

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2488**

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**Introduced by Assembly Member Ruskin**

February 19, 2010

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An act to amend Sections 81305, 81337, 81422, 81460, 81608.5, and 81630 of, and to add Section 81423 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as amended, Ruskin. City and County of San Francisco: regional water system.

**Under**

(1) Under existing law, the City and County of San Francisco operates the Hetch Hetchy Project as a regional water delivery system, supplying water to persons and entities in San Francisco and the Counties of Alameda, San Mateo, and Santa Clara.

Existing law, the San Francisco Bay Area Regional Water System Financing Authority Act, establishes the San Francisco Bay Area Regional Water System Financing Authority and authorizes the authority to issue revenue bonds and take other actions to improve the reliability of the regional water system of the City and County of San Francisco. Existing law, the Bay Area Water Supply and Conservation Agency Act, governs the formation and operation of the Bay Area Water Supply and Conservation Agency. The act authorizes the agency to acquire water and water rights, and take other specified actions relating to the regional water system of the City and County of San Francisco.

~~Existing law, the San Francisco Bay Area Regional Water System Financing Authority Act, establishes the San Francisco Bay Area~~

Regional Water System Financing Authority and authorizes the authority to issue revenue bonds and take other actions to improve the reliability of the regional water system of the City and County of San Francisco.

~~This bill would state legislative intent to enact legislation to modify certain definitions set forth in those laws and to make various other changes affecting those laws.~~

*This bill would modify the definitions of “public entities” and “eligible public entities,” as specified, and the reference to “master water sales contract,” as set forth in the acts, to reflect changes in the membership of the authority and agency and a recent water supply agreement, dated July 2009, between the City and County of San Francisco and certain wholesale customers.*

*(2) Existing law authorizes the agency to apply for and receive specified financial assistance.*

*This bill would clarify the types of financial assistance available to the agency. The bill would also authorize the agency to assist specified entities to meet specified urban water use targets and, if requested by specified entities, to develop and administer a regional conservation program. The bill would also consider the agency to be a local agency for purposes of specified law.*

*(3) Existing law authorizes any director of the agency to call for weighted voting, which is required to be based on specified water delivery quantities.*

*This bill would require an entity’s water delivery quantity to be increased for purposes of weighted voting when specified circumstances occur, without the necessity of an amendment to the water delivery quantities.*

*(4) Existing law requires directors of the agency and the authority to take an oath of office.*

*This bill would authorize specified persons to administer the oath.*

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

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

1 SECTION 1. Section 81305 of the Water Code is amended to  
2 read:  
3 81305. “Eligible public entities” means the ~~25~~ 24 public entities  
4 in San Mateo County, Alameda County, and Santa Clara County  
5 that purchase water from San Francisco pursuant to the ~~Master~~

1 ~~Water Sales Contract July 2009 Water Supply Agreement, or any~~  
2 ~~subsequent water supply contract,~~ that include Alameda County  
3 Water District, City of Brisbane, City of Burlingame, Coastside  
4 County Water District, City of Daly City, City of East Palo Alto,  
5 Estero Municipal Improvement District, Guadalupe Valley  
6 Municipal Improvement District, City of Hayward, Town of  
7 Hillsborough, City of Menlo Park, Mid-Peninsula Water District,  
8 City of Millbrae, City of Milpitas, City of Mountain View, North  
9 Coast County Water District, City of Palo Alto, Purissima Hills  
10 Water District, City of Redwood City, City of San Bruno, City of  
11 San Jose, City of Santa Clara, ~~Skyline County Water District,~~ City  
12 of Sunnyvale, and Westborough Water District.

13 *SEC. 2. Section 81337 of the Water Code is amended to read:*  
14 81337. Each director, before entering upon the duties of his or  
15 her office, shall take the oath of office as provided for in the  
16 California Constitution and laws of the state. *The chairperson or*  
17 *vice-chairperson of the board, or the secretary of the agency, may*  
18 *administer the oath.*

19 *SEC. 3. Section 81422 of the Water Code is amended to read:*  
20 81422. The agency may apply for and receive state and federal  
21 grants, loans, and other financial assistance, *including, but not*  
22 *limited to, assistance available pursuant to Division 24*  
23 *(commencing with Section 78500), Division 26 (commencing with*  
24 *Section 79000), and Division 26.5 (commencing with Section*  
25 *79500) of this code, Division 43 (commencing with Section 75001)*  
26 *of the Public Resources Code, and any other financial assistance*  
27 *for water management activities authorized after January 1, 2009.*

28 *SEC. 4. Section 81423 is added to the Water Code, to read:*  
29 81423. (a) *The agency may assist any of the entities identified*  
30 *in Section 81460 that are subject to Part 2.55 (commencing with*  
31 *Section 10608) of Division 6 to meet urban water use targets*  
32 *developed pursuant to that part. In providing this assistance, the*  
33 *agency may act pursuant to paragraph (2) or (3) of subdivision*  
34 *(a) of Section 10608.28. If the agency provides this assistance*  
35 *pursuant to paragraph (2) of subdivision (a) of Section 10608.28,*  
36 *subdivision (b) of Section 10608.28 shall apply.*

37 (b) *If requested by entities listed in Section 81460 that are*  
38 *subject to Part 2.6 (commencing with Section 10610) of Division*  
39 *6, the agency may develop and administer a regional conservation*  
40 *program described in clause (ii) of subparagraph (A) of paragraph*

1 (2) of subdivision (b) of Section 10631.5, regardless of whether  
2 the agency is an urban water supplier. The agency shall be eligible  
3 to receive financial assistance that may be available for the  
4 development or administration of these programs.

