

Assembly Bill No. 466

Passed the Assembly August 31, 2009

Chief Clerk of the Assembly

Passed the Senate August 27, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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.

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

SECTION 1. Section 7 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 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 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.

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

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

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

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

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

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

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

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

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

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

(b) The board, by ordinance, shall adopt regulations governing the activities of persons who lobby the district. Those regulations shall include provisions requiring registration of lobbyists, reporting requirements governing the activities of lobbyists and communications with board members, and disclosure by directors of contact with lobbyists prior to voting on matters related to the contact. This ordinance shall be adopted no later than July 1, 2010.

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

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

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

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

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

(2) Notwithstanding paragraph (1), the following reports shall be made available to the public within the time period required by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code):

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

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

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

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

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

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

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

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

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

Sec. 13.2. For the purposes of levying special taxes pursuant to paragraph (2) of Section 13, the district may impose special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code at minimum uniform rates according to land use category and size. The district may 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, or who qualify as totally disabled under the federal Social Security Act, if the total household income is less than an amount that is approved by the voters of the district.

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

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

(b) At the same time and place designated in the public notice, the board shall review its financial reserves, including the justification therefor, and its reserve management policy.

(c) After the conclusion of the meeting, and not later than June 30 of each year, and after making any revisions of, deductions from, or increases or additions to, the proposed budget that the

board determines advisable during or after the meeting, the board, by resolution, shall adopt the budget as finally determined.

SEC. 18. 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.

Approved _____, 2009

Governor