance with Section 54954.2 of the Government Code, upon determination by a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present that there is a need to take action, and the need to take action arose after the agenda was posted.

6. UPCOMING BOARD ITEMS/RECOMMENDATIONS TO BE MADE TO THE FULL BOARD

The following items on the Agenda call for discussion and action by the Committee. All items are placed on the Agenda so that the Committee may discuss and take action on the item, if the Committee is so inclined.

A. Take a Support Position on the Proposed Ballot Measure: "California Change Environmental Review Process for Essential Projects Initiative"

B. Receive and File the January-February 2026 Government Affairs and Legislative Update

7. REPORTS

The following agenda items are reports. They are placed on the Agenda to provide information to the Board and the public. There is no action called for in these items

**Western Water | Community and Government Affairs Committee Meeting
February 24, 2026**

A. GENERAL MANAGER REPORT

1. The Association of California Water Agencies Joint Powers Insurance Authority Re-Election Concurring Resolution

B. ASSISTANT GENERAL MANAGER/COMMUNICATIONS AND CUSTOMER EXPERIENCE REPORT

C. STRATEGIC COMMUNICATIONS REPORT

1. Upcoming Messaging Priorities

D. CUSTOMER EXPERIENCE REPORT

1. Water Efficiency Program Update
2. Water Education Program Update

E. CUSTOMER SERVICE REPORT

8. NEXT MEETING

- A. Tuesday, March 24, 2026, at 9:30 a.m.

9. ADJOURNMENT

WESTERN MUNICIPAL WATER DISTRICT
MINUTES OF THE
COMMUNITY AND GOVERNMENT AFFAIRS COMMITTEE
MEETING
OF DECEMBER 9, 2025

1. CALL TO ORDER

Director Roughton called the Community and Government Affairs Committee Meeting to order at 9:30 a.m. on Tuesday, December 9, 2025, in the Western Municipal Water District Training Room, 14205 Meridian Parkway, Riverside, California.

2. ROLL CALL

Roll call of the Board of Directors was taken by Administrative Assistant Candice Haro. The following Board members were in attendance:

Director's Present

Director Laura Roughton
Director Mike Gardner

3. PUBLIC COMMENTS

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Committee considers that matter. Each individual's comment is limited to a maximum of three (3) minutes; however, the Presiding Officer reserves the right to reduce the amount of time each individual can speak in order to ensure all members of the public have an opportunity to comment.

None.

4. CONSENT

Consent Calendar items are expected to be routine and non-controversial and are to be acted upon by the Committee by one motion, without discussion. If any Committee member, staff member, or interested person requests that an item be removed from the Consent Calendar for further discussion, it will be moved to the first item on the Action Agenda.



Western Water | The Community and Government Affairs Committee Meeting February 24, 2026

A. Approve the Minutes of the October 28, 2025, Community and Government Affairs Committee Meeting of the Whole

Committee members approved minutes of the October 28, 2025, Community and Government Affairs Committee Meeting, with no changes.

5. ITEMS TO BE ADDED TO THE AGENDA

(If any) In accordance with Section 54954.2 of the Government Code, upon determination by a two-thirds vote of the legislative body, or, if less than two-thirds of the members are present, a unanimous vote of those members present that there is a need to take action, and the need to take action arose after the agenda was posted.

None.

6. RECOMMENDATIONS TO BE MADE TO THE FULL BOARD

The following items on the Agenda call for discussion and action by the Committee. All items are placed on the Agenda so that the Committee may discuss and take action on the item, if the Committee is so inclined.

A. Receive and File the November-December 2025 Government Affairs and Legislative Update

This item was presented by: Michael Hadley, Government Affairs Officer II

Committee Recommendation: Forward Item 6A to the full Board of Directors for consideration.

B. Adopt Western Municipal Water District's Legislative Policy Platform and Principles and Updated State and Federal Priorities for 2026

This item was presented by: Michael Hadley, Government Affairs Officer II

Committee Recommendation: Forward Item 6B to the full Board of Directors for consideration.

7. REPORTS

The following agenda items are reports. They are placed on the Agenda to provide information to the Board and the public. There is no action called for in these items

A. GENERAL MANAGER REPORT

1. Riverside Local Agency Formation Commission 2026 Election and Call for Nomination

Western Water | The Community and Government Affairs Committee Meeting February 24, 2026

General Manager Craig Miller informed the Committee of the Call for nominations from the Riverside Local Agency Formation Commission (LAFCO). If there is any interest in running for the seat or candidates they'd like to support, they can contact Board Secretary Tammi Ford.

B. ASSISTANT GENERAL MANAGER REPORT

1. Association of California Water Agencies' 2025 Fall Conference Recap

General Manager Craig Miller reported that the 2025 Fall ACWA conference went very well with many general managers and Board members in attendance. He stated staff was able to participate in many productive meetings with our water industry counterparts, and said it was very rewarding to have so many people talking about Senate Bill (SB 72) and next steps.

2. Water Solutions Summit Update

Craig Miller, General Manager, reported that the Water Solutions Summit group met to lay the groundwork for how to develop an advisory committee with the California Department of Water Resources (DWR). Carla Nemeth, Director of DWR, along with her Deputy, Joel Metzger, will be overseeing the DWR water plan, and have been very supportive, and are ready to help develop additional water supply for the state.

Sarah Macdonald, Assistant General Manager, added the consensus from the group was that this gives us something to stand on as we shift administrations with the upcoming elections. It allows us to move forward with durability, credibility and momentum. Key takeaways from DWR and their academic data and research were that our goals are achievable. SB72 is the framework that's needed to make change, and they are ready to lead by moving from reactivity to proactivity.

Lastly, she mentioned that MWD's legislative policies were included as an attachment since they are our wholesaler and reminded the Committee of how important it is to know where they stand so we can align with them. There is a legislative staff tour coming up next week to remind MWD of our top priorities and show them our facilities; WRCWRA will be shown on December 18th, 2025.

C. STRATEGIC COMMUNICATIONS REPORT

1. Sponsorships and Upcoming Events

Strategic Communications Manager, Grace Cardenas, provided the Committee with an overview of the upcoming Employee Recognition event on December 17th. Grace also brought to the Committee's attention the State of the County

Western Water | The Community and Government Affairs Committee Meeting February 24, 2026

event on December 11th, and the Water Policy Forum and Dinner with MWDOC on January 27th where MWD's new General Manager, Shivaji Deshmukh, will be presenting.

D. CUSTOMER EXPERIENCE REPORT

1. Customer Feedback and Readiness Research Update

Customer Experience Manager, Michelle Adams, provided the Committee with an overview of the customer insights program. The surveys used within this program help drive our strategic priorities and gauge readiness, while improving clarity and trust with our customers. A nonfunctional turf awareness survey was sent to our commercial customers to see if they are ready to comply with Assembly Bill 1572. She stated this will help Western Water establish a baseline of awareness and guide the implementation phase, ensuring we build the nonfunctional turf program in a way that truly meets our customers' needs. The other survey currently underway is the customer experience survey conducted in partnership with CMUA every two years. Its value is that it allows us to compare Western Water data with statewide results, and insights gained can be used in program development and outreach planning.

E. CUSTOMER SERVICE REPORT

None.

F. DIRECTORS REPORTS AND REQUESTS

None.

8. NEXT MEETING

A. Tuesday, January 27, 2026, at 9:30 a.m.

9. ADJOURNMENT

There being no further business before the Committee, Director Roughton adjourned the meeting at 10:58 a.m.

Agenda Item: 6A

Date: February 24, 2026

TO: THE COMMUNITY AND GOVERNMENT AFFAIRS COMMITTEE

Director Laura Roughton, Committee Member

Director Fauzia Rizvi, Committee Member

FROM: Sarah Macdonald, Assistant General Manager

**TAKE A SUPPORT POSITION ON THE PROPOSED BALLOT MEASURE:
“CALIFORNIA CHANGE ENVIRONMENTAL REVIEW PROCESS FOR
ESSENTIAL PROJECTS INITIATIVE”**

RECOMMENDATION:

Staff requests the Community and Government Affairs Committee recommend the Board of Directors:

1. Take a support position on a proposed ballot measure titled, the “California Change Environmental Process for Essential Projects Initiative.”

EXECUTIVE SUMMARY:

The California Change Environmental Process for Essential Projects Initiative is currently collecting the required signatures to appear on the November 3, 2026, General Election. The intent of the initiative is to expedite environmental review for “essential” projects related to housing, transportation, water, health, and clean energy. If passed by a majority of voters during the election, the initiative would set deadlines for California Environmental Quality Act review and required actions, as well as set deadlines for lawsuits and limit courts' review of these projects to 270 days. As a top legislative priority outlined in Western Municipal Water District's 2026 Legislative Priorities, staff is recommending a support position on the ballot initiative.

BUDGET IMPACT:

Taking a support position for a ballot initiative has no budget impact.

DETAIL:

The California Environmental Quality Act (CEQA) is a state law passed in 1970 that requires state and local government agencies to consider the total environmental impact of a project before approving it and to share this information with the public. Project representatives must submit their applications to a government agency, including city, county or state department, known as the lead agency. This lead agency prepares an initial study to assess the project's environmental impact if CEQA approval is required. If the assessment shows that the project will have significant unavoidable environmental impacts, the agency must prepare a detailed Environmental Impact Report (EIR). This report includes a public review, in which the agency must respond to public comments. Moreover, CEQA decisions can be challenged in court if people believe the review process was not conducted properly.

Over the last several decades, CEQA has been leveraged by special interest groups to significantly delay or even stop important projects from being developed. Delays due to CEQA create significant cost increases for critical projects and sometimes force projects to be abandoned. While many CEQA reform measures have been attempted in California, only minimal changes have been successful, thus prompting the need to put forward a ballot initiative.

The California Chamber of Commerce is lead on moving forward the ballot measure titled the "California Change Environmental Process for Essential Projects Initiative" (Initiative), which, if it collects 546,651 valid signatures by June 25, 2026, will appear on the November 3, 2026, General Election ballot for consideration by California voters. While affordability is a major topic of discussion in the legislature, the California Chamber of Commerce is addressing this by moving the ballot initiative to achieve an efficient CEQA approval process, which would reduce the cost for taxpayers, improve Californians quality of life, and create jobs, all while still protecting California's environment and ensuring local communities and stakeholders have a voice in the process.

The Initiative reforms CEQA by requiring expedited environmental review for "essential projects" related to housing, transportation, water, health, and clean energy by setting deadlines for review and required actions; 30 days to check completeness, and 90 or 365 business days for environmental review based on the complexity of the projects. This expedited process will also reduce the requirement for public agencies to consider all possible alternatives and make the consultation process with the public and tribal communities simpler for addressing environmental impacts. The measure also shortens the approval process further by setting deadlines for lawsuits and limiting courts to review these projects within 270 days (with the possibility of extending it by an additional 90

Western Water | Community and Government Affairs Committee Meeting

Agenda Item: 6A

days), as well as restricting what evidence courts can consider and what remedies they can order.

More specifically, “essential projects” are defined as follows in the Initiative:

1. Clean drinking water and secure water supplies for communities across the state; and
2. Safe, modern hospitals and clinics to ensure access to affordable health care; and
3. Clean energy and reliable electricity to reduce energy bills and fight climate change; and
4. Housing of all types to make housing more affordable for families struggling with skyrocketing rents and mortgages, as well as vulnerable senior populations; and
5. Roads, bridges, and transit to reduce traffic congestion and improve public safety; and
6. Wildfire prevention and resilience projects to protect lives, homes, and natural resources; and
7. Safe, modernized public schools and educational facilities for students and educators; and
8. Broadband and telecommunications infrastructure to connect underserved communities and expand opportunity.

Short-term costs: The measure requires the creation of new guidelines and standards, adjustment of existing review processes, and responsiveness to temporary legal challenges related to the adjusted decision-making process. These new requirements may increase administrative and legal costs for state and local governments in the early years. However, these agencies may cover the extra costs through fees and reimbursements from private projects.

Long-term costs: Although limiting the review process window for these agencies may increase staffing costs to meet review deadlines, savings for local and state agencies are anticipated mainly from limiting the scope of environmental review and reducing the size of administrative records. Moreover, as these agencies implement new processes, it is expected that fewer lawsuits will occur, further reducing the costs of environmental reviews.

This Initiative falls under Western Municipal Water District’s (Western Water) 2026 state legislative priority of “Support measures that would help streamline and modernize the permitting process for water-related projects.” As a public agency, Western Water is prohibited from advocating on ballot measures/initiatives but can educate the public and

Western Water | Community and Government Affairs Committee Meeting
Agenda Item: 6A

external partners on the agency's position once adopted by the Board of Directors during a public meeting.

REASON FOR ACTION:

Ballot measure positions require formal action by the full Board of Directors.

SOLUTION:

Take a support position on the California Change Environmental Process for Essential Projects Initiative.

STRATEGIC PRIORITIES REFERENCE:

This item aligns with Western Water's Strategic Priority of Superior Service.

LEGAL COUNSEL REVIEW:

Staff has determined that legal review of this item is not necessary.

PROPOSED DATE OF ACTION:

If approved by the Committee, this item is scheduled for consideration by the full Board of Directors at their meeting on March 18, 2026, or at a subsequent meeting, if necessary.

Respectfully submitted by:

Sarah Macdonald
Assistant General Manager/Communications and Customer Experience

Attachments:

1. Building an Affordable California Act Presentation
2. Building an Affordable California Act Essential Water Projects Fact Sheet
3. California Change Environmental Process for Essential Projects Initiative proposal

Building an Affordable California Act:

A viable path for CEQA Streamlining



January 2026

The Problem: CA's Outdated Project Approval System is Blocking Essential Projects & Driving Up CA's Cost of Living

- **Housing:** Permitting and approval delays add more than **\$75,000** to the cost of a new home — pushing rents and mortgages higher.
- **Infrastructure:** Bureaucratic delays add billions in **taxpayer and consumer costs** for roads, bridges, water systems, and energy projects that businesses rely on
- **Environment & Safety:** Projects that reduce emissions and wildfire risk are trapped in years of review and litigation

RESULT: California Is Failing to Deliver the Basics—And We're All Paying the Price

The Solution:

The Building an Affordable California Act modernizes the state's outdated approval process to build essential projects **faster and **more affordably**.**

Building an Affordable California Act: Core Reforms



Streamlined Approvals – More Predictability & Accountability

- **Enforceable Timelines:** Agencies must complete environmental review within **365 days**.
 - Missed deadline → public hearing and final action within **60 days**.
- **Clear Standards:** Decisions based on clear, written rules—like local ordinances, environmental laws or zoning standards—in place when applications are submitted.
- **Public Comment:** Establishes a **firm 45-day** public comment window.
- **Streamlined Alternatives:** Narrows the "alternatives" requirement to two options: the required "no project" scenario and one applicant-proposed alternative design that reduces environmental impacts.

Building an Affordable California Act: Core Reforms



Fairer Reviews – Faster, Evidence-Based Reviews

- **Judicial Shot Clock:** Courts must fully resolve legal challenges within **270 days**.
- **Clear, Objective Standards:** Courts may only overturn approvals if agencies failed to follow a clear, written rule—like local ordinances, environmental laws or zoning standards—that was in place when the application was submitted.
- **Fix What's Broken:** If one part of the environmental review is flawed, only that section must be fixed—allowing the rest of the project to move forward on schedule.
- **Evidence-Based Review:** Courts must uphold approvals supported by substantial evidence.

