

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1794

Introduced by Assembly Member Cristina Garcia
(~~Coauthor:~~ *Coauthors: Assembly Member Members O'Donnell and*
***Rendon*)**

February 4, 2016

An act to add Chapter 1.6 (commencing with Section 71265) to Part 3 of Division 20 of the Water Code, relating to municipal water ~~districts:~~ *districts, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1794, as amended, Cristina Garcia. 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 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: 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 District.
8 (b) “Large water purveyor” means one of the top five purveyors
9 of water as measured by the total purchase of *potable and recycled*
10 water from the district for the three prior fiscal years.

11 71266. (a) Except as provided in subdivision (b) and
12 notwithstanding any other provision of this division, the board of
13 *directors of the district* shall be composed of seven directors as
14 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.

1 (b) Until the directors elected at the November 6, 2018, election
2 take office, the board of ~~the district~~ *directors* shall be composed
3 of eight directors as follows:

- 4 (1) Five directors in accordance with Section 71250.
- 5 (2) Three directors appointed by the water purveyors of the
6 district pursuant to Section 71267.

7 (c) The board of ~~the district~~ *directors* shall divide the district
8 into four divisions in a manner as to equalize, as nearly as
9 practicable, the population in the respective divisions pursuant to
10 Section 71540.

11 71267. (a) The ~~executive director~~ *general manager* of the
12 district shall notify each water purveyor of the district and provide
13 a 60-day period during which the district will accept nominations
14 for appointment of individuals to the board of ~~the district~~ *directors*.

15 (b) Individuals nominated for appointment to the board of
16 directors shall demonstrate eligibility and relevant technical
17 expertise.

18 (c) (1) The three directors appointed by the water purveyors
19 shall be selected by the water purveyors of the district every four
20 years as follows:

21 (A) One director shall be selected by all large water purveyors
22 from the nominees of large water purveyors. Each large water
23 purveyor shall have one vote.

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

27 (C) One director shall be selected by all of the water purveyors
28 of the district from any nominee. The vote of each purveyor shall
29 be weighted to reflect the number of service connections of that
30 water purveyor.

31 (2) Each nominee for director who receives the highest number
32 of votes cast for each office described in paragraph (1) is appointed
33 as a director to the board of ~~the district~~ *directors* and shall take
34 office in accordance with Section 71512. The ~~district~~ *general*
35 *manager* shall collect the votes and report the results to the water
36 purveyors. Votes for an appointed director are public records.

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

38 (e) In order to ensure continuity of knowledge, the directors
39 appointed at the first purveyor selection shall classify themselves
40 by lot so that two of them shall hold office until the selection of

1 their successors at the first succeeding purveyor selection and one
2 of them shall hold office until the selection of his or her successor
3 at the second succeeding purveyor selection.

4 (f) (1) The term of a director appointed pursuant to
5 subparagraph (A) of paragraph (1) of subdivision (c) is terminated
6 if the appointed director no longer is employed by or a
7 representative of a large water purveyor.

8 (2) The term of a director appointed pursuant to subparagraph
9 (B) of paragraph (1) of subdivision (c) is terminated if the
10 appointed director no longer is employed by or a representative
11 of a city.

12 (3) The term of a director appointed pursuant to subparagraph
13 (C) of paragraph (1) of subdivision (c) is terminated if the
14 appointed director no longer is employed by or a representative
15 of a water purveyor.

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

17 (1) Hold an elected office.

18 (2) Be a president, vice president, chief financial officer, or
19 shareholder of a private company that purchases water from the
20 district.

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

24 71268. (a) (1) The ~~district~~ *board of directors* shall establish
25 a technical advisory committee composed of the representatives
26 of five water purveyors selected before December 31, 2016, and
27 every two years thereafter, as follows:

28 (A) One position shall be selected by the large water purveyors
29 from nominated large water purveyors, each large water purveyor
30 having one vote.

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

34 (C) Three positions shall be selected by all water purveyors of
35 the district from nominated water purveyors with the vote of each
36 purveyor weighted to reflect the number of service connections of
37 that water purveyor.

38 (2) Each nominated water purveyor that receives the highest
39 number of votes cast for each position described in paragraph (1)
40 is selected to the position. The ~~district~~ *general manager* shall

1 collect the votes and report the results to the water purveyors.
2 Votes for a position on the technical advisory committee are public
3 records.

4 (b) In composing the technical advisory committee, a person
5 and an alternate from each water purveyor selected to a position
6 pursuant to subdivision (a) shall serve on the technical advisory
7 committee. A purveyor may change the person or alternate that
8 serves on the technical advisory committee at any time. Those
9 selected shall demonstrate eligibility and relevant technical
10 expertise.

11 (c) ~~The executive director~~ *general manager* of the district shall
12 notify each water purveyor of the district and provide a 60-day
13 period during which the district will accept nominations to serve
14 on the technical advisory committee.

15 (d) (1) To be eligible to serve on the technical advisory
16 committee, a water purveyor shall not have an individual employed
17 by or representing that water purveyor on the board of the ~~district~~.
18 *directors*.

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

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

25 71269. (a) The technical advisory committee shall meet on a
26 quarterly basis for the following purposes:

27 (1) To review the district's budget and projects for the purpose
28 of providing nonbinding advice to the district's ~~general manager~~.
29 *manager and the board of directors*.

30 (2) To review and approve proposed changes to the
31 administrative code relating to ethics, director compensation, and
32 benefits.

33 (3) To review and approve proposed changes relating to
34 procurement.

35 (b) The board of ~~the district~~ *directors* shall not make a change
36 described in paragraph (2) or (3) of subdivision (a) unless the
37 technical advisory committee approves the change by majority
38 vote before the change comes to a vote of the board of the directors.

39 SEC. 2. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

4 *SEC. 3. This act is an urgency statute necessary for the*
5 *immediate preservation of the public peace, health, or safety within*
6 *the meaning of Article IV of the Constitution and shall go into*
7 *immediate effect. The facts constituting the necessity are:*

8 *In order that the provisions of this act take effect before the*
9 *November 8, 2016, election for the board of directors of the Central*
10 *Basin Municipal Water District, it is necessary that this act take*
11 *effect immediately.*