

Senate Bill No. 1663

CHAPTER 199

An act to add Sections 4730.11 and 4730.12 to, to repeal Section 4730.3 of, the Health and Safety Code, relating to sanitation districts.

[Approved by Governor July 27, 2004. Filed with
Secretary of State July 27, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1663, Machado. Sanitation districts: Sacramento County and West Sacramento.

Existing law establishes the membership of a governing body of a sanitation district in the County of Sacramento as the Sacramento County Board of Supervisors, unless the district includes territory that is within a city, in which case existing law requires the membership to include the presiding officer of the governing body of each city so included.

This bill would, instead, require inclusion of a member of the governing body of the city, appointed by that governing body, and one member of the governing body to serve as an alternate.

This bill would, notwithstanding those provisions, require the governing body of the Sacramento Regional Sanitation District to include from one to 8 members, depending upon population, of the governing bodies of included cities.

Existing law, in effect only until January 1, 2005, or until construction of a pipeline facility in the unincorporated portion of Yolo County is completed, whichever is later, requires that if the district includes territory in the City of West Sacramento, the governing body shall also include the member of the Yolo County Board of Supervisors whose supervisorial district includes all, or a greater portion of, the population of the City of West Sacramento.

This bill would delete these provisions and would enact similar provisions applicable only to the Sacramento Regional Sanitation District. The bill would delete the repeal provisions related to January 1, 2005, and the construction of the pipeline facility.

Existing law provides that if the members of the governing body of the sanitation district constitute an even number under these circumstances, the Chairperson of the Sacramento County Board of Supervisors shall have an additional vote.

This bill instead would provide that each member or alternate member of the board of directors has one vote, except that the chairperson of the



board of directors of the sanitation district shall have the additional vote if the members of the board constitute an even number and if the vote is tied.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

To the extent that this bill would require local governing bodies to comply, it would impose a state-mandated local program.

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 4730.11 is added to the Health and Safety Code, immediately following Section 4730.1, to read:

4730.11. (a) Notwithstanding any other provision of this article, the governing body of the Sacramento County Sanitation District No. 1 shall be a board of directors composed of not less than five members.

(b) If the district includes no territory that is within a city, the Sacramento County Board of Supervisors shall be the board of directors of the district. If the district includes territory that is within a city, the board of directors shall be composed of the Sacramento County Board of Supervisors and a member of the governing body of each included city, appointed by that city's governing body.

(c) The governing body of each city located within the district may appoint one of its members to serve as an alternate to act in the absence, inability, or refusal to act, of its appointed member.

(d) (1) Each member or alternate member of the board of directors shall have one vote.

(2) Notwithstanding paragraph (1), if the members of the board of directors constitute an even number and if the vote is tied, the chairperson of the board of directors shall have an additional vote.

SEC. 2. Section 4730.12 is added to the Health and Safety Code, immediately following Section 4730.11, to read:

4730.12. (a) Notwithstanding any other provision of this article, the governing body of the Sacramento Regional County Sanitation District shall be a board of directors composed of all of the following:

(1) The Sacramento County Board of Supervisors.



(2) A member or members of the governing body of each city included in the district, appointed by the governing body of each of those cities.

(3) That member of the Yolo County Board of Supervisors whose supervisorial district includes all, or the greater portion of, the population of the City of West Sacramento.

(b) The governing body of each city located within the district shall appoint a member or members to the board of directors based on that city's population, as follows:

City Population	Number of Board Members
0 to 150,000	1
150,001 to 250,000	2
250,001 to 350,000	3
350,001 to 450,000	4
450,001 to 550,000	5
550,001 to 650,000	6
650,001 to 750,000	7
750,001 and above	8

(c) For the purpose of determining the population of a city, the governing body of each city shall rely on the most recent decennial United States Census or the latest population estimate by the Department of Finance, whichever is more recent.

(d) The governing body of each city located within the district may appoint one of its members to serve as an alternate to act in the absence, inability, or refusal to act, of each appointed member. The Yolo County Board of Supervisors may appoint one of its members to serve as an alternate to act in the absence, inability, or refusal to act, of its member.

(e) (1) Each member or alternate member of the board of directors shall have one vote.

(2) Notwithstanding paragraph (1), if the members of the board of directors constitute an even number and if the vote is tied, the chairperson of the board of directors shall have an additional vote.

SEC. 3. Section 4730.3 of the Health and Safety Code, as added by Section 2 of Chapter 390 of the Statutes of 2001, is repealed.

SEC. 4. Section 4730.3 of the Health and Safety Code, as added by Section 3 of Chapter 390 of the Statutes of 2001, is repealed.

SEC. 5. Due to the unique circumstances concerning the sanitation facilities in the County of Sacramento, the County of Yolo, and adjacent areas, it is necessary that provision be made for representation of affected



areas, and the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 6. 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.