Building an Affordable California Act: **Essential Projects**



Water



Housing



Schools



Healthcare Facilities



Transportation



Clean Energy



Public Safety &
Wildfire Resilience



Broadband

NOTE: Streamlining also applies to **all ancillary infrastructure** necessary to serve or connect **essential projects**.

Bottom Line

The Building an Affordable California Act will:

- Streamline reviews and eliminate costly delays
- Curb frivolous lawsuits that block essential projects
- Protect taxpayers by keeping public projects on time and on budget
- Lower the cost of housing, infrastructure, and essential services
- Maintain community input and local control
- Protect California's strong environmental, worker and tribal cultural resources protection standards.

It's time to cut red tape and make California more affordable for everyone.

ASK:

**Endorse the Building and
Affordable California Act
Today!**

BuildAffordableCA.com



APPENDIX

Campaign Phases

Phase 1: Initial Research, Viability Assessment & Measure Design

April 2025 – September 2025

- Polling and focus groups
- Legal & policy research
- Measure design

Phase 2: Measure Filing, Qualification & Early Campaign Activities

October 2025 – June 2026

- **Nov. 25th**: Final measure filed
- **Dec. 26th**: Received title & summary
- **Jan. 7th**: Signature gathering begins
- **Mid-April 2026**: Target signature submission

Phase 3: Voter Education & Persuasion Campaign

July 2026 – November 2026

- Full campaign to pass measure with voters.

APRIL 2025

NOV 2026

Building an Affordable California Act: Core Reforms

Reform	Description
Agency Review Shot Clocks	<ul style="list-style-type: none"> • Application Completeness: Agencies have 30 days to determine completeness—otherwise the application is deemed complete. Incompleteness notices must include an exhaustive list of missing items. Applicants get 90 days to cure; agencies get a final 30-day review. Any appeals must be resolved within 60 days. • CEQA Track Determination: Agencies must determine CEQA track within 30 days of completeness. • CEQA Review: Agencies must complete review within 90 days (exemptions/addenda); 180 days (NDs/MNDs); or 365 days (EIRs). If they miss a deadline, the applicant can force a public hearing requiring action within 60 days. • Concurrent Timelines: All other required permits and approvals must be issued within 90 days of completeness or an exemption determination. • Phased Approvals: “Essential” components of a larger project are eligible for shot clocks even if the full project is not. If an essential project is built in multiple phases, all phases are eligible for shot clocks.
Objective Standards	<ul style="list-style-type: none"> • Vested Rights: Agencies must evaluate projects based on clear, written standards in effect when the application was submitted, including ordinances, regulations, building/zoning standards and any published or routinely used thresholds of significance. • Judicial Review: Courts may only overturn a project’s approval if the lead agency failed to follow an objective, written standard in effect at application submittal.

Building an Affordable California Act: Core Reforms

Reform	Description
Alternatives	Narrows the “alternatives” analysis to two : one applicant-proposed alternative and the required “no project” option.
Judicial Review Shot Clock Remedy	Courts must fully resolve legal challenges within 270 days .
Severance	If a court finds a flaw in a project’s CEQA document, it may order only that specific issue be fixed—allowing all compliant parts of the project to proceed.
Substantial Evidence Standard	Courts must uphold a project’s approval if the agency’s decision was supported by substantial evidence.
Public Comment	Establishes a 20-day public comment period for NDs/MNDs and a 45-day public comment period for EIRs . Agencies must respond to timely comments. Late comments are not considered—except for late comments filed before a noticed hearing on issues that could not reasonably have been raised earlier.

Building an Affordable California Act: Essential Projects

- **Clean Energy:** Projects that advance California's clean energy and reliability goals including solar, wind, geothermal, small hydro, fuel cells, clean hydrogen, battery storage, carbon capture and storage, microgrids, and upgrades to the electric grid, transmission, and distribution systems — plus EV charging and electrification projects.
- **Public Safety & Wildfire Resilience:** Projects that improve safety or reduce wildfire risk such as building or upgrading fire and police stations, vegetation management and fuel reduction, undergrounding utility lines and home hardening.
- **Housing:** Residential and mixed-use housing developments including single-family homes, apartments, senior and student housing, transitional and supportive housing, farmworker housing, and conversions of commercial buildings to residential.
- **Water:** Projects that repair, replace, or improve water systems including dams, pipelines, desalination and recycling plants, stormwater capture, and infrastructure identified in the State's Water Resilience Portfolio.
- **Transportation:** Projects that improve traffic flow, safety, or access to public transit including roads, bridges, sidewalks, and public transit upgrades, as well as EV charging.
- **Public Health:** Projects that build or modernize health care facilities including hospitals, clinics, and medical office buildings.
- **Broadband & Digital Communication:** Projects that expand high-speed internet access including new or upgraded fiber, wireless broadband, and rural/underserved connectivity.
- **Education:** Projects that build or modernize educational facilities including K-12 schools, community colleges, CSU/UC campuses, classrooms, labs, and student support facilities.

NOTE: Streamlining also applies to **all ancillary infrastructure** necessary to serve or connect **essential projects**.

Essential Water Projects

- **Projects that repair, replace, or improve California's water systems, including:**
 - Surface water storage including dams and reservoirs
 - Pipelines, aqueducts, canals, and other conveyance facilities
 - Desalination plants (brackish or seawater)
 - Water recycling and advanced purification facilities
 - Water quality treatment facilities
 - Stormwater capture and reuse projects
 - Groundwater recharge and recovery projects
 - Flood-management and multi-benefit resilience projects
 - Infrastructure identified in the State's Water Resilience Portfolio
 - Distribution system replacement (aging pipes, service lines, smart metering)

Essential Clean Energy Projects

- **Renewable energy generation** including solar, wind, geothermal, small hydro, fuel cells and other generation technologies using renewable fuels.
- **Clean hydrogen projects** including production, storage, distribution, and end-use facilities that use renewable electricity or low-carbon feedstocks to generate hydrogen, including:
 - Electrolyzers, compression and liquefaction systems, and fueling infrastructure
 - Hydrogen transmission and distribution pipelines
- **Battery and Energy Storage Systems**
- **Carbon Capture, Utilization, and Storage (CCUS)**
- **Microgrids and Distributed Energy Resources**
- **Electric grid modernization and transmission upgrades** including substations, transmission lines, and distribution system upgrades.
- **Electrification and EV Infrastructure** including EV charging, fleet electrification, and replacing existing fossil-fuel equipment to electric systems.

Essential Housing Projects

- Single and multi-family housing developments
- Mixed-use developments that combine residential and nonresidential uses and meet either of the following:
 - At least **two-thirds** ($\frac{2}{3}$) of new or converted square footage is designated for residential use
 - At least **50%** of new or converted square footage is designated for residential use and the project creates at least **500 net new units**
- Affordable and workforce housing
- Transitional and supportive housing
- Senior and student housing, including assisted living facilities
- Farmworker housing
- Adaptive reuse and conversions

Essential **Transportation** Projects

- **Road and highway projects** (construction, expansion, improvements)
- **Bridge replacements, seismic retrofits, and bridge widening**
- **Tunnels and tunnel safety upgrades**
- **Interchanges, ramps, and grade separations**
- **Freight movement corridors** (truck lanes, logistics connectors)
- **Bike lanes, pedestrian safety improvements, complete streets**
- **Public transit projects** (bus rapid transit, subway/light-rail improvements, stations, maintenance yards)
- **Traffic flow projects** (signal synchronization, roundabouts, congestion relief projects)
- **Electric vehicle charging infrastructure**
- **Hydrogen refueling stations**

Essential **Public Health** Projects

- **Projects that build, upgrade or repair:**
 - **Public and private hospitals and medical campuses**
 - **Medical office buildings, including medical research facilities**
 - **Specialized medical facilities** (dialysis centers, behavioral health, surgical centers)
 - **Health clinics**
 - **Doctor's offices**
 - **Urgent care centers**
 - **Emergency rooms and ICU facilities**

Essential **Public Safety** Projects

- **Projects that build, upgrade, or repair:**
 - **Fire stations, police stations, and other infrastructure to support first responders**
 - **Emergency operations centers**
 - **Dispatch facilities**
 - **Emergency evacuation routes**
- **Wildfire mitigation measures, including:**
 - **Vegetation management, creating or maintaining fuel breaks**
 - **Home hardening projects (fire-resistant siding, ember-resistant vents, roofing upgrades)**
 - **Utility undergrounding**
 - **Access road upgrades for evacuation or emergency response**

Essential Education Projects

- **New or expanded K-12 public or charter schools, including classrooms, labs and other education infrastructure**
- **New or upgraded classrooms and academic buildings** for colleges and universities, including:
 - **All CSU and UC campuses**
 - **California Community Colleges**
 - **Accredited nonprofit private colleges and universities**
- **Labs, research centers and faculty offices**
- **Sports facilities & recreation fields**
- **Dining halls** and other student support facilities

Essential **Broadband** Projects

- **Projects that build, upgrade or repair broadband infrastructure, including:**
 - **Wireless broadband systems**
 - **Fiber optic cables**
 - **Middle-mile and last-mile infrastructure**
 - **Data conduits and switching systems**
 - **Telecommunications centers**
- **Large and small cell towers and base stations**
- **Satellite ground stations and uplink facilities**



Building an Affordable California Act: Real CEQA Reform for Essential Water Projects

BACA Cuts Project Review & Permitting Delays by 4-9+ years

Essential Water Projects include: Water storage and conveyance infrastructure (such as dams, reservoirs, aqueducts, and pipelines), desalination and water recycling plants, groundwater recharge and stormwater capture systems, flood management and levee improvements, and other facilities that increase water supply reliability, water quality, or drought resilience—including projects identified in the State’s Water Resilience Portfolio and all ancillary facilities needed to construct or operate these projects.

Lead agencies: Department of Water Resources, State Water Resources Control Board, local planning commissions, cities, counties and utility districts.

Project Step	Today’s Process (Status Quo)	Under BACA (Streamlined Timelines)	Estimated Time Saved
Application Completeness	30-day review exists for most projects, but agencies often request multiple rounds of edits with no clear finish line. Disputes over completeness can drag 6-12+ months .	30-day deadline applies to all projects; automatically “deemed complete” if no response. Reviews limited to existing checklists, with expedited resolution for disputes.	3-12 months
CEQA Track Selection (EIR, MND/ND or Exemption)	Agencies frequently delay deciding which CEQA document to prepare.	Must select CEQA track or documentation type within 30 days of application completeness.	3-6 months
CEQA Document Completion	365 days for EIR and 180 days for NDs, but actual completion typically takes 3-5 years due to agency delays and extended public comment.	Enforceable Timelines: EIR: 365 days ND/MND: 180 days Exemption/Addendum: 90 days If missed, agency must decide within 60 calendar days.	2-4 years
Remedy if Missed Deadlines	No consequence for delay; applicants have no defined recourse.	Applicant can trigger hearing; agency must act in 60 days. Applicant may seek writ.	3-6+ months
Final Agency Decision	No statutory deadlines; final approvals often delayed 6-12 months after CEQA completion.	Agency must issue decision within 90 days after CEQA completion.	3-9 months
Responsible Agency Actions	No coordinated timelines; multi-agency projects can take an additional 9-32 months .	All Responsible Agencies must act within 90 days of application completeness.	6-27 months
Litigation (Trial and Appeal)¹	No judicial deadlines. Typical duration: 7-10 years ; if an EIR redo is required, 8+ years .	Win: 270 days max. under judicial deadline Loss: approx. 1.5 years for “fix-it ticket” remedy.	Win: 6+ years Loss: 8+ years
Total Time Saved by BACA	No litigation: 4-8 years faster Litigation Win (greater deference to project approval under BACA): 8+ years faster Litigation Loss: 9+ years faster		

¹BACA also restricts scope of what can be litigated to noncompliance with objective standards, eliminates late hits, imposes substantial evidence standard (not prejudicial abuse of discretion or fair argument), and requires severance remedy (“fix-it ticket”) for non-compliance/disallows rescission of project approvals.

Ad paid for by Committee to Build an Affordable California. Sponsored by the California Chamber of Commerce. Ad Committee's Top Funders:

Edison International & Affiliated Entities
California Building Industry Association
California Chamber of Commerce
Funding Details at www.fppc.ca.gov



POLITICAL & GOVERNMENT | LAW ADVOCACY LITIGATION

November 24, 2025

Hon. Rob Bonta
Attorney General of California
1300 I Street, 17th Floor
Sacramento, CA 95814

Attention: Ms. Anabel Renteria, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Statute (A.G. # 25-0023) – Amended Language

Dear Mr. Bonta:

We serve as counsel for the proponent of the Building an Affordable California Act (A.G. # 25-0023). On the proponent’s behalf, enclosed are amendments to this proposed measure submitted pursuant to subdivision (b) of Section 9002 of the Elections Code. The \$2,000 filing fee and required proponent affidavits were included with the original submission.

All legal inquires or correspondence relative to this initiative should be directed to:

Kurt R. Oneto
Nielsen Merksamer LLP
1415 L Street, Suite 1200
Sacramento, CA 95814
(916) 446-6752
koneto@nmgovlaw.com

Sincerely,

Kurt R. Oneto
Enclosures

RECEIVED

NOV 25 2025

INITIATIVE COORDINATOR
ATTORNEY GENERAL’S OFFICE

November 24, 2025

VIA PERSONAL DELIVERY

Hon. Rob Bonta
Attorney General of California
1300 I Street, 17th Floor
Sacramento, CA 95814

Attention: Ms. Anabel Renteria, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Statute (A.G. No. 25-0023) – Amended Language

Dear Mr. Bonta:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the attached amended language. The required proponent affidavit(s) pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for \$2,000.00, were included with the original submission.

All inquiries or correspondence relative to this initiative should be directed to Kurt R. Oneto at koneto@nmgovlaw.com or 916-446-6752.

Thank you for your assistance.

Sincerely,



Kurt R. Oneto, Proponent

Enclosure: Proposed Initiative Statute – *Amended Language*

SECTION 1. Chapter 1.5 (commencing with Section 21010) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 1.5. BUILDING AN AFFORDABLE CALIFORNIA ACT

ARTICLE 1. Title, Findings and Declarations, Purpose.

21010. Title.

This chapter shall be known and may be cited as the Building an Affordable California Act.

21011. Findings and Declarations.

The People of the State of California hereby find and declare the following:

(a) California's outdated system for approving essential projects is too slow, too bureaucratic, and too costly. Essential projects like clean water, clean energy, hospitals, affordable housing, roads, wildfire prevention, schools, public safety, and other infrastructure improvements are being delayed or blocked by unnecessary red tape, bureaucratic delays, and excessive lawsuits.

(b) These delays substantially increase the cost of living for all Californians. Research shows that permitting delays alone add tens of thousands of dollars to the price of a new home—driving up rents and mortgages for homeowners and renters. Similar red tape adds billions of dollars to the cost of building hospitals, water infrastructure, roads, bridges, clean energy, schools, broadband, and wildfire mitigation projects—costs ultimately passed on to consumers and taxpayers.

(c) California's permitting laws were written more than 50 years ago, before today's modern environmental laws were in place. That outdated system now works against the state's environmental and public health goals by slowing down or blocking essential projects that would reduce air pollution, lower greenhouse gas emissions, safeguard water supplies, protect communities from wildfire, and preserve wildlife and the environment.

