

AMENDED IN SENATE APRIL 24, 2001

AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 428

Introduced by Senator Oller
(Principal coauthor: Assembly Member Leslie)

February 21, 2001

An act to amend Section 33 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as amended, Oller. El Dorado County Water Agency.

(1) The El Dorado County Water Agency Act requires the El Dorado County Board of Supervisors to be ex officio the Board of Directors of the El Dorado County Water Agency.

This bill, on and after March 1, 2002, would require the board of directors of the agency to consist of 5 appointed members, 3 of whom are required to be directors of the El Dorado County Board of Supervisors, one of whom is required to be a member of the Board of the South Lake Tahoe Public Utility District or the Tahoe City Public Utility District, and one of whom is required to be a member of the Board of the El Dorado Irrigation District, the Grizzly Flats Community Services District, or the Georgetown Divide Public Utility District, as prescribed. With certain exceptions, the bill would require the directors to serve ~~2-year~~ 4-year terms. The bill would require *that if a director ceases to be a member during his or her term, his or her position as a director would be vacant and any vacancy in the office of a director to* would be filled by the appropriate appointing authorities. By requiring

local public agencies to appoint directors to the board of the agency, the bill would impose a state-mandated local program.

~~(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 33 of the El Dorado County Water
2 Agency Act (Chapter 2139 of the Statutes of 1959) is amended to
3 read:

4 Sec. 33. (a) On and after March 1, 2002, the board of
5 directors of the agency shall consist of five members, who are
6 appointed as follows:

7 (1) (A) Subject to paragraph (1) of subdivision (e), three
8 directors shall be members of the board of supervisors of the
9 county who are appointed by that board to a term of ~~two~~ four years,
10 except that one of the three directors whose terms commence on
11 March 1, 2002, shall be appointed to serve until January 31, 2003
12 2004, subject to the appointment and qualification of his or her
13 successor.

14 (B) In making appointments pursuant to this paragraph, the
15 board of supervisors of the county shall consider appointing a



1 member that represents a supervisorial district that includes the
2 largest area in the county not served by a water district.

3 (2) Subject to paragraph (1) of subdivision (e), one director
4 shall be a member of the Board of the South Lake Tahoe Public
5 Utility District or the Tahoe City Public Utility District who is
6 appointed pursuant to a resolution adopted by a majority vote of
7 the board of directors of each of the districts described in this
8 paragraph to a term of ~~two~~ *four* years. An alternate director who
9 meets the requirements of this paragraph shall also be appointed
10 pursuant to this paragraph to serve if the director who is appointed
11 pursuant to this paragraph is absent or unable to serve for any
12 reason.

13 (3) (A) One director shall be a member of the Board of the El
14 Dorado Irrigation District, the Grizzly Flats Community Services
15 District, or the Georgetown Divide Public Utility District who is
16 appointed pursuant to a resolution adopted by a majority vote of
17 the board of directors of at least two of the districts described in
18 this paragraph to a term of ~~two~~ *four* years, except that the director
19 whose term commences on March 1, 2002, shall be appointed to
20 serve until January 31, ~~2003~~ *2004*, subject to the appointment and
21 qualification of his or her successor. An alternate director who
22 meets the requirements of this paragraph shall also be appointed
23 pursuant to this paragraph to serve if the director who is appointed
24 pursuant to this paragraph is absent or unable to serve for any
25 reason.

26 (B) If a director is selected pursuant to this paragraph who is not
27 a member of the board of the El Dorado Irrigation District, the
28 boards of the districts described in subparagraph (A) shall appoint,
29 by majority vote, a director who is a member of the board of the
30 El Dorado Irrigation District to a term of ~~two~~ *four* years who shall
31 serve upon the conclusion of the term of the director who is
32 selected pursuant to this paragraph who is not a member of the
33 board of the El Dorado Irrigation District.

34 (b) Not later than January 15 of the year in which the term of
35 office is required to commence, each district from which
36 appointees have been selected pursuant to paragraph (2) or (3) of
37 subdivision (a) shall notify, in writing, the board of the agency
38 regarding those appointments.

39 (c) (1) If no notification of an appointment is received by the
40 board of the agency pursuant to subdivision (b) with regard to an



1 appointment described in paragraph (2) or (3) of subdivision (a),
2 the board of the agency shall request, in writing, the board of
3 supervisors of the county to appoint that director or alternate
4 director.

5 (2) A director or alternate director appointed pursuant to this
6 subdivision for the purposes of making an appointment described
7 in paragraph (2) of subdivision (a) shall be a member of the board
8 of the South Lake Tahoe Public Utility District or the Tahoe City
9 Public Utility District.

10 (3) A director or alternate director appointed pursuant to this
11 subdivision for the purposes of making an appointment described
12 in paragraph (3) of subdivision (a) shall be a member of the board
13 of the El Dorado Irrigation District, the Grizzly Flats Community
14 Services District, or the Georgetown Divide Public Utility
15 District.

16 (d) Notwithstanding the fixed terms of the directors, each of the
17 five directors shall serve at the pleasure of the appointing
18 authorities. For the purposes of this subdivision, the board of
19 supervisors of the county shall be the appointing authority with
20 regard to any appointment made pursuant to subdivision (c).

21 (e) (1) The terms of office for the initial board of directors
22 appointed pursuant to this section shall commence on March 1,
23 2002. Except as otherwise provided in paragraphs (1) and (3) of
24 subdivision (a), the terms of office for the initial board of directors
25 appointed pursuant to this section shall expire on January 31, ~~2004~~
26 ~~2006~~, subject to the appointment and qualification of the
27 respective successor.

28 (2) For succeeding directors, other than those appointed to fill
29 vacancies, each term of office shall commence on February 1 of
30 the applicable year and shall expire on January 31, ~~two~~ four years
31 thereafter, subject to the appointment and qualification of the
32 respective successor.

33 (f) *If a director who is a member of the board of supervisors of*
34 *the county or is a member of a board of directors of a special*
35 *district named in subdivision (a) ceases to be a member during his*
36 *or her term, his or her position as a director of the agency shall be*
37 *vacant. Any vacancy in the office of a director shall be filled by*
38 *the appropriate appointing authorities.*



1 (g) Each director shall serve on the board of the agency without
2 additional compensation, except the member shall be allowed his
3 or her actual, necessary, and reasonable traveling expenses.

4 (h) The board of directors shall elect a chairperson, who shall
5 preside at all meetings of the board and shall elect a
6 vice-chairperson for the purposes of serving in case the
7 chairperson is absent or unable to act.

8 (i) Any member of the board may administer oaths, when
9 necessary in the performance of his or her official duties.

10 (j) A majority of the members of the board shall constitute a
11 quorum for the transaction of business, and no act of the board
12 shall be valid or binding unless a majority of all members concur
13 therein.

14 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
15 ~~Code, if the Commission on State Mandates determines that this~~
16 ~~act contains costs mandated by the state, reimbursement to local~~
17 ~~agencies and school districts for those costs shall be made pursuant~~
18 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
19 ~~2 of the Government Code. If the statewide cost of the claim for~~
20 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
21 ~~reimbursement shall be made from the State Mandates Claims~~
22 ~~Fund.~~

23 *SEC. 2. No reimbursement is required by this act pursuant to*
24 *Section 6 of Article XIII B of the California Constitution because*
25 *the only costs that may be incurred by a local agency or school*
26 *district are the result of a program for which legislative authority*
27 *was requested by that local agency or school district, within the*
28 *meaning of Section 17556 of the Government Code and Section 6*
29 *of Article XIII B of the California Constitution.*

