

September 2023

Legislative Update



**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

SB 544 (Laird)

Bagley-Keene Open Meeting Act: teleconferencing

[SB 544](#)

(Laird D) Bagley-Keene Open Meeting Act: teleconferencing.

Introduced: 2/15/2023

Last Amend: 9/8/2023

Status: 9/22/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 216, Statutes of 2023.

Is Fiscal: Y

Location: 9/22/2023-S. CHAPTERED

Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. This bill would enact an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. The bill would require at least one member of the state body to be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting. The bill would, under specified circumstances, authorize a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing. Specifically, the bill would authorize a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill would also authorize a member's remote participation if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member would be counted toward the majority of members required to be physically present at the same teleconference location. The bill would require a member who participates from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with those individuals. This bill contains other related provisions and other existing laws.

AB 345 (Wilson)

Habitat restoration: flood control: advance payments.

[AB 345](#) **(Wilson D) Habitat restoration: flood control: advance payments.**

Introduced: 1/31/2023

Last Amend: 6/26/2023

Status: 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

Is Fiscal: Y

Location: 9/20/2023-A. ENROLLED

Summary: Existing law authorizes the Department of Water Resources to make examinations of lands subject to inundation and overflow by floodwaters and of the waters causing the inundation or overflow and to make plans and estimates of the cost of works to regulate and control the floodwaters. Existing law also vests in the department charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. Existing law authorizes the department to cooperate and contract with any agency of the state or of the United States in order to carry out its powers and purposes. This bill would authorize the department or the board to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by the department or the board to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement. The bill would require the project proponent to demonstrate a need for an advance payment and that the project proponent is sufficiently qualified to manage the project and the project's finances. The bill would require the funds to be spent within 6 months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis, as specified.

SB 586 (Eggman)

Flood management: Mossdale Tract

SB 586

(Eggman D) Flood management: Mossdale Tract.

Introduced: 2/15/2023

Last Amend: 9/1/2023

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 9/14/2023-A. 2 YEAR

Summary: Current law requires urban and urbanizing areas protected by any levee that is part of the facilities of the State Plan of Flood Control to achieve the urban level of flood protection by 2025, with a specified exception to the deadline for the Mossdale Tract to achieve the urban level of flood protection by 2028. Current law authorizes the Department of Water Resources to require the San Joaquin Area Flood Control Agency to contribute its fair and reasonable share of any property damage caused by a flood to the extent that the state's exposure to liability for property damage has been increased by cities or counties unreasonably approving any new development in the Mossdale Tract between the years 2025 and 2028. This bill would extend the specified exception to the deadline for the Mossdale Tract to achieve the urban level of flood protection to 2030. The bill would also extend the Department of Water Resources's authority to require the San Joaquin Area Flood Control Agency to contribute its fair and reasonable share of property damage, as described above, to between the years 2025 and 2030. This bill would make legislative findings and declarations as to the necessity of a special statute for the Mossdale Tract.

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