

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1794

**Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Rendon)**

February 4, 2016

An act to ~~amend Section 71250~~ *add Chapter 1.6 (commencing with Section 71265) to Part 3 of Division 20* of the Water Code, relating to municipal water districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1794, as amended, Cristina Garcia. ~~Municipal water districts: board of directors.~~ *Central Basin Municipal Water District.*

Existing law, the Municipal Water District Law of 1911, provides for the formation of municipal water districts and grants to those districts' specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Existing law requires the board of directors of a district to consist of 5 members and each director to be a resident of the division from which the director is elected.

~~This bill would make a nonsubstantive change in these provisions: require the board of directors of the Central Basin Municipal Water District to be composed of 8 directors, until the directors elected at the November 6, 2018, election take office, when the board would be composed of 7 directors, as prescribed. This bill would require the Central Basin Municipal Water District to establish a technical advisory committee composed of 5 water purveyors selected every 2 years, as~~

specified, to meet on a quarterly basis for certain purposes. By imposing new duties on the district, this bill would create a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 1.6 (commencing with Section 71265)
2 is added to Part 3 of Division 20 of the Water Code, to read:

3
4 CHAPTER 1.6. CENTRAL BASIN MUNICIPAL WATER DISTRICT

5
6 71265. For the purposes of this chapter:

7 (a) "District" means the Central Basin Municipal Water
8 District.

9 (b) "Large water purveyor" means one of the top five purveyors
10 of water as measured by the total purchase of water from the
11 district for the three prior fiscal years.

12 71266. (a) Except as provided in subdivision (b) and
13 notwithstanding any other provision of this division, the board of
14 the district shall be composed of seven directors as follows:

15 (1) Four directors, one director elected for each division
16 established pursuant to subdivision (c) by the voters of the division.
17 Each director shall be a resident of the division from which he or
18 she is elected.

19 (2) Three directors appointed by the water purveyors of the
20 district in accordance with Section 71267.

21 (b) Until the directors elected at the November 6, 2018, election
22 take office, the board of the district shall be composed of eight
23 directors as follows:

24 (1) Five directors in accordance with Section 71250.

1 (2) Three directors appointed by the water purveyors of the
2 district pursuant to Section 71267.

3 (c) The board of the district shall divide the district into four
4 divisions in a manner as to equalize, as nearly as practicable, the
5 population in the respective divisions pursuant to Section 71540.

6 71267. (a) The executive director of the district shall notify
7 each water purveyor of the district and provide a 60-day period
8 during which the district will accept nominations for appointment
9 of individuals to the board of the district.

10 (b) Individuals nominated for appointment to the board of
11 directors shall demonstrate eligibility and relevant technical
12 expertise.

13 (c) (1) The three directors appointed by the water purveyors
14 shall be selected by the water purveyors of the district every four
15 years as follows:

16 (A) One director shall be selected by all large water purveyors
17 from the nominees of large water purveyors. Each large water
18 purveyor shall have one vote.

19 (B) One director shall be selected by all cities that are water
20 purveyors of the district from the nominees of cities. Each city
21 shall have one vote.

22 (C) One director shall be selected by all of the water purveyors
23 of the district from any nominee. The vote of each purveyor shall
24 be weighted to reflect the number of service connections of that
25 water purveyor.

26 (2) Each nominee for director who receives the highest number
27 of votes cast for each office described in paragraph (1) is appointed
28 as a director to the board of the district and shall take office in
29 accordance with Section 71512. The district shall collect the votes
30 and report the results to the water purveyors. Votes for an
31 appointed director are public records.

32 (d) Each appointed director shall live or work within the district.

33 (e) In order to ensure continuity of knowledge, the directors
34 appointed at the first purveyor selection shall classify themselves
35 by lot so that two of them shall hold office until the selection of
36 their successors at the first succeeding purveyor selection and one
37 of them shall hold office until the selection of his or her successor
38 at the second succeeding purveyor selection.

39 (f) (1) The term of a director appointed pursuant to
40 subparagraph (A) of paragraph (1) of subdivision (c) is terminated

1 if the appointed director no longer is employed by or a
 2 representative of a large water purveyor.

3 (2) The term of a director appointed pursuant to subparagraph
 4 (B) of paragraph (1) of subdivision (c) is terminated if the
 5 appointed director no longer is employed by or a representative
 6 of a city.

7 (3) The term of a director appointed pursuant to subparagraph
 8 (C) of paragraph (1) of subdivision (c) is terminated if the
 9 appointed director no longer is employed by or a representative
 10 of a water purveyor.

11 (g) An appointed director shall not do either of the following:

12 (1) Hold an elected office.

13 (2) Be a president, vice president, chief financial officer, or
 14 shareholder of a private company that purchases water from the
 15 district.

16 (h) A vacancy in an office of appointed director shall be filled
 17 in accordance with the selection process described in subdivisions
 18 (a) to (c), inclusive.

19 71268. (a) (1) The district shall establish a technical advisory
 20 committee composed of the representatives of five water purveyors
 21 selected before December 31, 2016, and every two years thereafter,
 22 as follows:

23 (A) One position shall be selected by the large water purveyors
 24 from nominated large water purveyors, each large water purveyor
 25 having one vote.

26 (B) One position shall be selected by the cities that are water
 27 purveyors of the district from nominated cities, each city having
 28 one vote.

29 (C) Three positions shall be selected by all water purveyors of
 30 the district from nominated water purveyors with the vote of each
 31 purveyor weighted to reflect the number of service connections of
 32 that water purveyor.

33 (2) Each nominated water purveyor that receives the highest
 34 number of votes cast for each position described in paragraph (1)
 35 is selected to the position. The district shall collect the votes and
 36 report the results to the water purveyors. Votes for a position on
 37 the technical advisory committee are public records.

38 (b) In composing the technical advisory committee, a person
 39 and an alternate from each water purveyor selected to a position
 40 pursuant to subdivision (a) shall serve on the technical advisory

1 committee. A purveyor may change the person or alternate that
2 serves on the technical advisory committee at any time. Those
3 selected shall demonstrate eligibility and relevant technical
4 expertise.

5 (c) The executive director of the district shall notify each water
6 purveyor of the district and provide a 60-day period during which
7 the district will accept nominations to serve on the technical
8 advisory committee.

9 (d) (1) To be eligible to serve on the technical advisory
10 committee, a water purveyor shall not have an individual employed
11 by or representing that water purveyor on the board of the district.

12 (2) A water purveyor shall not hold more than one technical
13 advisory committee seat.

14 (3) No person selected to represent a water purveyor on the
15 committee shall be a president, vice president, chief financial
16 officer, or shareholder of a private company that purchases water
17 from the district.

18 71269. (a) The technical advisory committee shall meet on a
19 quarterly basis for the following purposes:

20 (1) To review the district's budget and projects for the purpose
21 of providing nonbinding advice to the district's general manager.

22 (2) To review and approve proposed changes to the
23 administrative code relating to ethics, director compensation, and
24 benefits.

25 (3) To review and approve proposed changes relating to
26 procurement.

27 (b) The board of the district shall not make a change described
28 in paragraph (2) or (3) of subdivision (a) unless the technical
29 advisory committee approves the change by majority vote before
30 the change comes to a vote of the board of the directors.

31 SEC. 2. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

36 SECTION 1. ~~Section 71250 of the Water Code is amended to~~
37 ~~read:~~

- 1 ~~71250. The board of directors shall consist of five members.~~
- 2 Each director shall be a resident of the division from which he or
- 3 she is elected.

O