

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 466

Introduced by Assembly Member Coto

(Coauthors: Assembly Members Beall, Fong, Ruskin, and Torrico)

(Coauthors: Senators Alquist, DeSaulnier, and Maldonado)

February 24, 2009

An act to amend Sections 13.2 and 20 of, to add Sections 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, and 8 to, and to repeal and add Sections 7, 7.1, and 7.3 of, the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Coto. Santa Clara Valley Water District.

(1) The Santa Clara Valley Water District Act establishes the Santa Clara Valley Water District and specifies its powers and purposes relating to water supply and flood management. The act requires the board of the district, until January 1, 2010, to consist of 2 directors who are appointed and 5 directors who are elected in accordance with specified procedures. The act requires the board of directors, on and after January 1, 2010, to consist of 5 directors who are elected in accordance with specified procedures.

This bill would repeal certain provisions of the act relating to the board of the district. The bill would revise the composition of the board of the district by requiring the board to transition to an all-elected board that ~~consists~~, on and after noon on January 3, 2011, *consists* of 7 directors who are elected pursuant to specified requirements. The board also would be required to adopt a resolution establishing the boundaries

of the 7 *electoral* districts. By imposing requirements on the district, the bill would impose a state-mandated local program.

(2) The act requires the board of the district, on or before June 15 of each year, to meet at the time and place designated by published notice, at which meeting any member of the public may appear to be heard regarding any item in the proposed budget.

This bill would require the board to review its financial reserves *and its reserve management policy* at this meeting, and to provide an opportunity for the public to make comments on the budget before acting on the budget. The bill would require the directors who serve on the board to comply with various requirements relating to the activities of ~~district-related lobbyists~~ *persons who lobby the district*, contract bidding, severance pay, travel reimbursement, and other matters. The bill would require the district to make available to the public specified reports prepared by district staff for the board. These requirements on the district would impose a state-mandated local program.

(3) The act authorizes the district to impose special taxes at minimum rates according to land use category and size. The act authorizes the district to provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age and meet a specified total household income limit.

This bill would extend the exemption to an otherwise qualified taxpayer who qualifies as totally disabled under the *federal* Social Security Act.

(4) 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 7 of the Santa Clara Valley Water District
- 2 Act (Chapter 1405 of the Statutes of 1951), as added by Section
- 3 3 of Chapter 279 of the Statutes of 2006, is repealed.
- 4 SEC. 2. Section 7 is added to the Santa Clara Valley Water
- 5 District Act (Chapter 1405 of the Statutes of 1951), to read:

1 Sec. 7. Except as otherwise provided in this act, the individuals
2 who serve on the board of the Santa Clara Valley Water District
3 on December 31, 2008, in accordance with the Santa Clara Valley
4 Water District Act (Chapter 1405 of the Statutes of 1951, as
5 amended) shall continue to serve on the board of the district
6 established by this act.

7 SEC. 3. Section 7.1 of the Santa Clara Valley Water District
8 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
9 17 of Chapter 906 of the Statutes of 1993, is repealed.

10 SEC. 4. Section 7.1 is added to the Santa Clara Valley Water
11 District Act (Chapter 1405 of the Statutes of 1951), to read:

12 Sec. 7.1. Until noon on January 3, 2011, the board shall consist
13 of the following directors:

14 (a) Two appointed directors who serve on the board of the Santa
15 Clara Valley Water District on December 31, 2008, pursuant to
16 Section 7.2 of the Santa Clara Valley Water District Act (Chapter
17 1405 of the Statutes of 1951), as amended by Section 4 of Chapter
18 279 of the Statutes of 2006).

19 (b) Five directors who are elected pursuant to Section 7.1 of the
20 Santa Clara Valley Water District Act (Chapter 1405 of the Statutes
21 of 1951, as amended by Chapter 906 of the Statutes of 1993).

22 SEC. 5. Section 7.3 of the Santa Clara Valley Water District
23 Act (Chapter 1405 of the Statutes of 1951), as added by Section
24 6 of Chapter 279 of the Statutes of 2006, is repealed.

25 SEC. 6. Section 7.3 is added to the Santa Clara Valley Water
26 District Act (Chapter 1405 of the Statutes of 1951), to read:

27 Sec. 7.3. Directors described in subdivision (b) of Section 7.1
28 from the first and fourth supervisorial districts who are elected in
29 2006 shall serve until noon on January 3, 2011.

30 SEC. 7. Section 7.4 is added to the Santa Clara Valley Water
31 District Act (Chapter 1405 of the Statutes of 1951), to read:

32 Sec. 7.4. Directors described in subdivision (b) of Section 7.1
33 from the second, third, and fifth supervisorial districts who are
34 elected in 2008 shall serve until noon on January 7, 2013.