(d) The Building an Affordable California Act will modernize and streamline state law to cut bureaucratic red tape and unnecessary delays; limit frivolous lawsuits that block essential

projects while allowing public agencies and essential project applicants to continue sharing the burden of defending against such suits; and speed up delivery of projects Californians rely on every day.

(e) Every year of delay means Californians wait longer and pay more for the things they need most. The Building an Affordable California Act applies to the state's most essential projects, including:

- (1) Clean drinking water and secure water supplies for communities across the state.
- (2) Safe, modern hospitals and clinics to ensure access to affordable health care.
- (3) Clean energy and reliable electricity to reduce energy bills and fight climate change.
- (4) Housing of all types in order to make housing more affordable for families struggling with skyrocketing rents and mortgages as well as vulnerable senior populations.
- (5) Roads, bridges, and transit to cut traffic congestion and improve public safety.
- (6) Wildfire prevention and resilience projects to protect lives, homes, and natural resources.
- (7) Safe, modernized public schools and educational facilities for students and educators.
- (8) Broadband and telecommunications infrastructure to connect underserved communities and expand opportunity.

(f) By speeding up these essential projects, the Building an Affordable California Act will make California more affordable and lower the cost of housing, energy, electricity, health care, and other necessities, while also reducing taxpayer costs for public works projects.

(g) The Building an Affordable California Act will also jump-start projects that create well-paying jobs and put tens of thousands of Californians to work—especially in construction, clean energy, and infrastructure—helping grow California's economy when it is needed most.

(h) Importantly, the Building an Affordable California Act maintains state and federal clean air, clean water, and environmental protection laws such as the Endangered Species Act, the Safe Drinking Water Act, the Toxic Substances Control Act, the Clean Water Act, the Clean Air Act, the Environmental Quality Improvement Act, the Global Warming Solutions Act, the California Coastal Act, and the Resource Conservation and Recovery Act. This chapter will help build the projects needed to make California more affordable—without repealing these laws that keep families and the environment safe.

(i) We can and must build an affordable California.

21012. Statement of Purpose.

The purpose of this chapter is to make California more affordable by streamlining and speeding approval of essential projects—reducing costs for families and taxpayers, improving quality of life, creating good jobs, and maintaining California’s strongest-in-the-world environmental protections.

ARTICLE 2. Application of Chapter and Interaction with Other Laws.

21013. Projects Subject to this Chapter.

This chapter applies only to essential housing projects, essential clean energy projects, essential water projects, essential public health projects, essential public safety projects, essential broadband Internet access projects, essential education facility projects, and essential transportation projects, which the People of California hereby declare to be critical to their quality of life and affordability in this state.

21014. Application of Chapter.

(a) This chapter does not diminish the authority of any public agency to approve or disapprove an essential project. No outcomes on any proposed essential project are preordained by this chapter.

(b) This chapter does not exempt any essential project from environmental review under this division or any other law. Instead, this chapter establishes clear timelines and other procedures for review under this division and administrative permit review for essential projects.

(c) Except as otherwise provided herein, this chapter shall apply to review and processing of any and every application or approval for an essential project and its accompanying land use entitlements, including without limitation, discretionary adjudicative and legislative land use entitlements triggering programmatic, plan-level, or project-level environmental review under this division.

(d) This chapter shall apply to all public agencies.

(e)(1) To the extent a conflict exists between this chapter and any other law, this chapter shall be controlling. Notwithstanding anything to the contrary, this chapter shall not abrogate or limit any otherwise applicable statutory or categorical exemption from this division.

(2) Notwithstanding Section 21100 or any other law, the provisions of this chapter shall control and supersede any conflicting requirement for environmental review of an essential project, and any accompanying permit review. No provision of Section 21100 or any other law shall invalidate or limit the application of this chapter to an essential project.

(f)(1) An application for an essential project that was submitted to a public agency prior to the effective date of this chapter, and that has not yet received final approval prior to that date, may be withdrawn and resubmitted after the effective date of this chapter.

(2) An application for an essential project that is withdrawn and resubmitted as provided in paragraph (1) can be reviewed and approved pursuant to the provisions of this chapter.

(3) Essential housing projects with applications withdrawn and resubmitted as provided in paragraph (1) shall not lose any vested rights or other benefits the applicant acquired through any provisions of law, including without limitation, the Subdivision Map Act, Housing Accountability Act (Section 65589.5 of the Government Code), the Builder's Remedy (Statutes of 2024, chapter 268), and the Housing Crisis Act of 2019 (Statutes of 2019, chapter 654). Vested rights shall relate back to the date any preliminary application under Section 65941.1 of the Government Code was submitted or the date vesting occurs under other applicable law.

(4)(A) If an application for an essential project was deemed or determined complete prior to the effective date of this chapter, the application shall be deemed complete for purposes of this chapter, and a public agency shall not require additional completeness review.

(B) In circumstances where an application has been withdrawn and resubmitted as provided in paragraph (1), any deadlines in this chapter that are triggered by the date an application is determined or deemed to be complete shall be calculated from the time the essential project application is resubmitted by the applicant.

(g) The timelines and deadlines set forth in this chapter shall apply to all essential project applications that are determined or deemed complete, pursuant to Section 21017 or any other law, after the effective date of this chapter irrespective of the date of the application's submission.

(h) Notwithstanding any other provision of law to the contrary:

(1) If an essential project is a portion or component of a larger project, the portion or component that qualifies as an essential project may be processed, reviewed, and approved pursuant to this chapter.

(2) If the whole of a project is an essential project, the essential project may be implemented in multiple phases, and phased applications are not required to individually meet the criteria for an essential project to be processed, reviewed, and approved pursuant to this chapter.

(h) Unless otherwise stated herein, nothing in this chapter shall be construed to eliminate or restrict a lead agency's discretion to determine an appropriate threshold or significance or mitigation measure in preparing environmental review documents.

(i) Nothing in this chapter prohibits a public agency from imposing a fee upon an applicant, consistent with Article XIII A and Article XIII C of the California Constitution, for purposes of covering governmental costs associated with processing and reviewing essential project applications.

(j) An applicant may consent to providing a public agency with additional time to complete environmental review pursuant to Sections 21018 or 21019, or to make a decision on other public agency action sought by the applicant pursuant to Section 21023, by agreeing to withhold a written request that the applicant is otherwise entitled to submit pursuant to subdivision (a) of Section 21020 or subdivision (b) of Section 21023.

21015. Interaction with Other Laws.

(a) In order to maximize the ability to streamline and speed up approval of essential projects, an applicant may elect to utilize none, some, or all of the provisions of this chapter, and may do so in combination with, or as alternatives to, other land use and environmental review laws, mechanisms, or procedures. Nothing in this chapter either (A) prohibits an applicant from availing itself of other land use and environmental review laws that would provide for more expeditious or advantageous review and approval of essential projects compared to this chapter; or (B) requires an applicant seeking approval of a project that meets the definition of an essential project to utilize this chapter.

(b) To the extent that an ambiguity arises regarding how this chapter might operate in conjunction with other provisions of law, the policies and intent set forth in Section 21029 shall be controlling.

(c) The following provisions shall apply to an essential housing project:

(1) The prevailing wage provisions of paragraph (8) of subdivision (a) of Section 65913.4 of the Government Code shall apply solely to buildings over 85 feet in height above grade in any essential housing project.

(2) The provisions of paragraph (3) and paragraph (5) of subdivision (d) of Section 21080.66, as added by Section 59 of Chapter 22 of the Statutes of 2025 (Assembly Bill 130), shall apply to an essential housing project that utilizes this chapter.

(3)(A) In addition to a direct contractor or subcontractor, the provisions of Section 218.9 of the Labor Code shall extend to the owner of an essential housing project during construction of the essential housing project that utilizes this chapter.

(B) For purposes of this paragraph, “owner” means an owner as defined in subdivision (e) of Section 8182 of the Civil Code.

(d) Notwithstanding subdivision (a):

(1) All essential projects that utilize this chapter shall comply with the requirements set forth in Section 21016 pertaining to initial screening and tribal consultation.

(2) With the exception of essential housing projects, all essential projects that utilize this chapter shall comply with the requirements set forth in Section 21028 pertaining to applying the labor requirements described in Section 21183.5 to essential projects.

(3)(A) Except as provided in subparagraph (B), all essential housing projects that utilize this chapter shall comply with the requirements set forth in subdivision (c) pertaining to wages and labor standards on essential housing projects.

(B) If an essential housing project applicant chooses to proceed in part pursuant to this chapter, and in part pursuant to another voluntary streamlined environmental review processing law codified outside of this chapter that also requires the use of either prevailing wages or a project labor agreement, the applicant is required to comply with whatever prevailing wage or project labor agreement requirements are mandated by the other streamlining law for essential project components(s) that are processed and approved pursuant to such other streamlining law.

ARTICLE 3. Initial Screening, Tribal Consultation, and Completeness of Essential Project Applications.

21016. Tribal Cultural Resources: Initial Screening and Tribal Consultation on Essential Projects.

(a) Purpose. The People of the State of California hereby declare that this section is necessary in order to provide for early and meaningful tribal consultation as a key element of essential project planning while maintaining protections for tribal cultural resources. Consulting Tribes have knowledge and expertise concerning tribal cultural resources located within essential project areas.

(b) Construction and Interpretation.

(1) Notwithstanding Section 21015 or any other provision of law, the tribal consultation process for essential projects shall follow the provisions set forth in this section.

(2) Nothing in this chapter is intended to alter or conflict with federal government-to-government consultation obligations involving Consulting Tribes.

(3) The timelines established in Article 4 shall not alter the duration of consultation with a Consulting Tribe on an essential project pursuant to Sections 21080.3.1 and 21080.3.2.

(4) If any technical studies are conducted for the essential project that inform analysis, measures and/or treatment of tribal cultural resources, Consulting Tribes shall be afforded the opportunity to review and provide input on those studies.

(5) When provided by a Consulting Tribe, tribal traditional knowledge shall be incorporated in the identification, treatment, and protection measures concerning tribal cultural resources. As tribal cultural resources is a separate category from cultural resources and archaeological resources, some archaeological methods and standards may not be appropriate for tribal cultural resources. If the lead agency elects not to utilize tribal methods and standards or tribal traditional knowledge, it shall explain its decision in the environmental documents for the essential project, supported by substantial evidence.

(6) All information regarding tribal cultural resources and tribal traditional knowledge disclosed by a Consulting Tribe shall remain confidential consistent with subdivision (c) of

Section 21082.3, and such information shall not be disclosed in the administrative record of proceedings without the permission of the Consulting Tribe. Lead agencies shall, in consultation with affected Consulting Tribes, determine appropriate measures to maintain confidentiality of information regarding tribal cultural resources and tribal traditional knowledge, including, but not limited to, redaction of precise locations, restricted mapping, secure data storage, or other protective handling of tribal cultural resources information. Any written explanation under paragraph (5) of subdivision (c) shall not be subject to challenge to the extent the lead agency does not have permission from the Consulting Tribe to disclose supporting information due to the confidentiality requirements of this paragraph.

(7) Completion of the initial screening process pursuant to subdivision (c) operates separately from, and does not modify, pause, or affect, any requirements or timelines set forth in Section 21017 or any other provisions of this division.

(c) Initial screening. Upon the earlier of the applicant's submittal of a preliminary application under any other law, the applicant's written notice under subdivision (b) of Section 21024, or an application for an essential project, an early screening to identify and evaluate tribal cultural resources shall take place. An initial screening means the act of participating in early discussions, prior to an application being determined complete by the lead agency, through a meet and confer process between the Consulting Tribe, lead agency, and applicant regarding the potential effects a proposed essential project could have on tribal cultural resources. As part of the initial screening process, all of the following shall occur:

(1)(A) An applicant shall provide the lead agency with the following existing information:

- (i) A description of the proposed essential project.
- (ii) A conceptual site map showing the proposed footprint, alignment, or general boundaries of the project area.
- (iii) A vicinity map identifying major landmarks, roadways, and natural features.
- (iv) Any geotechnical, environmental, and site-specific technical studies previously developed to support meet and confer under paragraph (4) on early design, routing, or feasibility analysis relating to and/or affecting tribal cultural resources.

(v) For linear projects such as electric transmission lines, pipelines, rail lines, aqueducts, communications lines, and roads, applicants must include the general corridor and the location of any starting and ending facilities or substations.

(B) Applicants shall not be required to produce new studies or analyses for the purposes of this subdivision. Any input under this section other than regarding the identification of tribal cultural resources shall be provided during the tribal consultation process under subdivision (d).

(2) Within 20 days of receiving the information described in paragraph (1), the lead agency shall complete a records search for recorded and documented archaeological resources, cultural resources, and tribal cultural resources within the proposed project area and the area of potential effects (APE) (as that term is defined under 36 CFR § 800.16), as determined by the lead agency, through the following:

(A) The Sacred Lands File maintained by the Native American Heritage Commission;

(B) The California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation; and

(C) The lead agency's records.

(3) Upon completing the search required by paragraph (2), the lead agency shall provide Consulting Tribes all information obtained pursuant to paragraphs (1) and paragraph (2), as well as an invitation to meet and confer pursuant to paragraph (4).

(4) After receiving the information provided by the lead agency pursuant to paragraph (3) and upon the request of a Consulting Tribe, the Consulting Tribe, lead agency, and applicant shall meet and confer regarding the proposed essential project and any known or recorded tribal cultural resources, and a Consulting Tribe may share any information, including information in tribal government registers. During the meet and confer, the three parties shall identify and evaluate treatment and protection methods, measures, and conditions to address impacts on tribal cultural resources, including avoidance and preservation in place. Unless otherwise agreed upon by all parties, any agreements among all the parties from the meet and confer shall be finalized during the tribal consultation process set forth in subdivision (d). The results of the meet and confer shall be documented and maintained by the lead agency in agreement with the Consulting Tribe.

(5)(A) If a Consulting Tribe does not respond to the initial screening invitation provided by the lead agency pursuant to paragraph (3) within 30 days, then the initial screening process under this subdivision shall be deemed to have concluded and the parties shall move into the tribal consultation process set forth in subdivision (d). A Consulting Tribe's decision not to meet and confer under the initial screening process in this subdivision shall in no way affect the Consulting Tribe's ability or right to participate in the tribal consultation process set forth in subdivision (d).

(B) The initial screening process provided in this subdivision shall end when the tribal consultation process set forth in subdivision (d) begins.

(C) Where the tribal consultation process set forth in subdivision (d) does not apply, the initial screening process under this subdivision shall terminate upon the earlier date of the parties' agreement from the meet and confer pursuant to paragraph (4) or 30 days from the date an application for an essential project is determined complete by the lead agency or deemed complete by operation of law.

(d) Tribal consultation. Tribal consultation for an essential project shall be conducted pursuant to Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3, except as modified as follows:

(1) The purpose of tribal consultation is to identify tribal cultural resources and evaluate treatment and protection measures for those tribal cultural resources, including the implementation of treatment and protection measures.

(2) Tribal consultation is not meaningful if the Consulting Tribe is not provided with reasonably requested technical information, including, but not limited to, project information and constraints, data, maps, and information concerning project activities as they relate to treatment and protection of tribal cultural resources. During tribal consultation pursuant to this subdivision, the lead agency shall engage in iterative discussions with the Consulting Tribe regarding the development of mitigation measures related to tribal cultural resources, including preliminary concepts or approaches prior to publication of any draft environmental document. This includes notifying the Consulting Tribe of any existing technical studies or reports in the lead agency's possession that relate to tribal cultural resources on or in the vicinity of the essential project site, to the extent permitted by applicable confidentiality laws, and providing the Consulting Tribe

with access to such studies or reports. To the extent any draft environmental review document is provided to the applicant for review in advance of the public comment period for that environmental review document, such draft shall also be made available to the Consulting Tribe at the time it is provided to the applicant. Nothing in this section shall be construed to require the lead agency to prepare or circulate draft environmental review documents for purposes of tribal consultation.

