



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-821 Sacramento-San Joaquin Delta: Delta Independent Science Board. (2021-2022)

SHARE THIS:  

Date Published: 10/08/2021 02:00 PM

Senate Bill No. 821

CHAPTER 650

An act to amend Sections 85213 and 85280 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 07, 2021. Filed with Secretary of State October 07, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 821, Committee on Natural Resources and Water. Sacramento-San Joaquin Delta: Delta Independent Science Board.

Existing law establishes the Delta Stewardship Council. Existing law authorizes the council to contract for consultant services and architectural and engineering services to assist with preparation of the Delta Plan and performance of certain responsibilities of the council. Existing law exempts contracts for consultant services from specified provisions of law governing public contracting. Existing law requires the council to establish procedures for contracting for consultant services and architectural and engineering services.

Existing law establishes the Delta Independent Science Board and sets forth the composition of the board, including requiring the board to consist of no more than 10 members appointed by the council. Existing law requires the board to provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Sacramento-San Joaquin Delta through periodic reviews of each of those programs, as specified. Existing law requires the board to submit to the council a report on the results of each review, including recommendations for any changes in the programs reviewed by the board.

This bill would require the council to contract for the services of the members of the board, as specified. The bill would exempt these contracts from specified provisions of law governing public contracting. The bill would require the council to establish procedures for contracting for the services that are subject to these contracts.

This bill would provide that members of the board are not employees of the council and would require the members of the board to exercise their scientific judgment and perform their functions independently from the council.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 85213 of the Water Code is amended to read:

85213. (a) The council may contract for consultant services and architectural and engineering services to assist the council with all of the following functions:

(1) Preparation of the Delta Plan and associated environmental review.

(2) Performance of the council's responsibilities, or the responsibilities of the Delta Independent Science Board, with respect to the Bay Delta Conservation Plan.

(3) Determination of the consistency of state and local public agency actions with the Delta Plan.

(4) Performance of scientific review to inform water and environmental decisionmaking in the Delta.

(b) The council shall contract for the services of the members of the Delta Independent Science Board established pursuant to Section 85280, at an hourly rate of one hundred fifty dollars (\$150). The council shall increase the hourly rate annually based on inflation and cost of living adjustments.

(c) (1) Contracts entered into pursuant to this section for consultant services shall be exempt from Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and any rules or regulations adopted pursuant to those laws. Contracts entered into pursuant to subdivision (a) for architectural and engineering services shall be entered into pursuant to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, but are exempt from the requirement in Section 4526 of the Government Code to adopt regulations prior to contracting.

(2) The council shall not enter into a contract pursuant to subdivision (a) for consultant services unless at least three bids or proposals to do the work have been evaluated by a competitive process.

(3) The council shall establish procedures for contracting for services pursuant to this section, consistent with paragraphs (1) and (2). The procedures shall be exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 85280 of the Water Code is amended to read:

85280. (a) The Delta Independent Science Board is hereby established in state government.

(1) The Delta Independent Science Board shall consist of no more than 10 members appointed by the council. The term of office for members of the Delta Independent Science Board shall be five years. A member may serve no more than two terms.

(2) Members of the Delta Independent Science Board shall be nationally or internationally prominent scientists with appropriate expertise to evaluate the broad range of scientific programs that support adaptive management of the Delta. The members shall not be directly affiliated with a program or agency subject to the review activities of the Delta Independent Science Board.

(3) The Delta Independent Science Board shall provide oversight of the scientific research, monitoring, and assessment programs that support adaptive management of the Delta through periodic reviews of each of those programs that shall be scheduled to ensure that all Delta scientific research, monitoring, and assessment programs are reviewed at least once every four years.

(4) Notwithstanding being appointed and administered by the council, members of the Delta Independent Science Board shall not be employees of the Delta Stewardship Council and shall exercise their scientific judgment and perform the functions set forth in this section independently from the council.

(5) The Delta Independent Science Board shall submit to the council a report on the results of each review, including recommendations for any changes in the programs reviewed by the board.

(b) After consultation with the Delta Independent Science Board, the council shall appoint a lead scientist for the Delta Science Program.

(1) The lead scientist shall meet all of the following qualifications:

(A) Hold an advanced degree in a field related to water or ecosystem management.

(B) Have a strong record of scientific research and publication in peer-reviewed scientific journals in a field related to water or ecosystem management.

(C) Have experience advising high-level managers in science-based decisionmaking in the areas of water management and ecosystem restoration.

(D) Have the capability to guide the application of an adaptive management process to resource management policy decisions in the Delta.

(2) The term of office for the lead scientist shall be no more than three years. The lead scientist may serve no more than two terms.

(3) The lead scientist shall oversee the implementation of the Delta Science Program. In carrying out that responsibility, the lead scientist shall regularly consult with the agencies participating in the program.

(4) The mission of the Delta Science Program shall be to provide the best possible unbiased scientific information to inform water and environmental decisionmaking in the Delta. That mission shall be carried out through funding research, synthesizing and communicating scientific information to policymakers and decisionmakers, promoting independent scientific peer review, and coordinating with Delta agencies to promote science-based adaptive management. The Delta Science Program shall assist with development and periodic updates of the Delta Plan's adaptive management program.

(c) The Delta Science Program shall function as a replacement for, and successor to, the CALFED Science Program and the Delta Independent Science Board shall replace the CALFED Independent Science Board.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Due to the extreme drought conditions the state is facing, the state needs the independent analysis of water management decisions that the Delta Independent Science Board provides to inform decisionmaking and understand the impact of management decisions.