

Assembly Bill No. 553

CHAPTER 225

An act to amend Section 5.1 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to water.

[Approved by Governor September 1, 2001. Filed with Secretary of State September 4, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 553, Runner. Castaic Lake Water Agency.

(1) The Castaic Lake Water Agency Law creates the Castaic Lake Water Agency and requires the board of that agency to be comprised of 7 elected directors and 4 appointed directors that are nominated by specified retail water distributors.

This bill would require the term of office of a director appointed by a private water purveyor that is acquired by the agency to terminate at 12 o'clock noon on the first Monday after January 1 of the year following the acquisition, and would provide for the election of the successor to that director by agency voters at the statewide general election held in November of the even-numbered year following the acquisition. The bill would require the successor to hold that office for the term of 2 years and each director elected thereafter to that office to hold that office for the term of 4 years. The bill would provide for the abolishment of that office under prescribed circumstances. By imposing election-related responsibilities on the agency and other local officials, the bill would impose a state-mandated local program. The bill would make conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 5.1 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:



SEC. 5.1. (a) (1) Notwithstanding any other provision of the Castaic Lake Water Agency Law, the number of directors on the board shall, effective January 1, 1987, be increased to 11 by the addition of four appointed directors.

(2) One nominee for the office of appointed director shall be nominated by each purveyor and submitted in writing to the board of directors. The board of directors shall appoint each nominee within 30 days after the nomination is submitted, or may within the same time period by resolution reject any nominee for cause which is documented in the resolution by a detailed statement of reasons. If the board of directors rejects a nominee of any purveyor, the affected purveyor shall promptly submit a second and different nominee to the board of directors. The board of directors shall appoint the second nominee within 30 days after the second nomination is submitted, or may within the same time period likewise by resolution reject that second nominee for cause which is documented in the resolution by a detailed statement of reasons. If the board of directors rejects any second nominee of any purveyor, the affected purveyor shall select a third and still different nominee, which nominee shall be entitled without further board action to take an oath of office as required by law and to thereafter serve as an appointed director of the agency.

(3) A nominee of a purveyor may be a shareholder, director, officer, agent, or employee of the nominating purveyor, and shall be a registered voter within Los Angeles County or Ventura County. Any nominee of a purveyor who is the chief executive officer, chief operating officer, or the general manager of the purveyor shall be rejected for appointment only on the ground that the nominee is legally disqualified from holding the office of director by reason of a provision of law applicable to appointed directors of the agency.

(4) The initial terms of two of the appointed directors shall expire on the first Monday of January 1989, and the initial terms of the other two appointed directors shall expire on the first Monday of January 1991. After the expiration of the initial term of office of an appointed director, the term of that office shall be four years. The initial term of each appointed director shall be determined by lot, provided that a director nominated either by the Los Angeles County Board of Supervisors on behalf of Los Angeles County Waterworks District No. 36 or by Newhall County Water District and a director nominated by Santa Clarita Water Company or by Valencia Water Company shall be appointed to an office the initial term of which will expire on the first Monday of January 1991.

(5) Upon expiration of an initial term of office of an appointed director, the office of that appointed director shall be filled pursuant to Section 5.2. If a vacancy occurs in the office of an appointed director, it



shall be filled in the same manner as is provided in subdivisions (a) and (b) of Section 5.2 for the appointment of a successor appointed director, except that the purveyor or its successor in interest to which the vacancy relates shall within not more than 60 days of the occurrence of the vacancy nominate a person for appointment to the vacant office, and the vacant office shall be filled by the board of directors not later than 30 days after that nomination.

(6) An incumbent in the office of appointed director shall be subject to recall by the voters of the entire agency in accordance with Division 11 (commencing with Section 11000) of the Elections Code, except that any vacancy created by a successful recall shall be filled in accordance with the procedure provided by this section for a vacancy created other than by a recall election.

(b) (1) Notwithstanding any other provision of the Castaic Lake Water Agency Law, if the agency acquires a private water purveyor, the term of office of the director appointed by the private purveyor shall terminate at 12 o'clock noon on the first Monday after January 1 of the year following the acquisition.

(2) The successor to the director described in paragraph (1) shall be elected at-large by agency voters at the statewide general election held in November of the even-numbered year following the acquisition, and shall take office at 12 o'clock noon on the first Monday after January 1 of the year following the election. The successor shall hold office for the term of two years from the date of taking office and until the election and qualification of the next director to hold that office. Each elected director thereafter to hold the office described in this subdivision shall hold office for the term of four years from the date of taking office and until the election and qualification of the next director to hold that office.

(3) The elected office described in paragraph (2) shall cease to exist upon the abolishment of the offices of appointed directors pursuant to subdivision (c) of Section 5.2.

(4) Paragraph (1) shall not be effective with respect to the director appointed by the Santa Clarita Water Company until a court of competent jurisdiction issues a final decision holding that the agency acquired the company.

SEC. 2. The provisions of this act shall not be construed to affect any court actions or proceedings filed prior to the effective date of this act.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556



of the Government Code and Section 6 of Article XIII B of the California Constitution.

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