5 (c) The agency shall be considered a local agency as defined  
6 in Section 10535, and a local agency with statutory authority over  
7 water supply or water management pursuant to Section 10539,  
8 with all of the authority provided to a local agency pursuant to  
9 Part 2.2 (commencing with Section 10530) of Division 6.

10 SEC. 5. Section 81460 of the Water Code is amended to read:

11 81460. (a) The water delivery quantities set forth in subdivision  
12 (b) describe, for the purposes of this division, the average daily  
13 deliveries of water from San Francisco to the identified entities  
14 during the 2000–01 fiscal year.

15 (b) The water delivery quantities are as follows:

	Average Daily Deliveries in Hundred Cubic Feet	
16	Name	
17		
18	Alameda	15,709
19	County Water	
20	District	
21	California	49,384
22	Water Service	49,610
23	Company	
24	City of Brisbane	489
25	City of	6,503
26	Burlingame	
27	City of Daly	6,070
28	City	
29	City of East	2,864
30	Palo Alto	
31	City of	24,546
32	Hayward	
33	Town of	5,099
34	Hillsborough	
35	City of Menlo	4,616
36	Park	
37	City of Millbrae	3,669
38	City of Milpitas	9,437

1	City of	14,860
2	Mountain View	
3	City of Palo	18,438
4	Alto	
5	City of	15,753
6	Redwood City	
7	City of San	3,266
8	Bruno	
9	City of San Jose	6,436
10	City of Santa	5,473
11	Clara	
12	City of	13,112
13	Sunnyvale	
14	Coastside	2,070
15	County Water	
16	District	
17	Estero	7,873
18	Municipal	
19	Improvement	
20	District	
21	Guadalupe	611
22	Valley	
23	Municipal	
24	Improvement	
25	District	
26	Mid-Peninsula	4,789
27	Water District	
28	North Coast	4,594
29	County Water	
30	District	
31	Purissima Hills	2,921
32	Water District	
33	<del>Skyline County</del>	<del>226</del>
34	<del>Water District</del>	
35	Stanford	3,604
36	University	
37	Westborough	1,352
38	Water District	
39		

1 (c) If San Francisco becomes a member of the agency, the  
 2 average daily delivery of water to San Francisco during the  
 3 2000–01 fiscal year, for the purposes of this division, shall be  
 4 determined to be 118,973 hundred cubic feet.

5 (d) *If one of the entities listed in subdivision (b) succeeds,*  
 6 *whether by merger, consolidation, acquisition, assignment, or*  
 7 *otherwise, to the rights and obligations of another entity under*  
 8 *the July 2009 Water Supply Agreement, or any subsequent water*  
 9 *supply contract, the successor entity’s quantity of water shall be*  
 10 *increased, for purposes of Section 81405, by the amount of the*  
 11 *nonsucceeding entity’s quantity of water, without the necessity for*  
 12 *an amendment to subdivision (b).*

13 *SEC. 6. Section 81608.5 of the Water Code is amended to read:*

14 81608.5. “Public entities” means San Francisco and the public  
 15 entities in the Counties of Alameda, San Mateo, and Santa Clara  
 16 that purchase water from San Francisco pursuant to the ~~master~~  
 17 ~~water sales contract~~ *July 2009 Water Supply Agreement, or any*  
 18 *subsequent water supply contract, that include Alameda County*  
 19 *Water District, City of Brisbane, City of Burlingame, Coastsides*  
 20 *County Water District, City of Daly City, City of East Palo Alto,*  
 21 *Estero Municipal Improvement District, Guadalupe Valley*  
 22 *Municipal Improvement District, City of Hayward, Town of*  
 23 *Hillsborough, City of Menlo Park, Mid-Peninsula Water District,*  
 24 *City of Millbrae, City of Milpitas, City of Mountain View, North*  
 25 *Coast County Water District, City of Palo Alto, Purissima Hills*  
 26 *Water District, City of Redwood City, City of San Bruno, City of*  
 27 *San Jose, City of Santa Clara, ~~Skyline County Water District,~~ City*  
 28 *of Sunnyvale, and Westborough Water District.*

29 *SEC. 7. Section 81630 of the Water Code is amended to read:*

30 81630. Each director, before entering upon the duties of his or  
 31 her office, shall take the oath of office as provided for in the  
 32 Constitution and laws of the state. *The chairperson or*  
 33 *vice-chairperson of the board, or the secretary of the agency, may*  
 34 *administer the oath.*

35 ~~SECTION 1. It is the intent of the Legislature to enact~~  
 36 ~~legislation to accomplish all of the following:~~

37 (a) ~~Update the laws governing the Bay Area Water Supply and~~  
 38 ~~Conservation Agency and the San Francisco Bay Area Regional~~  
 39 ~~Water System Financing Authority.~~

1 ~~(b) Modify the definition of “public entities,” set forth in the~~  
2 ~~San Francisco Bay Area Regional Water System Financing~~  
3 ~~Authority Act, to reflect changes in the membership of the~~  
4 ~~authority.~~

5 ~~(c) Modify the definition of “eligible public entities,” set forth~~  
6 ~~in the Bay Area Water Supply and Conservation Agency Act, to~~  
7 ~~reflect changes in the membership of the agency.~~

8 ~~(d) Modify the various references to “master water sales~~  
9 ~~contract” to reflect a recent water supply agreement, dated July~~  
10 ~~2009, between the City and County of San Francisco and wholesale~~  
11 ~~customers in the Counties of Alameda, San Mateo, and Santa Clara.~~