(3) Where the lead agency, a Consulting Tribe, and the applicant agree in writing to measures to avoid or mitigate a significant effect on a tribal cultural resource, those measures and any written agreement shall become enforceable conditions of project approval, subject to the confidentiality requirements under paragraph (6) of subdivision (b).

(e) Treatment and protection of tribal cultural resources. When feasible, damaging effects to any tribal cultural resources shall be avoided.

(1) Consistent with subdivision (b) of Section 21014, nothing in this subdivision alters the lead agency's obligation under CEQA to avoid or mitigate significant impacts to tribal cultural resources when feasible. Mitigation and treatment measures adopted in consultation with the Consulting Tribe pursuant to this subdivision to avoid or minimize significant impacts to tribal cultural resources shall be consistent with the following:

(A) Avoidance and preservation in place shall be considered when requested by the Consulting Tribe. A tribal cultural resource may be avoided or preserved in place through project design, buffering, or other protective measures to avoid the tribal cultural resources and protect the cultural and natural context, or planning greenspace, parks, or other open space to incorporate the tribal cultural resources with culturally appropriate protection and management criteria, which are referenced in the project's environmental documents.

(B) If an essential project has the potential to cause a substantial adverse change in the significance of a tribal cultural resource, and avoidance and preservation in place are not feasible, the lead agency shall demonstrate and document the basis for that determination with substantial evidence, and the Consulting Tribe may identify culturally appropriate mitigation measures, which the lead agency shall consider and incorporate, to the extent feasible, in developing mitigation and treatment measures in a manner consistent with paragraph (2) of subdivision (b) of Section 21084.3.

(C) When an essential project proposes construction-related ground disturbance activities and when requested by the Consulting Tribe, the lead agency shall include inadvertent discovery measures to reduce significant impacts to tribal cultural resources. Such measures may include procedures for temporary halts of grading, identification and assessment protocols, timing provisions, and additional treatment methods or protective measures.

(f) Essential project approval. A lead agency may only approve an essential project pursuant to this section when all of the following apply:

(1) Tribal consultation has concluded in good faith;

(2) Where there is agreement among all parties under either paragraph (4) of subdivision (c) or subdivision (d), any agreed-upon mitigation and avoidance measures are included as enforceable project conditions; and

(3) If avoidance and preservation in place is not feasible, the lead agency has demonstrated and documented the basis for that determination with substantial evidence and incorporated other measures to minimize impacts consistent with CEQA.

21017. Determining Completeness of Essential Project Applications.

(a)(1) When a public agency receives an initial application for an essential project, the public agency shall review the application, make a written finding whether the application is complete, and notify the applicant in writing of the determination.

(2) The written determination of completeness for an initial application shall be made within 30 days of the public agency's receipt of the initial application. If the public agency fails to provide a determination of completeness within 30 days, then the initial application shall be deemed complete for the purposes of this chapter and this division.

(3) An application shall not be determined to be incomplete on the basis of (A) informational or analytical studies or documents that were not required by the public agency in a written, publicly available submittal requirement checklist or similar document in existence at the time the initial application was submitted; or (B) statutes, regulations, rules, standards, or ordinances that are not existing laws.

(b) If the public agency's determination of completeness finds that the initial application for an essential project is incomplete, at the time that finding is made the public agency shall also

provide the applicant with an exhaustive written corrections list containing thorough descriptions of the items and specific information, or lack thereof, that led to the finding of incompleteness.

(c)(1)(A) The applicant shall, within 90 days of a notification that its initial application is incomplete, submit additional information and/or a revised application that addresses the matters identified on the written corrections list.

(B) If the applicant cannot comply with the 90-day deadline in subparagraph (A) to submit either additional information or a revised application, the applicant shall notify the public agency in writing why it is unable to do so and include an estimate of when it will be able to do so.

(2) Upon any submission of supplemental information and/or a revised application, the public agency shall determine if the supplemented submittal is complete based only on the written corrections list provided by the agency pursuant to subdivision (b). The public agency shall provide a determination of completeness based upon the supplemented submittal within 30 days of receipt thereof. If the public agency finds that the supplemented submittal is still incomplete, at the time that finding is made the public agency shall provide the applicant with an updated exhaustive written corrections list therefor. The updated written corrections list may only contain items included on the written corrections list provided in response to the applicant's initial application.

(3) If a supplemented submittal is again deemed incomplete, the applicant may submit additional rounds of supplemental information and/or revised applications pursuant to the procedures and timelines set forth in this subdivision.

(4) If the public agency fails to provide a determination of completeness within 30 days of receiving either supplemental information and/or a revised application pursuant to paragraph (2) or paragraph (3), the application shall be deemed complete for purposes of this chapter and this division.

(5) A public agency shall not request or require an applicant to provide any new information unless that information was included on the exhaustive written corrections list for the immediately prior version of the application.

(d)(1) A determination of completeness finding that an initial application, supplemented application, or revised application is incomplete shall be appealable by the applicant to the public

agency's planning commission, planning director, or other official with final authority over application completeness. If the public agency does not have a planning commission, planning director, or other official with final authority over application completeness, then the appeal shall be heard by the highest-ranking elected or appointed decision-making body or official of the agency. There shall be a final written determination on the appeal not later than 60 days after receipt of the applicant's written appeal.

(2) If the final written determination on the appeal is not made within the 60-day period described in paragraph (1), the application shall be deemed complete for the purposes of this chapter and this division.

(e) The applicant may bring a civil action challenging an adverse determination under subdivision (d). Any such action shall be commenced within 90 days of an adverse final written determination issued pursuant to subdivision (d).

ARTICLE 4. Review of Completed Applications for Essential Projects.

21018. Local Agency Timeline for Completing Environmental Review of Essential Projects.

(a) A local agency that is acting as a lead agency ("local lead agency") for an application or approval of an essential project shall decide whether the project is subject to subdivision (b), subdivision (c), or subdivision (d) within 30 days of the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(b) Essential projects that require an environmental impact report. For essential projects that require an environmental impact report, the local lead agency shall make a final determination whether to certify an environmental impact report no later than 365 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(c) Essential projects that require a negative declaration or mitigated negative declaration. For essential projects that require a negative declaration or mitigated negative declaration, the local lead agency shall make a final determination whether to adopt a negative declaration or mitigated negative declaration no later than 180 days after the earlier of the essential project

application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(d) For all other environmental review documentation prepared under this division or this chapter for an application or approval of an essential project, the local lead agency shall, within 90 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017 or deemed complete pursuant to any other law, make a final determination that the essential project is exempt from this division or that the essential project's impacts were previously evaluated under a prior environmental review document pursuant to, without limitation, Section 21083.3 or Section 21094.5, or an addendum pursuant to Section 15162 or Section 15164 of the State CEQA Guidelines.

(e) The deadlines set forth in subdivision (b), subdivision (c), and subdivision (d) shall be extended upon written request from the applicant.

21019. Timeline for Completing Environmental Review of Essential Projects by Public Agencies that are Not Local Agencies.

(a) A public agency other than a local agency that is acting as a lead agency (“non-local lead agency”) for an essential project shall decide whether the project is subject to subdivision (b), subdivision (c), or subdivision (d) within 30 days of the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(b) Essential projects that require an environmental impact report. For essential projects that require an environmental impact report, the non-local lead agency shall make a final determination whether to certify an environmental impact report no later than 365 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(c) Essential projects that require a negative declaration or mitigated negative declaration. For essential projects that require a negative declaration or mitigated negative declaration, the non-local lead agency shall make a final determination whether to adopt a negative declaration or mitigated negative declaration no later than 180 days after the earlier of the essential project

application being determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law.

(d) For all other environmental review documentation prepared under this division or this chapter for an application or approval of an essential project, the non-local lead agency shall, within 90 days after the earlier of the essential project application being determined or deemed to be complete pursuant to Section 21017 or deemed complete pursuant to any other law, make a final determination that the essential project is exempt from this division or that the essential project's impacts were previously evaluated under a prior environmental review document pursuant to, without limitation, Section 21083.3 or Section 21094.5, or an addendum pursuant to Section 15162 or Section 15164 of the State CEQA Guidelines.

(e) The deadlines set forth in subdivision (b), subdivision (c), and subdivision (d) shall be extended upon written request from the applicant.

21020. Noncompliance with Timelines for Completing Environmental Review of Essential Projects.

(a) When a local lead agency or a non-local lead agency fails to comply with a deadline set forth in subdivision (b) through subdivision (d) of Section 21018, or subdivision (b) through subdivision (d) of Section 21019, the applicant may make a written request for the agency to hold a meeting or hearing on the essential project as provided in this section.

(b) Within 60 days of receipt of a written request pursuant to subdivision (a), the local lead agency or non-local lead agency shall do all of the following:

(1) Complete all environmental review documentation for the essential project; or assemble available environmental review documentation including any applicant-prepared environmental review document as is allowed under subdivision (b) of Section 21082.1 or any other law.

(2) Hold a meeting or hearing on the essential project application as follows:

(A) If the agency has a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or

similar open meeting law, the agency shall place the essential project on its agenda for a regular or special meeting of the agency's highest-ranking decision-making body.

(B) If the agency does not have a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act, the Ralph M. Brown Act, or a similar open meeting law, then the highest-ranking official of the agency, or their designee, shall hold a hearing with the applicant on the essential project.

(3) Notwithstanding any other provision of this division or any other law or legal requirement to the contrary, at the meeting or hearing described in paragraph (2), the agency shall do both of the following:

(A) Make a final written determination on the available environmental review documentation that has been completed as of the date of the meeting or hearing.

(B) Make a final written determination to approve or disapprove the essential project.

(c)(1) If the local lead agency or non-local lead agency has a planning commission or planning director, upon receipt of a written request pursuant to subdivision (a), the planning commission or planning director shall hold a regular or special meeting for the purpose of providing a recommendation on the essential project.

(2) The meeting of the planning commission or planning director described in this subdivision shall occur within 30 days of receipt of a written request pursuant to subdivision (a).

(3) Any environmental review documentation needed for the meeting described in this subdivision shall be completed in advance of the date of the meeting as required by law.

(d) The deadlines set forth in subdivision (b) and subdivision (c) shall only be extended upon a written request made by the applicant.

(e) Except as provided in subdivision (f), a local lead agency and a non-local lead agency have a nondiscretionary ministerial duty to comply with the deadlines set forth in this section or in any written request made pursuant to subdivision (d) and complete the actions described in paragraph (3) of subdivision (b).

(f) If, prior to the expiration of the 60-day period provided in subdivision (b), the agency completes all environmental documentation for the essential project and issues a final written determination to approve the essential project, the agency and the applicant may mutually agree

in writing to cancel the meeting or hearing on the essential project required by paragraph (2) of subdivision (b).

(g)(1) An action under this division may be brought by the applicant challenging the following:

(A) The agency's failure to comply with its nondiscretionary ministerial duties described in subdivision (e).

(B) The agency's denial or imposition of unlawful conditions of approval on an essential project.

(2) The action shall be commenced within 90 days of the agency's failure, denial, or imposition described in paragraph (1).

(h) Notwithstanding any other provision of this section, Section 21018, or Section 21019, where the lead agency for an essential project is also the applicant for that essential project, the lead agency may extend any deadline contained in this section, Section 21018, or Section 21019 through a written notice that specifies the duration of the extension and the reason for it. The notice shall be posted on the lead agency's website and included in the administrative record.

21021. Timeline for Public Comments on Essential Projects.

(a) A public agency shall circulate an environmental review document for an essential project for public comment periods as follows:

(1) 20 days for a negative declaration or mitigated negative declaration or other document requiring public circulation under state law.

(2) 45 days for a draft environmental impact report or subsequent or supplemental environmental impact report.

(b) A public comment period described in subdivision (a) shall not be tolled or extended except by a court of competent jurisdiction.

(c) If a public agency continues any public hearing on an essential project, or the CEQA review of that essential project, the public agency shall continue the hearing to a date certain and, upon approval of the continuance, close the public comment period. The public agency shall not reopen the public comment period at any subsequent hearing on the essential project.

(d)(1) Notwithstanding any other provision of law to the contrary, only the following comments shall be included in the administrative record for an essential project:

(A) Electronic and written comments received during the public comment periods set forth in subdivision (a).

(B) For CEQA determinations with no comment period set forth in subdivision (a), electronic and written comments received at least 48 hours prior to a public hearing or noticed decision on the environmental review documentation for the essential project.

(C)(i) For hearings or appeals of a CEQA determination, electronic and written comments received at least 48 hours prior to a public hearing on issues that could not have been raised during the public comment period set forth in subdivision (a) because of significant changes to the essential project that precluded the issue from being raised during the public comment period, or new information that was not known and could not have been known during the public comment period.

(ii) "Significant changes to the essential project" shall not include any changes to an essential project made in response to public comment, through the CEQA alternatives review process, or through lead agency concerns identified during the CEQA process.

(D) Oral testimony at a noticed and recorded public hearing.

(2) All other public comments shall be disregarded and excluded from the administrative record.

(e) Notwithstanding any other provision of law to the contrary, a response by the lead agency or applicant to a comment described in paragraph (1) of subdivision (d), or comments from the applicant in response to a question from a public agency or to demonstrate the essential project's compliance with this division, shall, without qualification, be included in the administrative record for an essential project.

21022. Determination of Impacts.

Notwithstanding any other provision of law to the contrary:

(a)(1) A public agency considering whether to approve an essential project shall identify, evaluate, determine significance, and mitigate the impacts of an essential project based on compliance with existing laws.

(2) To the extent a public agency has published, adopted, or routinely used thresholds of significance for environmental effects of essential projects on the earlier of the date a preapplication or an application for an essential project is filed, an applicant may elect to vest into any such thresholds of significance, in which case the public agency shall use them in determining the significance of the essential project's environmental effects.

(b) An essential project's compliance with this division and the State CEQA Guidelines shall be based solely upon the project's compliance with subdivision (b) of Section 21029.

(c) An applicant may waive the application of one or both of subdivision (a) or subdivision (b) to an essential project by submitting a written request for a waiver to the public agency.

21023. Other Public Agency Actions for Essential Projects.

(a) If an essential project requires any other public agency action that is not expressly addressed by other provisions of this chapter, the public agency shall make a final written decision thereon based on compliance with existing laws. The final written decision on the other public agency action shall be completed as follows:

(1) Where a public agency is a lead agency for an essential project, the public agency shall make the final decision concurrently with its certification of the environmental impact report, adoption of a negative declaration or mitigated negative declaration, or determination of previous evaluation or exemption from this division, as applicable.

(2) A state lead agency may delay the final decision required by paragraph (1) by up to 90 days if all of the following apply:

(A) Prior to December 31, 2025, the state agency had an established process set forth in state statute or regulation for conducting evidentiary hearings on the type of public agency action being sought for the essential project.

(B) Prior to the deadline set forth in paragraph (1), the state agency provides written notice to the applicant that it will go forward with an evidentiary hearing.

