



March 19, 2020

# COVID-19 Updates for Water Agencies and Water Users

## Gov. Newsom Issues Stay-At-Home Order Exempting Critical Infrastructure Workers

In an unprecedented move to protect the health and well-being of all Californians, Gov. Newsom issued [Executive Order N-33-20](#) on March 19, 2020, ordering Californians to stay home except as needed to fulfill certain essential services, and to continue the operation of 16 federally designated critical infrastructure sectors listed [here](#).

- Water and wastewater systems and other designated critical infrastructure should consult the [March 19, 2020, Memorandum on the Identification of Essential Critical Infrastructure Workers](#) for details.
- Check the [Department of Public Health's website](#) for further clarification and updates on the order [here](#).

## California Department of Water Resources (DWR) Postpones Some Sustainable Groundwater Management Act (SGMA) Deadlines

On March 18, 2020, DWR announced the postponement of the following three deadlines under SGMA, in light of ongoing public health and safety concerns related to COVID-19:

1. **Public comment period for groundwater sustainability plans (GSP):** extended by 30 days, bringing the new comment deadlines to May 15, 2020, and June 3, 2020, depending on the date the GSP was posted to DWR's [SGMA Portal](#).
2. **Comment period for DWR's Draft Water Budget Handbook:** extended by 30 days, bringing the new comment deadline to May 7, 2020.
3. **Annual Reports, Alternatives to GSPs:** DWR will accept the annual reports for basins with adopted GSPs, approved and pending alternatives to GSPs, and adjudicated areas after the April 1, 2020, deadline. No specific extension has been formally announced.

## Certain Reports for Surface Water Users Still Due April 1

In contrast, water rights holders should take note of the **April 1, 2020**, deadline to submit **Reports of Licensee, Permittee Progress Reports and Registration Reports covering the 2019 calendar year**.

- These reporting requirements apply to water right holders diverting surface water under a permit, license or registration (domestic, stockpond or small irrigation use) issued by the State Water Resources Control Board (SWRCB).
- More information on these reporting requirements can be found [here](#).
- The SWRCB has not announced any extension of this deadline, and the Water Code provides for penalties of up to

\$500/day for failing to submit a timely report.

For the 3rd time in 10 days, California Governor Relaxes Brown Act Meeting Requirements

On March 20, 2020, Gov. Newsom issued his third executive order relaxing open meeting laws to enable public agencies to hold meetings by phone and/or on-line, consistent with social distancing requirements in response to COVID-19. (See [Order N-25-20](#), [Order N-29-20](#) and [Order N-35-20](#).)

Pursuant to Gov. Newsom's Stay-at-Home order ([Executive Order N-33-20](#)), public agencies may continue to hold meetings, but only via teleconference consistent with the requirements of the March 17, 2020, Executive Order N-29-20. Executive Order N-29-20 suspended the requirement initially imposed by Executive Order N-25-20 that local agencies must provide a location for members of the public to comment in-person. Local agencies must still enable public participation through telephonic or other electronic means. Further, Executive Order N-29-20 adds a requirement that when conducting meetings via teleconference, public agencies must implement a procedure for receiving and "swiftly resolving" requests for reasonable accommodation under the Americans with Disabilities Act.

On March 21, 2020, Gov. Newsom issued Executive Order N-35-20 concerning communications about the current declared emergency regarding COVID-19. Specifically, a member of a legislative body may receive updates relevant to the declared emergency, and may ask questions in order to stay apprised of emergency operations and the impacts of the emergency on their constituents. But, Executive Order N-35-20 confirms that no actions may be taken, and no discussions between members may occur, without continuing to comply with relevant Brown Act requirements.

For details, public agencies should carefully consult the full executive order, or contact their Brownstein attorney for assistance in conducting a virtual public meeting.

Insights on Coronavirus: Resources for Businesses and Organizations

- Brownstein has assembled a COVID-19 Task Force to provide guidance on the legal and regulatory issues the COVID-19 threat raises for businesses and organizations more generally. These resources can be found [here](#).
- For those who wish to receive federal policy alerts, Brownstein's Washington, D.C., office is sending regular policy updates. Our National Tax Policy Group publishes a daily COVID-19 Economic Update, which includes the latest developments in Washington and relevant policy news. Those who subscribe would also receive key updates from other policy professionals and practice groups. If you would like to receive federal policy alerts, [please click here](#).

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