

Senate Bill No. 428

CHAPTER 91

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

[Approved by Governor July 20, 2001. Filed with Secretary of State July 23, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 428, 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 that the board of directors of the agency consist of 5 appointed members, 3 of whom required to be directors of the El Dorado County Board of Supervisors, one of whom would be 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 would be 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 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 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.

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 33 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is amended to read:

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



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

(B) In making appointments pursuant to this paragraph, the board of supervisors of the county shall consider appointing a member that represents a supervisorial district that includes the largest area in the county not served by a water district.

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

(3) (A) One director shall 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 who is appointed pursuant to a resolution adopted by a majority vote of the board of directors of at least two of the districts described in this paragraph to a term of four years, except that the director whose term commences on March 1, 2002, shall be appointed to serve until January 31, 2004, subject to the appointment and qualification of his or her successor. An alternate director who meets the requirements of this paragraph shall also be appointed pursuant to this paragraph to serve if the director who is appointed pursuant to this paragraph is absent or unable to serve for any reason.

(B) If a director is selected pursuant to this paragraph who is not a member of the board of the El Dorado Irrigation District, the boards of the districts described in subparagraph (A) shall appoint, by majority vote, a director who is a member of the board of the El Dorado Irrigation District to a term of four years who shall serve upon the conclusion of the term of the director who is selected pursuant to this paragraph who is not a member of the board of the El Dorado Irrigation District.

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



(c) (1) If no notification of an appointment is received by the board of the agency pursuant to subdivision (b) with regard to an appointment described in paragraph (2) or (3) of subdivision (a), the board of the agency shall request, in writing, the board of supervisors of the county to appoint that director or alternate director.

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

(3) A director or alternate director appointed pursuant to this subdivision for the purposes of making an appointment described in paragraph (3) of subdivision (a) shall 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.

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

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

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

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

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

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



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

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

SEC. 2. 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.