(3) Where an applicant seeks an approval for an essential project from a public agency that was not a lead agency for that essential project during the first instance when the essential project underwent environmental review pursuant to this division, such public agency shall make

a final written decision before the later of: (A) 90 days from the earlier of the date the application for the public agency action was determined or deemed to be complete pursuant to Section 21017, or deemed complete pursuant to any other law; or (B) 1 day has passed from the date the lead agency approved the project.

(b) When a public agency fails to comply with a deadline set forth in subdivision (a), the applicant may make a written request for the public agency to hold a meeting or hearing on the other public agency action sought from the public agency.

(c) Within 45 days of receipt of a written request pursuant to subdivision (b), the public agency shall do all of the following:

(1) Hold a meeting or hearing on the essential project application as follows:

(A) If the public agency has a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or similar open meeting law, the public agency shall place the other agency action sought from the public agency on its agenda for a regular or special meeting of the agency's highest-ranking decision-making body.

(B) If the public agency does not have a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act, the Ralph M. Brown Act, or similar open meeting law, then the highest-ranking official of the public agency, or his or her designee, shall hold a hearing with the applicant on the other public agency action sought by the applicant.

(2) Notwithstanding any other provision of this division or any other law or legal requirement to the contrary, at the meeting or hearing described in paragraph (1), the public agency shall make a final written decision to whether grant or deny the other public agency action sought by the applicant.

(d) The deadlines set forth in subdivision (a) and subdivision (c) shall only be extended upon a written request made by the applicant.

(e) Except as provided in subdivision (f), a public agency has a nondiscretionary ministerial duty to comply with the deadlines set forth in this section or in any written request pursuant to subdivision (d) and make the decision described in paragraph (2) of subdivision (c).

(f) If, prior to the expiration of the 45-day period provided in subdivision (c), the public agency makes a final written determination to grant the other public agency action sought for the essential project, the public agency and the applicant may mutually agree in writing to cancel the meeting or hearing required by paragraph (1) of subdivision (c).

(g)(1) An applicant may bring an action under this division challenging the following:

(A) The agency's failure to comply with its nondiscretionary ministerial duties described in subdivision (e).

(B) The agency's denial or imposition of unlawful conditions of approval on the other public agency action sought from the public agency.

(2) The action shall be commenced within 90 days of the agency's failure, denial, or imposition described in paragraph (1).

ARTICLE 5. Preliminary Scoping Process and Streamlined Alternatives Analysis for Essential Projects.

21024. Preliminary Scoping Process for Essential Projects.

(a) An applicant may, but is not required to, utilize the preliminary scoping process and streamlined alternatives analysis as provided in this article. However, where an applicant voluntarily chooses to utilize this preliminary scoping process and streamlined alternatives analysis, it shall comply with this article.

(b)(1) Prior to submitting an application for an essential project, an applicant that chooses to proceed in accordance with this article shall provide written notice to the lead agency of its intent to complete the scoping process and streamlined alternatives analysis set forth in this article.

(2) The written notice shall present a preliminary overview and description of the proposed essential project sufficient to inform the lead agency and the public of the anticipated features of the project. The written notice is not required to include detailed engineering plans, technical studies, or design-level drawings. The description shall include, to the extent known, the following:

(A) The project's location, size, and boundaries.

- (B) The principal components and fundamental purpose of the project.
- (C) The general type of land use, facility, or infrastructure proposed.
- (D) Any known or reasonably foreseeable resource areas that may be impacted.
- (E) Any anticipated permits or approvals required from public agencies.

(3) The written notice shall also prominently identify an email address for the applicant where the lead agency and the public may submit comments on the proposed essential project.

(c)(1) After receipt by the lead agency of the written notice described in subdivision (b), the applicant and the lead agency shall engage in at least two meetings for the purpose of discussing the proposed essential project, potential alternatives, and identifying potentially impacted resource areas.

(2) The lead agency shall maintain a record of all meeting summaries.

(d)(1) The lead agency shall post the written notice received pursuant to subdivision (b) on its website. The posting shall prominently identify the email address described in paragraph (3) of subdivision (b) in order to facilitate the public's ability to submit comments to the applicant via email.

(2) The applicant shall maintain a record summarizing public input received via email during the preliminary scoping phase.

(3) The applicant shall not be required to respond to any input obtained pursuant to this section.

(e) An applicant may, but shall not be required to, convene one or more public meetings or workshops, including via virtual or online formats, for the purpose of obtaining additional public input on the proposed essential project.

(f) The preliminary scoping process described in this section shall be completed within not more than 60 days from the date that the lead agency received written notice pursuant to subdivision (b).

(g) Where an applicant does not elect to utilize the scoping process provided in this section, other scoping requirements set forth in this division shall continue to apply.

(h) Notwithstanding any provision of this section, with respect to an essential housing project, the preliminary scoping process provided herein shall not be a prerequisite to filing a

preliminary application under the Housing Crisis Act of 2019 as enacted by Chapter 654 of the Statutes of 2019 (Senate Bill 330).

21025. Streamlined Alternatives Analysis for Essential Projects.

(a) Upon completion of the preliminary scoping process set forth in Section 21024, the applicant shall develop one proposed alternative to the essential project. The proposed alternative shall take into consideration input obtained pursuant to Section 21024, and shall comply with all of the following:

(1) The proposed alternative shall be compatible with the proposed essential project's fundamental purpose as described pursuant to Section 21024.

(2) To the extent practicable, the proposed alternative should be designed to be compatible with applicable local zoning and land use policies.

(3) The proposed alternative does not need to be located at a different site from the proposed essential project.

(b) Notwithstanding Section 21100 or any other provision of this division, and except as provided in subdivision (f), an environmental impact report prepared for an essential project that complies with this article shall only analyze the following:

(1) The proposed essential project.

(2)(A) The applicant's proposed alternative developed pursuant to this article.

(B) For purposes of satisfying this article, the applicant's proposed alternative may include an alternative or additional component of the proposed essential project, where such additional or alternative component may include onsite or offsite physical improvements, or alternative or additional operational parameters or programs, designed to lessen impacts.

(C) A proposed alternative developed pursuant to this article shall be presumed to lessen impacts that the alternative is intended to address to a level of insignificance as long as the applicant demonstrates that substantial evidence exists to support the presumption. However, the presumption shall have no bearing or effect on whether the alternative is ultimately feasible or environmentally preferred.

(3) The "no project" alternative. The "no project" alternative shall consider the reasonably foreseeable environmental conditions that would result if the essential project is not

approved, including reasonably foreseeable future alternative uses of the site proposed for the essential project, any environmental impacts from such alternative uses, and benefits resulting from the essential project.

(c) The alternatives described in subdivision (b) for an essential project are sufficient for all purposes under this chapter, this division, and any other law. Except as provided in subdivision (f), all additional alternatives beyond those described in subdivision (b) are unnecessary, and no public agency or other body or entity shall require analysis of unnecessary alternatives.

(d) Within 15 days after the close of the preliminary scoping process in Section 21024, the applicant shall transmit to the lead agency a written submittal that includes:

- (1) A description of the proposed essential project.
- (2) A description of the single proposed alternative developed pursuant to this article.
- (3) A description of the no project alternative described in paragraph (3) of subdivision (b).

(e) The lead agency shall, within 15 days after receiving the proposed alternative, issue a written certification stating whether the applicant has met the requirements of this article. Alternatively, the lead agency may certify that the applicant has met the requirements of this article by taking no affirmative action within 15 days after receiving the proposed alternative. The lead agency's certification shall be final unless an interested party files an administrative appeal within 5 days of the certification's issuance.

(f) Nothing in this article prohibits an applicant from proposing additional project alternatives, at the applicant's discretion.

(g) Subject to the requirements of this chapter and any limitations imposed by other provisions of law, the lead agency retains discretion to approve the proposed essential project, approve the proposed alternative developed pursuant to this article, or select the "no project" alternative.

(h) For purposes of this section, "proposed alternative" means a single potentially feasible alternative to the essential project that is developed by the applicant.

ARTICLE 6. Judicial Review of Essential Project Approvals or Authorizations.

21026. Judicial Review of Essential Project Approvals or Authorizations.

(a)(1) Any action or proceeding to attack, review, set aside, void, or annul any approval or authorization by a public agency with respect to an essential project, on the grounds of noncompliance with this chapter, this division, or the State CEQA Guidelines, shall be conducted and completed in accordance with the requirements of this article.

(2) This article shall apply to any and all actions or proceedings pending on, or commenced after, the effective date of this chapter.

(b)(1) In any action or proceeding brought to attack, review, set aside, void, or annul an approval or authorization of an essential project on the grounds of noncompliance with this chapter, this division, or the State CEQA Guidelines as provided in subdivision (b) of Section 21029, a petitioner's claims shall be limited to a public agency's non-compliance with objective existing laws, and the scope of the court's review shall be limited to whether the approval or authorization complies objective existing laws.

(2) For the purpose of this subdivision, "objective" means involving no personal or subjective judgment and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the public agency before the application was submitted.

(c)(1) In any action or proceeding to attack, review, set aside, void, or annul an approval or authorization of an essential project on the grounds of noncompliance with this chapter, this division, or the State CEQA Guidelines as provided in subdivision (b) of Section 21029, the court shall only determine whether the approval or authorization is supported by substantial evidence in light of the whole record.

(2) In any action or proceeding, to attack, review, set aside, void, or annul a public agency's approval or authorization of an essential project on the grounds that it has been made without completing the public participation procedures, the court shall only determine whether the failure to comply with the public participation procedures was arbitrary and capricious and resulted in prejudicial error.

(3) Nothing in this division or the State CEQA Guidelines shall be applied or construed as imposing procedural or substantive requirements beyond those explicitly set forth in this division or the State CEQA Guidelines as modified or limited by the provisions of this chapter.

(d) Nothing in this article shall be construed to supersede Section 1756 and Section 1759 of the Public Utilities Code, or any other provision of law governing judicial review of orders or decisions of the Public Utilities Commission.

21027. Timelines and Processes Applicable to Judicial Review of Essential Project Approvals or Authorizations.

(a) Timelines.

(1)(A) An action or proceeding, to attack, review, set aside, void, or annul a public agency's approval or authorization of an essential project shall be commenced within 30 days from the date the public agency files a notice of determination or notice of exemption pursuant to Section 21152 or Section 21108. The action or proceeding shall be completed within 270 days, inclusive of original and appellate court proceedings, pursuant to the judicial streamlining procedures applicable to environmental leadership development projects under Section 21185.

(B) The court may, in its own discretion, extend the 270-day deadline contained in subparagraph (A) by up to an additional 90 days

(2) Notwithstanding any contrary provision in Section 21185 or any rule adopted by the Judicial Council, and except as provided in subparagraph (B) of paragraph (1), the 270-day deadline in paragraph (1) shall only be extended upon mutual written consent of the plaintiff/petitioner, the public agency, and the applicant.

(b) Administrative Record.

The whole administrative record consists only of notices, studies, and other documents consistent with the following:

(1) Documents required under this division to be sent or distributed to members of the public by the lead agency, made available to the public at a public repository such as a library, or included on the website of the lead agency; and

(2) With respect to public comments, comments described in subdivision (d) of Section 21021, and responses and comments described in subdivision (e) of Section 21021.

(c) Remedies.

(1) If the court finds, as a result of a trial, hearing, or remand from an appellate court, that a public agency's approval or authorization of an essential project is not supported by substantial evidence in the record, the court shall issue an order and peremptory writ of mandate explaining the deficiency with specificity as to which requirement of this division or the State CEQA Guidelines with which the approval or authorization does not comply; and identify what part, phase, or activity of an essential project was affected by the noncompliance.

(2) The remedy shall be limited only to prohibiting commencement of the noncomplying part, phase, or activity until such time that the noncompliance is corrected.

(3) When such required corrective actions have been completed, the public agency shall file a return to the writ affirming compliance, and the court shall thereafter dismiss the action or proceeding. A court may not order or direct via writ or any other form of order, injunction, or decision that a public agency rescind its approval or authorization of the essential project.

(4) Any essential project part, phase, or activity not within the scope of the deficiency identified in the writ shall not be subject to the writ, and is not subject to further challenge in an action or proceeding under this division.

(d) Subsequent Approvals or Authorizations.

(1) No further action or proceeding to challenge the implementation through completion of construction or subsequent approval or authorization of an essential project, or portion of an essential project, may be filed if the public agency's approval or authorization was not subject to a judicial challenge, the public agency approval or authorization was challenged and upheld, or the public agency has filed a return to the writ which has been accepted as satisfactory by the court pursuant to subdivision (c).

(2) Minor modifications to an essential project which do not result in any new significant impacts, or which do not substantially worsen any previously identified significant impacts, of the initially approved essential project, may not be challenged in an action or proceeding under this division.

(e) Injunctive Relief.

(1) Upon a showing by clear and convincing evidence that an essential project would have a specific, adverse impact upon public safety, and there is no feasible method to

satisfactorily mitigate or avoid the specific, adverse impact upon public safety, a court may order that construction or completion of the particular essential project component that would result in the specific, adverse impact upon public safety be halted or prohibited solely by issuing a temporary injunction.

(2) For purposes of paragraph (1), satisfactory mitigation to avoid the specific, adverse impact upon public safety shall be deemed to exist upon either of the following:

(A) A public agency's subsequent decision to modify the essential project to avoid or mitigate to a less than significant that specific, adverse public safety impact (and which shall not require the agency to take any further action under this division).

(B) A public agency's determination that the specific, adverse impact upon public safety cannot be avoided or mitigated to a less than significant level following preparation of an environmental impact report or supplemental environmental impact report addressing only that specific, adverse public safety impact under the timelines and procedures set forth in this chapter.

ARTICLE 7. Definitions.

21028. Definitions.

For purposes of this chapter, as used in both the singular and plural form, the following definitions shall apply:

(a) "Applicant" means any person, legal entity, public agency, or public utility that proposes an essential project.

(b) "Approval or authorization" means any approval, authorization, determination, finding, financing, real property transaction or contract, or other public agency actions that further the advancement, construction, completion, or realization of an essential project.

(c) "California educational institution" means all of the following: a school district; a county superintendent of schools; a county board of education; a community college district; a state special school; the Board of Governors of the California Community Colleges or the Chancellor of the California Community Colleges; the California State University or the Board of Trustees of the California State University; the University of California or the Regents of the University of California; the University of California Law San Francisco (formerly Hastings College of the Law); a charter school established pursuant to Part 26.8 (commencing with

Section 47600) of Division 4 of Title 2 of the Education Code; and a nonprofit college or university with membership in the Association of Independent California Colleges and Universities.

(d) “CEQA” means the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(e)(1) “Consulting Tribe” means a tribe that appears on the most recent list published by the United States pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C § 5131), and is traditionally and culturally affiliated with the geographic area of the proposed essential project.

(2) Notwithstanding Section 21073 or any other provision of law, “California Native American tribe” as used in, or with respect to, Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, 21084.3, and this chapter, shall instead mean, and be read as, “Consulting Tribe” when the project is an essential project.

(f) “Day” means the following:

(1) As used in Section 21018 and Section 21019, “day” means any day other than a Saturday, Sunday, or any day designated as a state holiday.

(2) As used in any section of this chapter except for Section 21018 and Section 21019, “day” means a calendar day.

(g) “Educational facility” means any real property, facility, structure, building, or fixture that is owned or operated, or will be owned or operated upon completion, by one or more California educational institutions for educational purposes.