35 SEC. 8. Section 7.5 is added to the Santa Clara Valley Water
36 District Act (Chapter 1405 of the Statutes of 1951), to read:

37 Sec. 7.5. Directors described in subdivision (a) of Section 7.1
38 shall serve until noon on January 3, 2011.

39 SEC. 9. Section 7.6 is added to the Santa Clara Valley Water
40 District Act (Chapter 1405 of the Statutes of 1951), to read:

1 Sec. 7.6. Notwithstanding any other provision of law,
2 commencing at noon on January 3, 2011, the number of elected
3 directors on the board shall be increased from five to seven and
4 the number of appointed directors shall be reduced from two to
5 zero.

6 SEC. 10. Section 7.7 is added to the Santa Clara Valley Water
7 District Act (Chapter 1405 of the Statutes of 1951), to read:

8 Sec. 7.7. (a) On or before June 30, 2010, the board shall adopt
9 a resolution that divides the district into seven electoral districts
10 and that assigns a number to each district.

11 (b) Using the most recent census data as a basis, the electoral
12 districts shall be as nearly equal in population as possible.

13 (c) In establishing the boundaries of the electoral districts, the
14 board may give consideration to the topography, geography,
15 cohesiveness, contiguity, integrity, compactness of territory, and
16 the community of interests of the electoral districts.

17 SEC. 11. Section 7.8 is added to the Santa Clara Valley Water
18 District Act (Chapter 1405 of the Statutes of 1951), to read:

19 Sec. 7.8. (a) The first elections for the first, fourth, sixth, and
20 seventh electoral districts established pursuant to Section 7.7 shall
21 be conducted at the November 2, 2010, statewide general election.
22 The first elections for the second, third, and fifth electoral districts
23 established pursuant to Section 7.7 shall be conducted at the
24 November 6, 2012, statewide general election.

25 (b) Except as otherwise provided by this act, the term of office
26 for each director elected pursuant to subdivision (a) shall be four
27 years beginning on the first Monday in January following his or
28 her election and the director shall hold office until his or her
29 successor qualifies and takes office.

30 (c) Elections for the electoral districts established pursuant to
31 Section 7.7 shall be conducted in accordance with the Uniform
32 District Election Law (Part 4 (commencing with Section 10500)
33 of Division 10 of the Elections Code).

34 (d) (1) One director shall be elected in accordance with this
35 section by the voters of each electoral district.

36 (2) A candidate for the board of directors shall be a resident in
37 the electoral district for which he or she is a candidate.

38 (3) A director shall continue to reside within the electoral district
39 during his or her term of office, except that no change in boundaries

1 of an electoral district shall affect the term of office of any
2 incumbent director.

3 (e) The directors elected pursuant to this section are to exercise
4 their independent judgment on behalf of the interests of the entire
5 district, including the residents, property owners, and the public
6 as a whole in furthering the purposes and intent of this act.

7 SEC. 12. Section 7.9 is added to the Santa Clara Valley Water
8 District Act (Chapter 1405 of the Statutes of 1951), to read:

9 Sec. 7.9. A vacancy in the office of any director shall be filled
10 pursuant to Section 1780 of the Government Code. Any director
11 appointed to fill a vacancy in either of the offices described in
12 subdivision (a) of Section 7.1 shall represent the district at large
13 and shall be a qualified elector residing in the County of Santa
14 ~~Cruz~~ Clara.

15 SEC. 13. Section 7.10 is added to the Santa Clara Valley Water
16 District Act (Chapter 1405 of the Statutes of 1951), to read:

17 Sec. 7.10. Any elected director may be recalled by the voters
18 pursuant to Chapter 1 (commencing with Section 11000) of
19 Division 11 of the Elections Code.

20 SEC. 14. Section 7.11 is added to the Santa Clara Valley Water
21 District Act (Chapter 1405 of the Statutes of 1951), to read:

22 Sec. 7.11. The board shall review the boundaries of the seven
23 electoral districts established pursuant to Section 7.7 before
24 November 1 of the year following the year in which each decennial
25 census is taken. The boundaries shall be adjusted if needed in
26 accordance with Section 22000 of the Elections Code so that each
27 electoral district is as nearly equal in population to the others as
28 possible. In making the adjustments, the board may give
29 consideration to the factors described in subdivision (c) of Section
30 7.7.

31 SEC. 15. Section 8 is added to the Santa Clara Valley Water
32 District Act (Chapter 1405 of the Statutes of 1951), to read:

33 Sec. 8. (a) While serving as a member of the board of directors,
34 and for one year immediately following the end of the director's
35 term of office, no director shall seek or accept compensated
36 employment with the district.

37 (b) The board, by ordinance, shall adopt regulations governing
38 the activities of persons who lobby the district. Those regulations
39 shall include provisions requiring registration of lobbyists,
40 reporting requirements governing the activities of lobbyists and

1 communications with board members, and disclosure by directors
2 of contact with lobbyists prior to voting on matters related to the
3 contact. This ordinance shall be adopted no later than July 1, 2010.

