

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 466**

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**Introduced by Assembly Member Coto**  
**(Coauthors: Assembly Members Beall, Fong, Ruskin, and Torrico)**  
(Coauthors: Senators Alquist, DeSaulnier, and Maldonado)

February 24, 2009

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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, on and after noon on December 3, 2010, 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. The bill would require the directors who serve on the board to comply with various requirements relating to the activities of 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.

SEC. 2. Section 7 is added to the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), to read:

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

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Act (Chapter 1405 of the Statutes of 1951), as amended by Section 17 of Chapter 906 of the Statutes of 1993, is repealed.

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

Sec. 7.1. Until noon on December 3, 2010, the board shall consist of the following directors:

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

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

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District Act (Chapter 1405 of the Statutes of 1951), as added by Section 6 of Chapter 279 of the Statutes of 2006, is repealed.

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

Sec. 7.3. Directors described in subdivision (b) of Section 7.1 from the first and fourth supervisorial districts who are elected in 2006 shall serve until noon on December 3, 2010.

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

Sec. 7.4. Directors described in subdivision (b) of Section 7.1 from the second, third, and fifth supervisorial districts who are elected in 2008 shall serve until noon on December 7, 2012.

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

Sec. 7.5. Directors described in subdivision (a) of Section 7.1 shall serve until noon on December 3, 2010.

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

Sec. 7.6. Notwithstanding any other provision of law, commencing at noon on December 3, 2010, the number of elected directors on the board shall be increased from five to seven and the number of appointed directors shall be reduced from two to zero.

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

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

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

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

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

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

(b) Except as otherwise provided by this act, the term of office for each director elected pursuant to subdivision (a) shall be four years beginning at noon on the first ~~Monday~~ *Friday* in December following his or her election and the director shall hold office until his or her successor qualifies and takes office.

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

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

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

1 (3) A director shall continue to reside within the electoral district  
2 during his or her term of office, except that no change in boundaries  
3 of an electoral district shall affect the term of office of any  
4 incumbent director.

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

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

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

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

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

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

24 Sec. 7.11. The board shall review the boundaries of the seven  
25 electoral districts established pursuant to Section 7.7 before  
26 November 1 of the year following the year in which each decennial  
27 census is taken. The boundaries shall be adjusted if needed in  
28 accordance with Section 22000 of the Elections Code so that each  
29 electoral district is as nearly equal in population to the others as  
30 possible. In making the adjustments, the board may give  
31 consideration to the factors described in subdivision (c) of Section  
32 7.7.

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

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

39 (b) The board, by ordinance, shall adopt regulations governing  
40 the activities of persons who lobby the district. Those regulations

1 shall include provisions requiring registration of lobbyists,  
2 reporting requirements governing the activities of lobbyists and  
3 communications with board members, and disclosure by directors  
4 of contact with lobbyists prior to voting on matters related to the  
5 contact. This ordinance shall be adopted no later than July 1, 2010.

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

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

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

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

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

39 (2) Notwithstanding paragraph (1), the following reports shall  
40 be made available to the public within the time period required by

1 the Ralph M. Brown Act (Chapter 9 (commencing with Section  
2 54950) of Part 1 of Division 2 of Title 5 of the Government Code):

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

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

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

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

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

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

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

21 (g) On a quarterly basis, a report of the expense 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 expense reimbursements comply with the board's reimbursement  
25 policies adopted pursuant to Section 53232.3 of the Government  
26 Code. Only expenses in compliance with those policies may be  
27 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 total

1 household income is less than an amount that is approved by the  
2 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 its reserve management policy.

14 (c) After the conclusion of the meeting, and not later than June  
15 30 of each year, and after making any revisions of, deductions  
16 from, or increases or additions to, the proposed budget that the  
17 board determines advisable during or after the meeting, the board,  
18 by resolution, shall adopt the budget as finally determined.

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