(h) “Environmental review document” or “environmental review documentation” means initial studies; negative declarations; mitigated negative declarations; draft and final environmental impact reports; documents prepared as substitutes for environmental impact reports; negative declaration and mitigated negative declarations under a program certified pursuant to Section 21080.5; documents or documentation used to substantiate the applicability of statutory or categorical exemptions from this division or streamlining provisions that include, without limitation, those under Sections 21083.3 and 21094.4; addenda and other supplemental or subsequent review documents; documents prepared under the National Environmental Policy Act and used by a public agency in the place of any of the foregoing documents or

documentation; and environmental documents as defined in Section 15361 of Title 14 of the California Code of Regulations.

(i)(1) “Essential broadband Internet access project” means a project to provide mass-market retail service by wire service, wireless service, or radio to customers in this state that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including, but not limited to, any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service.

(2) An “essential broadband Internet access project” shall comply with all labor requirements described in Section 21183.5.

(j)(1) “Essential clean energy project” means a project that supports California’s climate, energy efficiency, reliability, electrification, sustainability, or clean energy objectives through one or more of the following:

(A)(i) Producing, generating, or storing electricity derived from renewable or sustainable resources, including, but not limited to, solar, wind, geothermal, fuel cells that comply with the emissions standards adopted by the State Air Resources Board pursuant to the distributed generation certification program requirements of Section 94203 of Title 17 of the California Code of Regulations, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and associated transmission lines.

(ii) “Associated transmission lines” means a transmission line that is required for the interconnection or delivery of electricity from a facility described in clause (i).

(iii) Notwithstanding clause (i), this subparagraph excludes producing or generating electricity from nuclear power.

(B) Producing, generating, storing, transmitting, or distributing clean hydrogen, which is not derived from a fossil fuel feedstock.

(C) Developing, constructing, or installing microgrids and associated infrastructure. For purposes of this subparagraph, “microgrid” means a microgrid as defined in subdivision (d) of Section 8370 of the Public Utilities Code.

(D) Capturing, transporting, and/or storing carbon dioxide emissions for permanent isolation from sources including, but not limited to, energy production, manufacturing, or refining facilities.

(E) Developing, constructing, upgrading, or expanding transmission or distribution system components identified in a transmission planning process approved by the Independent System Operator or in an Integrated Energy Policy Report adopted pursuant to Section 25302, including financing of such facilities, assets, or components through sale, lease, assignment, mortgage, or other disposition or encumbrance requiring state agency approval.

(2) An “essential clean energy project” shall comply with all labor requirements described in Section 21183.5.

(k)(1) “Essential education facility project” means the acquisition, construction, expansion, remodeling, renovation, improvement, furnishing, or equipping of an educational facility.

(2) An essential education facility project shall comply with all labor requirements described in Section 21183.5.

(l) “Essential housing project” means all of the following:

(1) Residential units only.

(2) A mixed-use development.

(3) Transitional housing, emergency shelters, or supportive housing, as defined in subdivisions (g), (n), and (q) of Section 65582 of the Government Code.

(4) Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(5) Group living accommodations, meaning building(s) or portion of any building(s) designed for or accommodating a residential use by persons not living together as a household, typically without separate kitchens or bathroom facilities for each room or unit. This use includes, without limitation, convents, monasteries, and other types of organizational housing.

(6) Student housing units, meaning any residential units or group living accommodation intended for use by students, including, without limitation, dormitory-style student housing and suite-style student housing.

(7)(A) Senior housing units, meaning any residential units or group living accommodation of any size intended for occupation by persons 55 years of age or over, including, without limitation, the following: (i) an intergenerational housing development; (ii) senior congregate housing; (iii) a senior citizen housing development as defined in paragraph (4) of subdivision (b) of Section 51.3 of the Civil Code; (iv) a residential care facility for the elderly as defined in paragraph (1) of subdivision (o) of Section 1569.2 of the Health and Safety Code; and (v) a continuing care retirement community as defined in paragraph (10) of subdivision (a) of Section 1771 of the Health and Safety Code.

(B) This paragraph shall not be construed to limit the authority of a public agency to categorize senior housing land uses as non-residential under its zoning ordinances or other laws, except that senior housing units shall qualify as a “housing development project” under paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.

(8) A subdivision or common interest development, as defined in Section 4100 of the Civil Code, consisting of residential units or unimproved residential lots.

(9) A conversion of an existing commercial building to residential use.

(m) “Essential project” means a project that meets all of the following requirements:

(1)(A) The project is an essential housing project, essential water project, essential clean energy project, essential public health project, essential public safety project, essential broadband Internet access project, essential education facility project, or essential transportation project.

(B) An essential project includes all related and ancillary public, private, and utility infrastructure and public service facilities required by a utility or public agency, or included in an essential project application as part of the “whole of the project,” to serve a project identified in subparagraph (A), such as electric, telecommunication, gas, water, wastewater, stormwater, transit, police, fire, and transportation improvements that provide required public and utility services and infrastructure to the project. Where a particular labor standard is applied to an essential project by other provisions of this chapter, that labor standard shall apply to the components of the essential project described in this subparagraph.

(2) The project does not include a jail or other detention facility, or involve the development of a new oil or natural gas production facility.

(n)(1) “Essential public health project” means a medical treatment facility.

(2) An “essential public health project” shall comply with all labor requirements described in Section 21183.5.

(o)(1) “Essential public safety project” means a first responder facility or a wildfire risk reduction project.

(2)(A) An “essential public safety project” shall comply with all labor requirements described in Section 21183.5.

(B) A wildfire risk reduction project limited to vegetation management, fuel reduction, creating or maintaining fuel breaks, or reducing fuel loading that is undertaken directly by a public agency using its own employees shall be deemed to comply with this paragraph if the public agency’s employees working on the project are covered by a collective bargaining agreement or other state civil service laws that provide equivalent wage, training, and safety standards.

(p)(1) “Essential transportation project” means the following:

(A) A project described in subdivision (a) or subdivision (b) of Section 2 of Article XIX of the California Constitution.

(B) Electric vehicle charging and refueling infrastructure.

(2) An “essential transportation project” shall comply with all labor requirements described in Section 21183.5.

(3) An “essential transportation project” does not include a high-speed train, a high-speed train system, a corridor, or a usable segment, as those terms are defined in Section 2704.01 of the Streets and Highways Code, or any other component of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Chapter 20 (commencing with Section 2704) of Division 3 of the Streets and Highways Code).

(q)(1) “Essential water project” means any project or action to construct, expand, repair, replace, improve, or augment any of the following: (A) a “public water system” as defined by subdivision (h) of Section 116275 of the Health and Safety Code; (B) a system that directly or indirectly provides water to a public water system; or (C) a system which is generally described and within the scope of the State’s Water Resilience Portfolio.

(2) An “essential water project” shall comply with all labor requirements described in Section 21183.5.

(3) “An essential water project” does not include Delta conveyance facilities as defined in subdivision (f) of Section 79702 of the Water Code.

(r) “Existing laws” means the following:

(1) Formally adopted legal requirements contained in statutes, regulations, rules, standards, or ordinances that existed and were in effect on the date an application for an essential project was submitted to a public agency.

(2)(A) A formally adopted legal requirement contained in a statute, regulation, ordinance, standard, or rule that was not in effect on the date an application for an essential project was submitted to a public agency, but the lead agency makes a finding that that compliance with the particular statute, regulation, ordinance, standard, or rule is necessary to mitigate or avoid a specific, adverse life-safety impact, meaning a significant, quantifiable, direct, and unavoidable life-safety impact, including life-safety impacts associated with new or emerging technologies, materials, or grid-integration systems, and that is based on objective, identified and written public safety standards, policies, or conditions. The lead agency shall notify the applicant within 72 hours of making a finding described in this subparagraph

(B) The finding described in subparagraph (A) must be made before the earlier of either (i) environmental review of the essential project pursuant to this chapter has been completed; or (ii) the initial building permit application or plan-review package has been submitted to the authority having jurisdiction thereover.

(3) Any update to the California Building Standards Code, including, without limitation, the California Fire Code that takes effect before the earlier of either (A) environmental review of the essential project pursuant to this chapter has been completed; or (B) the initial building permit application or plan-review package has been submitted to the authority having jurisdiction thereover.

(s) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(t)(1) “First responder facility” means all of the following:

(A) A fire station owned or operated by the State of California, a city, a county, a city and county, a joint powers authority, a Consulting Tribe, or a special district.

(B) A police station or sheriff's station owned or operated by a city, a county, a city and county, a joint powers authority, or a special district but excluding any portion thereof used as a jail or other detention facility.

(2) "First responder facility" does not include the following:

(A) Any facility owned, operated, or leased by the United States government.

(B) Any facility used as an immigration detention facility or a state prison.

(u) "Lead agency" means a lead agency as defined in Section 21067.

(v) "Local agency" means a public entity that is not a "state agency" as defined in this article.

(w) "Medical office building" means a building whose primary function is to provide office space for health care practitioners licensed, certified, registered, or otherwise authorized to practice pursuant to Division 2 of the Business and Professions Code.

(x) "Medical treatment facility" means all of the following: (1) a health facility as defined in Section 1250 of the Health and Safety Code; (2) a clinic as defined in Section 1200 of the Health and Safety Code; and (3) a medical office building.

(y)(1) "Mixed-use development" means a development consisting of residential and nonresidential uses that meets any of the following conditions:

(A) At least two-thirds of the new or converted square footage is designated for residential use.

(B) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:

(i) The project includes at least 500 net new residential units.

(ii) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(C) At least 50 percent of the net new or converted square footage is designated for residential use, and the project meets all of the following:

(i) The project includes at least 500 net new residential units.

(ii) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use to residential use.

(iii) The project demolishes at least 50 percent of the existing nonresidential uses on the site.

(iv) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(2) For purposes of this subdivision, nonresidential uses shall not include any heavy industrial, extractive, port, refinery, or hazardous materials uses or designations.

(3) The minimum distance required between any nonresidential uses included in a mixed-use development and any existing off-site residential use shall be determined by state law.

(z) "Public agency" means a public agency as defined in Section 15379 of Title 14 of the California Code of Regulations; a responsible agency; a local agency; a state agency; a lead agency; a local agency formation commission; a city; a county; a city and county; a special district; a joint powers authority; or any other governmental authority created under state or local law whether statewide, local, or regional in character.

(aa) "Public participation procedures" means the public participation procedures set forth in Sections 21016, 21018, 21020, 20121, 21023, and 20124 of this chapter.

(bb) "Responsible Agency" means a responsible agency as defined in Section 15381 of Title 14 of the California Code of Regulations.

(cc) "State agency" means a state agency as defined in subdivision (a) of Section 8557 of the Government Code and any state body as defined in Section 11121 of the Government Code.

(dd) "State CEQA Guidelines" means Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Code of Regulations.

(ee) "Substantial evidence" means enough relevant information and reasonable inferences from the available information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.

(ff) "Tribal cultural resource" includes any of the following:

(1) A site, feature, place, cultural landscape, or sacred place, including a sanctified cemetery, Indian cemetery, or burial area of a Consulting Tribe, or an object with cultural value to a Consulting Tribe that is any of the following:

(A) Included or eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places.

(B) Included in a local register of historical resources as defined in Section 5020.1.

(C) Identified by the Native American Heritage Commission as a sacred place pursuant to Section 5097.94 or 5097.96.

(D) Included in a tribal government register maintained by a Tribal Historic Preservation Officer approved by the Secretary of the Interior pursuant to Section 101 of the federal National Historic Preservation Act (54 U.S.C. Sec. 300101 et seq.).

(2) A cultural landscape that meets the criteria of paragraph (1) to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(3) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 that conforms with the criteria of paragraph (1).

(gg) “Wildfire risk reduction project” means an activity that reduces wildfire risks to a residential or commercial structure, or both. A “wildfire risk reduction project” includes, but is not limited to, the following: replacing, hardening, or undergrounding electric utility lines, roads, and infrastructure; vegetation management; fuel reduction; home hardening; creating or maintaining fuel breaks and access roads; and reducing fuel loading.

ARTICLE 8. Construction of Chapter and General Provisions.

21029. Construction of Chapter.

(a) It is the policy of the People of the State of California that this chapter should be interpreted and implemented to afford the fullest possible weight to the interest of, and the approval and realization of, essential projects.

(b)(1) It is the intent of the People of the State of California that courts, consistent with generally accepted rules of statutory interpretation, shall not interpret this chapter, this division, or the State CEQA Guidelines in a manner which imposes procedural or substantive requirements upon essential projects beyond those explicitly stated in this chapter, this division, or the State CEQA Guidelines.

(2) It is further the intent of the People of the State of California that this subdivision shall be interpreted and applied by the courts as directed by Section 21083.1, and is *in pari materia* with Section 21083.1 so that, to the maximum extent permitted under the law, this subdivision constrains the authority of the courts to issue a judgement or impose a remedy that is not expressly authorized by this chapter.

21030. Statewide Concern.

The People of the State of California hereby declare that streamlining review and approval of essential projects as provided in this chapter is a matter of statewide concern because the adequacy, availability, and affordability of housing, clean energy, water, transportation, broadband Internet, education facilities, public health infrastructure, and public safety infrastructure is insufficient to serve the needs of California's population and economy. Therefore, the State of California hereby occupies the field in the area of review and approval of essential projects as provided in this chapter.

21031. Statutory References.

(a) Except as provided in subdivision (b), all references to state statutes or regulations codified outside of this chapter refer to those statutes and regulations as they existed on December 31, 2025 regardless of any subsequent amendment, repeal, sunset, or expiration that takes place after that date.

(b) The reference to Section 218.9 of the Labor Code refers to that section as it existed on January 1, 2026.

21032. Severability.

The provisions of this chapter are severable. If any portion, section, subdivision, paragraph, subparagraph, clause, subclause, sentence, phrase, word, or application of this chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this chapter. The People of the State of California hereby declare that they would have adopted this chapter and each and every portion, section, subdivision, paragraph, subparagraph, clause, subclause, sentence, phrase, word,

and application not declared invalid or unconstitutional without regard to whether any component of this chapter or application thereof would be subsequently declared invalid.

21033. Effective Date.

This chapter shall take effect as provided in subdivision (a) of Section 10 of Article II of the California Constitution, and shall be applicable upon such effective date to all pending and future public agency and judicial review and processes for all essential projects.

21034. Amendments.

The Legislature may amend this chapter by a statute passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, provided that the statute is consistent with, and furthers the purposes of, this chapter. No bill seeking to amend this chapter may be passed or become a statute unless the bill has been printed and distributed to the Members of the Legislature, and published on the Internet, in its final form, for at least 12 business days prior to its passage in either house of the Legislature.

SECTION 2. Conflicting Measures.

In the event that this initiative measure and another measure or measures pertaining to the review or approval of essential projects, as defined in this Act, shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

SECTION 3. Liberal Construction.

This Act shall be liberally construed to give effect to its intent and purposes.

SECTION 4. Legal Defense.

The purpose of this section is to ensure that the people's precious right of initiative cannot be improperly annulled by state politicians who refuse to defend the will of the voters.

Therefore, if this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge which attempts to limit the scope or application of this Act in any way, or alleges this Act violates any state or federal law in whole or in part, and both the Governor and Attorney General refuse to defend this Act to the fullest extent possible on behalf of the State of California, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 (commencing with Section 12500) of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act to the fullest extent possible on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act to the fullest extent possible. The written affirmation shall be made publicly available immediately upon request.

(c) In order to support the defense of this Act in instances where the Governor and Attorney General fail to do so despite the will of the voters, a continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California to the fullest extent possible.