4 (c) (1) No director shall contact staff on behalf of a party who
5 is bidding or intends to bid on a district contract or who has or
6 intends to submit a response to a request for proposals or request
7 for qualifications, nor shall a director inquire about the identity of
8 bidders or proposers prior to the time that staff has made a
9 recommendation for selection of a contractor, vendor, or consultant.

10 (2) Paragraph (1) does not prohibit a director from making
11 general inquiries about the status of a particular procurement, or
12 from providing a member of the public with information about the
13 appropriate staff contact concerning procurement of goods and
14 services by the district.

15 (d) The board may not authorize severance pay for a
16 board-appointed employee of the district when the employee
17 voluntarily separates from district employment. "Severance pay"
18 does not include any otherwise lawful payment required to be paid
19 by the district under a preexisting employment agreement or under
20 a separation and release agreement resolving a claim or claims
21 made or threatened to be made against the district. The board shall
22 not agree to amend an employment contract after the employee
23 announces or requests a voluntary separation, except upon a board
24 determination, in open session, that an adjustment in compensation
25 is required to retain the employee and is in the best interest of the
26 district.

27 ~~(e) Minutes of meetings of the board of directors shall include~~
28 ~~a report of the actions taken in closed session at that meeting in~~
29 ~~accordance with Section 54957.1 of the Government Code.~~

30 *(e) A public report made pursuant to Section 54957.1 of the*
31 *Government Code of actions taken in closed session shall be*
32 *reflected in the minutes of the board meeting at which the report*
33 *was made.*

34 (f) (1) Subject to paragraph (2), reports prepared by district
35 staff for the board that recommend action on any item to be
36 considered at a regular public meeting of the board, or at a public
37 hearing conducted by the board, shall be made available to the
38 public no later than 10 days prior to the date of that meeting or
39 hearing.

1 (2) The following reports that are otherwise described in
2 paragraph (1) shall be made available as soon as the report is
3 completed:

4 (A) Reports relating to a contract award, if the contract has been
5 considered at a prior board meeting.

6 (B) Reports recommending board action necessary to meet a
7 legal deadline, including a deadline for a grant funding application.

8 (C) Reports conveying a recommendation from a board
9 committee.

10 (D) Reports recommending immediate board action to address
11 urgent health, safety, or financial matters identified in the report.

12 (E) Supplemental reports conveying additional information
13 received after the initial report was released.

14 (3) If a recommendation in a staff report is revised based upon
15 direction from a member of the board, the revision shall be
16 disclosed in the applicable report.

17 (4) *This subdivision does not require the public release of any*
18 *document that is exempt from disclosure under Chapter 3.5*
19 *(commencing with Section 6250) of Division 7 of Title 1 of the*
20 *Government Code or any other provision of law.*

21 (g) On a quarterly basis, a report of the travel reimbursements
22 to each director shall be placed on an open session board meeting
23 agenda for review and a determination by the board whether the
24 travel reimbursements comply with the board's reimbursement
25 policies adopted pursuant to Section 53232.3 of the Government
26 Code. Only travel expenses in compliance with those policies may
27 be reimbursed by the district.

28 SEC. 16. Section 13.2 of the Santa Clara Valley Water District
29 Act (Chapter 1405 of the Statutes of 1951), as added by Section
30 1 of Chapter 63 of the Statutes of 2001, is amended to read:

31 Sec. 13.2. For the purposes of levying special taxes pursuant
32 to paragraph (2) of Section 13, the district may impose special
33 taxes in accordance with Article 3.5 (commencing with Section
34 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the
35 Government Code at minimum uniform rates according to land
36 use category and size. The district may provide an exemption from
37 these taxes for residential parcels owned and occupied by one or
38 more taxpayers who are at least 65 years of age, or who qualify
39 as totally disabled under the *federal* Social Security Act, if the

1 total household income is less than an amount that is approved by
2 the voters of the district.

3 SEC. 17. Section 20 of the Santa Clara Valley Water District
4 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
5 9 of Chapter 279 of the Statutes of 2006, is amended to read:

6 Sec. 20. (a) On or before June 15 of each year, the board shall
7 meet, at the time and place designated by published notice, at
8 which meeting any member of the general public may appear and
9 be heard regarding any item in the proposed budget or for the
10 inclusion of additional items.

11 (b) At the same time and place designated in the public notice,
12 the board shall review its financial reserves, including the
13 justification therefor, and ~~shall present an overview of~~ its reserve
14 management policy. The board shall provide an opportunity for
15 the public to make comments on the budget before acting on the
16 budget.

17 (c) After the conclusion of the meeting, and not later than June
18 30 of each year, and after making any revisions of, deductions
19 from, or increases or additions to, the proposed budget that the
20 board determines advisable during or after the meeting, the board,
21 by resolution, shall adopt the budget as finally determined.

22 SEC. 18. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district are the result of a program for which legislative authority
26 was requested by that local agency or school district, within the
27 meaning of Section 17556 of the Government Code and Section
28 6 of Article XIII B of the California Constitution.