

AMENDED IN SENATE JUNE 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1172**

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**Introduced by Assembly Member Galgiani**

February 27, 2009

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An act to amend Section 75470 of, to amend the heading of Chapter 5 (commencing with Section 75470) of Part 8 of Division 21 of, and to add Chapter 8 (commencing with Section 74660) to Part 5 of Division 21 of, the Water Code, relating to the Eastern San Joaquin County Water District.

LEGISLATIVE COUNSEL'S DIGEST

AB 1172, as amended, Galgiani. Eastern San Joaquin County Water District.

**Existing**

(1) *Existing* law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes procedures for the consolidation of special districts. The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts.

This bill would specify the powers and purposes of the Eastern San Joaquin County Water District (*district*) on and after the date on which the San Joaquin Local Agency Formation Commission approves the consolidation of the Stockton-East Water District and the Central San Joaquin Water Conservation District. *The district would be organized into 9 divisions and the board of directors of the district would consist of 9 members. By imposing requirements on the district, the bill would impose a state-mandated local program. The bill would authorize the board of directors to reduce the number of its members to 7 and the*

number of the district’s divisions to 7. The bill would state the findings and declarations of the Legislature concerning the need for special legislation.

(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.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Chapter 8 (commencing with Section 74660) is  
2 added to Part 5 of Division 21 of the Water Code, to read:

3  
4 CHAPTER 8. PROVISIONS APPLICABLE TO EASTERN SAN JOAQUIN  
5 COUNTY WATER DISTRICT

6  
7 74660. For the purposes of this chapter, “district” means the  
8 Eastern San Joaquin County Water District.

9 74661. On and after the date on which the San Joaquin County  
10 Local Agency Formation Commission, in accordance with Division  
11 3 (commencing with Section 56000) of Title 5 of the Government  
12 Code, approves the consolidation of the Stockton-East Water  
13 District and the Central San Joaquin Conservation District, ~~both~~  
14 *all of the following apply:*

15 (a) The name of the consolidated district shall be the Eastern  
16 San Joaquin County Water District.

17 ~~(b) The district shall be governed by Chapter \_\_\_\_\_ of the~~  
18 ~~Statutes of \_\_\_\_\_, as amended, and this division, including Chapter~~  
19 ~~5 (commencing with Section 75470) of Part 8.~~

20 (b) *The district shall be governed by Chapter 819 of the Statutes*  
21 *of 1971, as amended, and this division to the extent not inconsistent*  
22 *with that chapter.*

23 (c) *Notwithstanding subdivision (b), for the purpose of imposing*  
24 *a groundwater charge or assessment, the district may exercise the*  
25 *authority granted by Chapter 819 of the Statutes of 1971, as*  
26 *amended, or Part 9 (commencing with Section 75500).*

1 (d) Notwithstanding Section 74200, upon the formation of the  
2 district in accordance with Division 3 (commencing with Section  
3 56000) of Title 5 of the Government Code, the district shall be  
4 organized into nine divisions and the board of directors shall  
5 consist of nine members.

6 (e) The boundaries of the divisions of the district upon its  
7 formation shall be as determined by the San Joaquin County Local  
8 Agency Formation Commission.

9 (f) (1) The board of directors of the district may reduce the  
10 number of its members to seven.

11 (2) If the board of directors takes action pursuant to paragraph  
12 (1), the board of directors shall reduce the number of its divisions  
13 to seven in accordance with Sections 74430 to 74432, inclusive.

14 SEC. 2. The heading of Chapter 5 (commencing with Section  
15 75470) of Part 8 of Division 21 of the Water Code is amended to  
16 read:

17  
18 CHAPTER 5. EASTERN SAN JOAQUIN COUNTY WATER DISTRICT  
19 CHARGES  
20

21 SEC. 3. Section 75470 of the Water Code is amended to read:

22 75470. (a) The Eastern San Joaquin County Water District,  
23 in addition to its other powers, may fix and collect charges as  
24 provided in this chapter.

25 (b) As used in this chapter, “district” means the Eastern San  
26 Joaquin County Water District.

27 SEC. 4. The Legislature finds and declares that this act, which  
28 is applicable only to the Eastern San Joaquin County Water  
29 District, is necessary because of the consolidation of the  
30 Stockton-East Water District and the Central San Joaquin  
31 Conservation District. It is, therefore, hereby declared that a general  
32 law within the meaning of Section 16 of Article IV of the California  
33 Constitution cannot be made applicable to the Eastern San Joaquin  
34 County Water District and the enactment of this special law is  
35 necessary for the public good.

36 SEC. 5. No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district are the result of a program for which legislative authority  
40 was requested by that local agency or school district, within the

- 1 *meaning of Section 17556 of the Government Code and Section 6*
- 2 *of Article XIII B of the California Constitution.*

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