Agenda Item: 6B

Date: February 24, 2026

TO: THE COMMUNITY AND GOVERNMENT AFFAIRS COMMITTEE

Director Laura Roughton, Committee Member

Director Fauzia Rizvi, Committee Member

FROM: Sarah Macdonald, Assistant General Manager

RECEIVE AND FILE THE JANUARY-FEBRUARY 2026 GOVERNMENT AFFAIRS AND LEGISLATIVE UPDATE

RECOMMENDATION:

Staff requests the Community and Government Affairs Committee recommend the Board of Directors:

1. Receive and file the January-February 2026 Government Affairs and Legislative Update.

EXECUTIVE SUMMARY:

At each meeting of the Community and Government Affairs Committee, Western Municipal Water District staff provides a verbal report. The report is sometimes accompanied by materials prepared by The Ferguson Group and KP Public Affairs and includes a high-level overview of relevant topics from both federal and state government to be discussed in depth during the meeting.

BUDGET IMPACT:

This action has no budget impact.

DETAIL:

Federal Updates

Legislative Calendar

- Both federal legislative houses in session: February 23 – March 6

Western Water | Community and Government Affairs Committee Meeting Agenda Item: 6B

- Senate in session, House in district: March 9 – 13
- Both federal legislative houses in session: March 16 – 27
- Both federal legislative houses in district (Spring Recess): March 30 – April 10

Fiscal Year 2026 Appropriation Bills

- On January 23, a fiscal year (FY) 2026 minibus appropriations package was signed into law, which included funding for the Departments of Energy, Army Corps, Bureau of Reclamation (USBR) and other Dept. of Interior agencies, the Environmental Protection Agency (EPA), and Commerce-Justice-Science agencies
 - The USBR budget was set at \$1.6 billion, a decrease of over \$286 million from current fiscal 2025 levels, but an increase of about \$400 million over the Trump Administration’s request
- Remaining appropriations bills are stalled due to Congressional disagreements over Department of Homeland Security funding

Western Water to Receive FY 2026 Congressionally Directed Spending Request

- The EPA’s FY 2026 budget included \$1,092,000 for Western Water’s Reservoir Management Systems project from Congressman Mark Takano
 - It falls under the “State and Tribal Assistant Grant – Drinking Water State Revolving Fund”

Sites Reservoir Receives Formal Approval from Federal Administration

- The Trump Administration has formally approved the proposed Sites Reservoir, a significant milestone that will allow the federal government to fund up to 25 percent of the project’s cost
- Federal approval unlocks \$780 million already committed to the project and strengthens negotiations over future federal participation

Four Per- and Polyfluoroalkyl Substances (PFAS) Remain at Current Limits

- A Washington D.C. Circuit Appellate motions panel has denied the Trump Administration’s request to immediately vacate four PFAS limits in the Biden-era drinking water rule, keeping all six standards in place while litigation proceeds

Western Water | Community and Government Affairs Committee Meeting

Agenda Item: 6B

- The court said the legal case for overturning the standards was not strong enough to justify early action, dealing a setback to the EPA's effort to quickly roll back parts of the rule it says were procedurally flawed
- As a result, states and water utilities must continue preparing to meet existing monitoring and compliance timelines, even as uncertainty persists over the rule's ultimate fate

State Updates

Legislative Calendar

- Bill Introduction: February 20
- Spring Recess: March 27 – April 3
- Policy Committee to Fiscal Committee: April 24
- Policy Committee to Floor (non-fiscal bills): May 1
- Fiscal Committee to Floor: May 15
- House of Origin: May 29

2026 Bills of Interest

- [Assembly Bill 35](#) (Alvarez): Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: Administrative Procedure Act: exemption: program guidelines and selection criteria
- [Senate Bill 601](#) (Allen): Waste Discharge

Budget Requests

- From Turlock Irrigation District: \$35 million for “Stable Funding for Hydrology Observation Systems and Forecasting”
 - Includes funding for observation and forecasting systems such as the Airborne Snow Observatories (ASO), implemented as the Airborne Remote Sensing of Snow (ARSS) Program, and the critical stream gage network, as well as improvements to the decision support tools and databases that rely on products from those observation systems, such as the California Data Exchange Center (CDEC)

REASON FOR ACTION:

To ensure members of the Board of Directors are informed of the latest updates on state and federal legislative and regulatory issues.

Western Water | Community and Government Affairs Committee Meeting
Agenda Item: 6B

SOLUTION:

Receive and file the January-February 2026 Government Affairs and Legislative Update

STRATEGIC PRIORITIES REFERENCE:

This item aligns with Western Water's Strategic Priority of Superior Service.

LEGAL COUNSEL REVIEW:

Staff has determined that legal review of this item is not necessary.

PROPOSED DATE OF ACTION:

If approved by the Committee, this item is scheduled for consideration by the full Board of Directors at their meeting on March 4, 2026, or at a subsequent meeting, if necessary.

Respectfully submitted by:

Sarah Macdonald

Assistant General Manager/Communications and Customer Experience

Attachments:

1. Federal Affairs Report from The Ferguson Group – January-February 2026
2. Priority Bill Report from KP Public Affairs – January-February 2026



Western Municipal Water District Federal Affairs Report – February 2026

Congress Leaves for Weeklong Recess with Government Funded – DHS Shuttered

Congress left Washington for a weeklong President’s Day recess with no clear path to prevent a Department of Homeland Security (DHS) shutdown beginning on February 14, as negotiations between Democrats and the White House remain stalled. The two sides are deeply divided over President Trump’s immigration crackdown, with Democrats seeking guardrails on U.S. Immigration Customs and Enforcement (ICE) in exchange for funding and the Administration refusing concessions that would limit its authority. If no agreement is reached by the February 13 deadline, DHS agencies like FEMA, TSA, the Coast Guard, and CISA could face a shutdown or another short-term funding patch, with particular concern over FEMA’s disaster recovery funding. Meanwhile, ICE will continue to be funded under the *One Big Beautiful Bill Act* funding approved by Congress last year.

Earlier, Congress passed a \$1.2 trillion spending package to fund nearly all federal agencies through September, ending the brief second government shutdown in four months. The Senate-passed bill passed the House 217–214 and is expected to be signed quickly by President Trump.

However, the deal leaves out the Department of Homeland Security (DHS), which is funded by a short CR only through February 13, setting up a new “funding cliff” and likely another partial shutdown. Democrats are refusing to support longer-term DHS funding unless Republicans agree to major immigration enforcement reforms, citing recent fatal shootings and accusing ICE agents of acting recklessly.

Although talks are ongoing, leaders from both parties acknowledge they are “not close” to a deal, and a funding lapse could last at least 10 days. Even if an agreement is reached, lawmakers on both sides doubt it would pass, given political pressure around immigration enforcement. With limited immediate public impact from a shutdown (ICE funded by earlier legislation/FEMA has funds to deal with near-term disasters, if they occur), neither party feels urgent pressure to compromise, raising the possibility of a prolonged standoff that could even disrupt President Trump’s upcoming State of the Union address on February 24.

Bipartisan Efforts Continue to Support Permitting Reform

“Permit certainty” has become the central focus of bipartisan permitting reform efforts, as industry, labor, and some environmental groups push Congress to limit permitting delays and ensure approved infrastructure projects can move forward without being reversed by future administrations.

Support continues to build around the bipartisan [*CERTAIN Act*](#), by Reps. Scott Peters (D-CA) and Gabe Evans (R-CO), which would require agencies to follow clear permitting timelines, and the House-passed [*SPEED Act*](#), which overhauls NEPA reviews and includes provisions to protect issued permits. Additional legislation, including the proposed draft *Fighting for Reliable Energy and Ending Doubt for Open Markets (FREEDOM) Act*, sponsored by Reps. Josh Harder (D-CA), Mike Lawler (R-NY), Adam Gray (D-CA) and Don Bacon (R-NE) among others, would further shield companies from sudden permitting reversals and hold agencies accountable for permitting delays.

Energy producers, renewable developers, and labor unions argue that certainty and durability in permitting decisions are essential for investment and job creation. While Senate negotiations remain stalled amid disputes over renewable energy under the Trump Administration, lawmakers from both parties say there is growing agreement around the principle that once a permit is issued, it should be reliable and final.

House Electronic Permitting Bill Gets Senate Companion

A bipartisan group of senators introduced the [ePermit Act](#), a bill aimed at modernizing the federal government's outdated, paper-based energy permitting system. Led by Sens. John Curtis (R-UT) and Cory Booker (D-NJ), the legislation would create a cloud-based permit portal to improve transparency, coordination, and public engagement without weakening environmental standards.

The bill is the Senate companion to [H.R. 4503](#), which already passed the House last year with unanimous support, and sponsors hope it can move quickly as Congress continues broader debates over permitting reform.

Bipartisan Central Valley House Members Ask CA Governor to Ease Bay-Delta Pumping Limits

A bipartisan group of Central Valley House members is urging California Gov. Gavin Newsom (D) to roll back a decades-old Bay-Delta water quality rule (the Port Chicago standard) that limits how much water can be pumped south from the Sacramento–San Joaquin River Delta. They argue the rule could reduce deliveries by up to 600,000 acre-feet this winter, hurting farms and communities and creating what they call a “regulatory drought.”

The rule is meant to prevent salty ocean water from moving inland and protect Delta habitat, but lawmakers and major water agencies say it's outdated and could even harm salmon later by forcing cold-water releases now when the river is already meeting temperature standards. The pumping limit is expected to remain in place for about a month, though upcoming storms this week could increase available water and exports.

Nonpoint Water Pollution Funding Bill Approved by House T&I Committee

The House Transportation and Infrastructure (T&I) Committee advanced bipartisan legislation to reauthorize the EPA's Clean Water Act (CWA) Section 319 nonpoint source pollution grant program at \$200 million annually through FY 2031. [H.R. 7376](#), the “*Local Water Protection Act*,” sponsored by Reps. Hillary Scholten (D-MI) and Brian Mast (R-FL), would continue funding efforts to reduce nonpoint runoff pollution from farms, roads and construction sites that can carry chemicals, sediment and fertilizer into waterways.

Supporters called the long-standing program a proven tool for improving water quality and aiding states like Missouri and Michigan. However, Rep. Scott Perry (R-PA) opposed the measure, arguing it intrudes on private property rights. The program was previously targeted for cuts in the Trump Administration's FY 2026 budget proposals but received \$175.25 million in current appropriated funding.

Draft Final Interior NEPA Rule Revisions at OMB for Review

The White House Office of Management and Budget (OMB) has started an interagency review of the Interior Department's draft final rule that would roll back much of DOI's formal NEPA procedures, part of the Trump Administration's push to speed up approvals for energy and infrastructure projects. The effort follows a January 2025 Trump executive order directing the Council on Environmental Quality (CEQ) to withdraw its government wide NEPA implementing rules, shifting agencies toward relying more on guidance instead of binding regulations.

Environmental groups say DOI's approach is unlawful and are preparing to sue, arguing it weakens public input, narrows environmental review requirements, and may violate the Endangered Species Act (ESA). Meanwhile, the National Mining Association supports the rollback but wants DOI to go even further by codifying NEPA changes from the 2023 Fiscal Responsibility Act and expanding the ability for industry-prepared environmental documents to be used in reviews.

Utilities, Tech Sector Split On Federal Role In Water Reuse For Data Centers

Water utilities and tech companies are divided over how much EPA and the federal government should shape water reuse policies for AI data centers, which require large amounts of water for cooling. Tech industry representatives, including Amazon Web Services, are urging the creation of national standards to avoid a patchwork of differing state regulations that can delay projects. In contrast, water utility officials argue regulation should remain primarily a state responsibility, with EPA serving as a convener to share best practices and promote incentives rather than impose federal rules.

The debate comes as EPA prepares to update its Water Reuse Action Plan to support data centers, amid growing public concern about the facilities' heavy water use and affordability impacts. Water reuse, particularly using treated wastewater, is seen as a "win-win" solution, and congressional lawmakers in the House have introduced bipartisan legislation ([H.R. 2940](#)) to create a 30 percent tax credit for water recycling projects to encourage infrastructure development.

Senate ENR Approves Legislation Without Democratic-Led Bills in Last Week's Markup

The Senate Energy and Natural Resources (ENR) Committee advanced a limited set of public lands, wildfire, and water-related bills, while dropping several higher-profile conservation and water measures, frustrating ENR Committee Democrats.

On water policy, the committee approved Sen. Alex Padilla's (D-CA) Lower Colorado River Multi-Species Conservation Program (MSCP) Amendment Act ([S. 291](#)), which would create an interest-bearing account for nonfederal contributions to the long-running Lower Colorado River MSCP program. However, several major water bills were pulled from consideration, including a bill from Sens. Martin Heinrich (D-NM) and Ben Ray Lujan (D-NM), the *Pecos Watershed Protection Act*, which would block mining and leasing in the Upper Pecos River watershed in New Mexico, as well as legislation from Sen. Heinrich ([S. 1476](#)) to expand Wild and Scenic River protections on New Mexico's Gila River system and a bill ([S. 1413](#)) that would provide additional funding for the *San Joaquin River Restoration Settlement Act* (from Sens. Padilla and Hoeven (R-ND)).

Also left out was the *Bolt's Ditch Act* ([S. 365](#)) from Sens. John Hickenlooper (D-CO) and Michael Bennet (D-CO) that would authorize additional entities to be eligible to complete the maintenance work on Bolts Ditch and the Bolts Ditch Headgate within the Holy Cross Wilderness in Colorado. Several ENR Democrats criticized the markup, noting that most conservation- and watershed-focused legislation was largely sidelined in favor of narrower or less controversial measures.

Federal February Runoff Forecasts Predict Very Low Colorado River Inflows This Spring

Federal forecasters sharply reduced projections for Colorado River runoff this year, warning that poor snowpack and unusually warm temperatures could push Lake Powell toward dangerously low levels sooner than expected. The new February 1 forecast predicts inflows into Powell will be about one-third lower than already bleak January estimates.

The worsening outlook, and lack of consensus among the seven Colorado River Basin States, puts the Trump Administration and Interior Secretary Doug Burgum under pressure to make tough decisions about how to operate the river's dams. To prevent Powell from dropping below levels that could damage Glen Canyon Dam's hydropower infrastructure, the Bureau of Reclamation may need to either release more water from upstream reservoirs like Flaming Gorge or cut releases from Powell to Lake Mead.

Both options risk triggering major interstate conflict: Upper Basin states fiercely protect their reservoirs, while Lower Basin states could sue if Powell releases drop enough to threaten what they see as compact-required deliveries. With a new long-term water-sharing deal also due within days and the seven basin states still deeply divided, the forecast intensifies the likelihood of legal and political battles over the West's most critical river system.

But hope springs eternal as weather patterns begin to shift more rain- and snow-laden storms towards the Western U.S. this month with colder temperatures in the forecast.

Senate EPW Hearing Held on Growing Water Utility Cyber Threats

The Senate Environment and Public Works (EPW) Committee held a [hearing](#) on February 4 on growing cybersecurity threats to U.S. water and wastewater infrastructure. Lawmakers from both parties generally agree on the need to strengthen protections, as cyberattacks against utilities have become more frequent. EPA has made the issue a priority under both the Biden and Trump Administrations, including the creation of a specialized EPA water office division focused on cyberthreats.

Small utilities face particular challenges due to limited funding and expertise, though larger systems have also been targeted, such as a 2021 ransomware attack on the Washington Suburban Sanitary Commission. While EPA attempted

to implement new cybersecurity requirements under the Biden Administration, the effort was withdrawn after legal challenges, leaving most federal requirements voluntary. The hearing featured testimony from a cybersecurity expert and representatives from rural and large water utilities.

Western Caucus Elects New Chair to Replace the Late Rep. LaMalfa

Rep. Celeste Maloy (R-UT) has been elected chair of the Congressional Western Caucus following the death of its longtime leader, Rep. Doug LaMalfa (R-CA). Chosen unanimously, Maloy said she plans to continue LaMalfa's priorities, focusing the GOP caucus on rural issues such as federal land use, water rights, energy, agriculture, and regulatory reform. A former caucus executive vice chair and water and land policy expert, Maloy aims to strengthen the caucus's role as a "policy powerhouse" on Western issues.

Trump Administration Signs Off on California's Sites Reservoir

The Trump Administration has formally approved the proposed Sites Reservoir north of Sacramento, CA, clearing a major regulatory hurdle and allowing the federal government to fund up to 25% of the project's cost. The decision aligns the administration with California Gov. Gavin Newsom (D) on one of the state's largest water infrastructure projects, intended to capture floodwater and improve long-term water reliability. Federal approval unlocks \$780 million already committed to the project and strengthens negotiations over future federal participation, though several key challenges remain.

D.C. Circuit Denies EPA Request to Vacate Biden-Era Limits for Four PFAS

A D.C. Circuit appellate motions panel has denied the Trump Administration's request to immediately vacate four PFAS limits in the Biden-era drinking water rule, keeping all six standards in place while litigation proceeds. The court said the legal merits for vacating the standards were not clear enough to justify early action, dealing a setback to EPA's effort to quickly roll back parts of the rule it claims were procedurally flawed. As a result, states and water utilities must continue preparing to meet existing monitoring and compliance timelines, even as uncertainty persists over the rule's ultimate fate.

As always, it is a pleasure serving the Western Municipal Water District. If this report brings rise to any questions, please contact Mark Limbaugh at (202) 286-8887 or Christopher Kearney at (202) 549-1583.

Western Municipal Water District Priority Bill List as of 2/13/2026

[AB 259](#) ([Rubio, Blanca D](#)) **Open meetings: local agencies: teleconferences.**

Current Text: Amended: 4/21/2025 [html](#) [pdf](#)

Introduced: 1/16/2025

Last Amend: 4/21/2025

Status: 7/17/2025-Failed Deadline pursuant to Rule 61(a)(10). (Last location was JUD. on 5/14/2025)
(May be acted upon Jan 2026)

Location: 7/17/2025-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law requires a member to satisfy specified requirements to participate in a meeting remotely pursuant to these alternative teleconferencing provisions, including that specified circumstances apply. Current law establishes limits on the number of meetings a member may participate in solely by teleconference from a remote location pursuant to these alternative teleconferencing provisions, including prohibiting such participation for more than 2 meetings per year if the legislative body regularly meets once per month or less. This bill would extend the alternative teleconferencing procedures until January 1, 2030.

Position

Support [As
Introduced]

Notes 1:

ACWA - SUPPORT

CSDA - Sponsor

[AB 362](#) ([Ramos D](#)) **Water policy: California tribal communities.**

Current Text: Amended: 4/21/2025 [html](#) [pdf](#)

Introduced: 1/30/2025

Last Amend: 4/21/2025

Status: 2/2/2026-Died on inactive file.

Location: 2/2/2026-A. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Porter-Cologne Water Quality Control Act establishes a statewide program for the control of the quality of all the waters in the state and makes certain legislative findings and declarations. Current law defines the term "beneficial uses" for the purposes of water quality as certain waters of the state that may be protected against quality degradation, to include, among others, domestic, municipal, agricultural, and industrial supplies. This bill would add findings and declarations related to California tribal communities, as defined, and the importance of protecting tribal water use. The bill would add tribal water uses as waters of the state that may be protected against quality degradation for purposes of the defined term "beneficial uses."

Position

Notes 1:

ACWA - OPPOSE UNLESS AMENDED

CMUA - OPPOSE UNLESS AMENDED

[AB 532](#) ([Ransom D](#)) **Water rate assistance program.**

Current Text: Amended: 7/17/2025 [html](#) [pdf](#)

Introduced: 2/11/2025

Last Amend: 7/17/2025

Status: 8/29/2025-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/18/2025)(May be acted upon Jan 2026)

Location: 8/29/2025-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current federal law, the Consolidated Appropriations Act, 2021 requires the federal Department of Health and Human Services to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, which is also known as the Low Income Household Water Assistance Program, for making grants to states and Indian tribes to assist low-income households that pay a high proportion of household income for drinking water and wastewater services, as provided. Current law requires the Department of Community Services and Development to administer the Low Income Household Water Assistance Program in this state, and to receive and expend moneys appropriated and allocated to the state for purposes of that program, pursuant to the above-described federal law. The Low Income Household Water Assistance Program was only operative until March 31, 2024. This bill would repeal the above-described requirements related to the Low Income Household Water Assistance Program.

Position

Notes 1:

CMUA - SPONSOR

[AB 794](#)

(Gabriel D) California Safe Drinking Water Act: emergency regulations.

Current Text: Amended: 4/10/2025 [html](#) [pdf](#)

Introduced: 2/18/2025

Last Amend: 4/10/2025

Status: 2/2/2026-Died on inactive file.

Location: 2/2/2026-A. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Safe Drinking Water Act (state act) requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, enforcing the federal Safe Drinking Water Act (federal act) and adopting and enforcing regulations. Current law authorizes the state board to adopt as an emergency regulation, a regulation that is not more stringent than, and is not materially different in substance and effect than, the requirements of a regulation promulgated under the federal act, with a specified exception. This bill would provide that the authority of the state board to adopt an emergency regulation pursuant to these provisions includes the authority to adopt requirements of a specified federal regulation that was in effect on January 19, 2025, regardless of whether the requirements were repealed or amended to be less stringent. The bill would prohibit an emergency regulation adopted pursuant to these provisions from implementing less stringent drinking water standards, as provided, and would authorize the regulation to include monitoring requirements that are more stringent than the requirements of the federal regulation. The bill would prohibit maximum contaminant levels and compliance dates for maximum contaminant levels adopted as part of an emergency regulation from being more stringent than the maximum contaminant levels and compliance dates of a regulation promulgated pursuant to the federal act.

Position

Notes 1:

ACWA - OPPOSE UNLESS AMENDED

CMUA - OPPOSE

[AB 810](#)

(Irwin D) Local government: internet websites and email addresses.

Current Text: Amended: 4/10/2025 [html](#) [pdf](#)

Introduced: 2/19/2025

Last Amend: 4/10/2025

Status: 2/2/2026-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Location: 1/23/2026-A. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires that a local agency that maintains an internet website for use by the public to ensure that the internet website uses a ".gov" top-level domain or a ".ca.gov" second-level domain no later than January 1, 2029. Current law requires that a local agency that maintains public email addresses to ensure that each email address provided to its employees uses a ".gov" domain name or a ".ca.gov" domain name no later than January 1, 2029. Current law defines "local agency" for these purposes as a city, county, or city and county. This bill would recast these provisions by instead requiring a city, county, or city and county to comply with the above-described domain requirements and by deleting the term "local agency" from the above-described provisions. The bill would also require a special district, joint powers authority, or other political subdivision to comply with similar domain requirements no later than January 1, 2031.

Position

SB 350 (Durazo D) Water Rate Assistance Program.

Current Text: Amended: 5/7/2025 [html](#) [pdf](#)

Introduced: 2/12/2025

Last Amend: 5/7/2025

Status: 2/2/2026-Returned to Secretary of Senate pursuant to Joint Rule 56.

Location: 1/23/2026-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Water Rate Assistance Program. As part of the program, the bill would establish the Water Rate Assistance Fund in the State Treasury, available upon appropriation by the Legislature, to provide water affordability assistance, for both residential water and wastewater services, to low-income residential ratepayers, as specified. The bill would require the state board to take various actions in administering the fund, including, among other things, tracking and managing revenue in the fund separately from all other revenue. The bill would require the State Water Resources Control Board, in consultation with relevant agencies and after a public hearing, to adopt guidelines for implementation of the program and to adopt an annual report to be posted on the state board’s internet website identifying how the fund has performed, as specified. The bill would require the guidelines to include minimum requirements for eligible systems, including the ability to confirm eligibility for enrollment through a request for self-certification of eligibility under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require the state board to take various actions in administering the program, including, but not limited to, providing guidance, oversight, and funding for low-income rate assistance for residential ratepayers of eligible systems. The bill would authorize the Attorney General, at the request of the state board, to bring an action in state court to restrain the use of any method, act, or practice in violation of these provisions, except as provided. The bill would make the implementation of all of these provisions contingent upon an appropriation by the Legislature.

Position

Notes 1: ACWA - OPPOSE UNLESS AMENDED

CSDA - OPPOSE UNLESS AMENDED 3

SB 445 (Wiener D) High-speed rail: third-party agreements, permits, and approvals: regulations.

Current Text: Amended: 7/17/2025 [html](#) [pdf](#)

Introduced: 2/18/2025

Last Amend: 7/17/2025

Status: 8/28/2025-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/20/2025)(May be acted upon Jan 2026)

Location: 8/28/2025-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law creates the High-Speed Rail Authority Office of the Inspector General (office) and authorizes the High-Speed Rail Authority Inspector General (inspector general) to initiate an audit or review regarding oversight related to delivery of the high-speed rail project undertaken by the authority and the selection and oversight of contractors related to that project. Current law requires the inspector general to submit annual reports to the Legislature and Governor regarding its findings. This bill would require the authority, on or before July 1, 2026, to develop and adopt internal rules, as defined, setting forth standards and timelines for the authority to engage utilities to ensure coordination and cooperation in relocating utility infrastructure or otherwise resolving utility conflicts affecting the delivery of the high-speed rail project. The bill would require the authority to ensure that the internal rules, among other things, identify the circumstances under which the authority would be required seek to enter into a cooperative agreement with a utility that, where relevant, identifies who is responsible for specific utility relocations, as specified.

Position

SB 496 (Hurtado D) Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.

Current Text: Amended: 4/7/2025 [html](#) [pdf](#)

Introduced: 2/19/2025

Last Amend: 4/7/2025

Status: 2/2/2026-Returned to Secretary of Senate pursuant to Joint Rule 56.

Location: 1/23/2026-S. DEAD

Dead	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 establishes the State Air Resources

Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified governmental and nongovernmental entities. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website.

Position

SB 601

(Allen D) Water: waste discharge.

Current Text: Amended: 7/10/2025 [html](#) [pdf](#)

Introduced: 2/20/2025

Last Amend: 7/10/2025

Status: 8/28/2025-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/20/2025)(May be acted upon Jan 2026)

Location: 8/28/2025-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	Policy	2 year	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act (act) and the National Pollutant Discharge Elimination System (NPDES) permit program. Under the act, the State Water Resources Control Board is authorized to adopt water quality control plans for waters for which quality standards are required by the federal Clean Water Act, as specified, and that in the event of a conflict, those plans supersede regional water quality control plans for the same waters. This bill would authorize the state board to adopt water quality control plans for nexus waters, which the bill would define as all waters of the state that are not also navigable, except as specified. The bill would require any water quality standard that was submitted to, and approved by, or is awaiting approval by, the United States Environmental Protection Agency or the state board that applied to nexus waters as of May 24, 2023, to remain in effect, as provided.

Position

OPPOSE

Notes 1:

ACWA - OPPOSE

CMUA - OPPOSE

CSDA - OPPOSE 3

Total Measures: 9

Total Tracking Forms: 9

Agenda Item: 7(D)1

Date: February 24, 2026

TO: THE COMMUNITY AND GOVERNMENT AFFAIRS COMMITTEE

Director Laura Roughton, Committee Member

Director Fauzia Rizvi, Committee Member

FROM: Sarah Macdonald, Assistant General Manager

WATER EFFICIENCY PROGRAM UPDATE



Water Efficiency Program Update

AGENDA

- Program Overview
- Commercial, Industrial, and Institutional (CII) and Public Agency Turf Transformation Program Update
- Urban Water Use Objective Performance



SUPPORTING CUSTOMERS

- **Personalized, end-to-end support for residential, commercial, and public agency customers**
- **Landscape and irrigation efficiency surveys**
- **Residential and commercial rebate programs**
- **Customer-specific outreach**
- **Regional and statewide partnerships to maximize funding and impact**

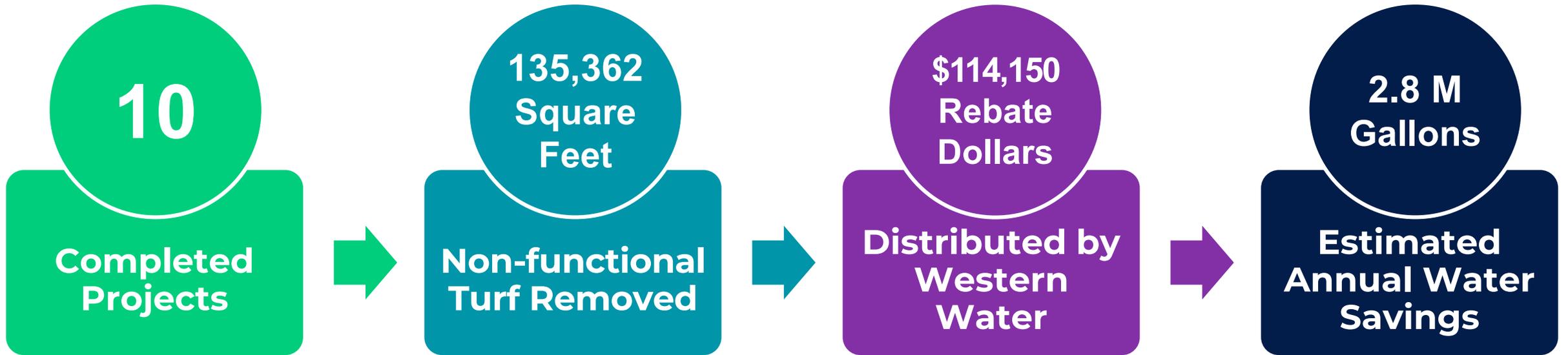


CII TURF TRANSFORMATION PROGRAM

STRATEGIC FOCUS

- Largest outdoor water savings opportunity
- Directly supports compliance with state-mandated non-functional turf restrictions
- High visibility projects that model water-wise landscapes
- Benefits include water savings, reduced run off, and long-term landscape resilience

CII TURF TRANSFORMATION PROGRAM PROGRAM RESULTS



PROJECTS IN PROGRESS

- **City of Murrieta Public Library – Phase II**
 - **Status: Pre-construction**
- **City of Riverside Fire Department Stations**
 - **Status: Application pending**
- **Westmont Village Homeowner Association**
 - **Status: Active construction**
- **Western Water Bergamont Park Pump Station**
 - **Status: Design**

URBAN WATER USE OBJECTIVE PERFORMANCE SNAPSHOT

- **Western Water is compliant with the State-mandated Urban Water Use Objective**
- **Performance exceeds required targets by 12.3%**
- **Compliance achieved through combined indoor, outdoor, and dedicated commercial efficiency strategies**
- **Ongoing forecasting and reporting through 2040**

STEWARDSHIP SERVICE RESULTS

- **Customers are supported**
- **Programs deliver measurable water savings**
- **Western Water is positioned for long-term regulatory success**
- **Continued focus on efficiency, equity, and accountability**



Thank you

