

AMENDED IN ASSEMBLY APRIL 14, 1997

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 692

Introduced by Assembly Member Morrow

February 26, 1997

An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 692, as amended, Morrow. County Water Authority Act.

~~(1) The~~

~~The County Water Authority Act provides for the creation of county water authorities. The act authorizes a member public agency of a county water authority to appoint one representative to the board of the county water agency and one additional representative for each 5% of the assessed value of taxable property, as prescribed. The act authorizes each board member of a county water district to cast one vote for each \$5,000,000 of assessed valuation of taxable property, as prescribed, on matters before the board. The act provides that a quorum necessary for the transaction of business by the board exists if there are present a majority of board members that includes at least $\frac{1}{2}$ of the number of representatives of each public member agency having more than 6 representatives on the board. The act provides for the recall of the board members of a county water authority in accordance with prescribed laws and declares that any~~

member may be recalled by the majority vote of the governing body of the public agency from which the member is appointed.

~~This bill would revise and recast those provisions. The bill would authorize a member public agency to appoint one additional representative to the board for each 5% of the total financial contribution paid to the authority during the immediately preceding 5-year period that has been paid by property owners and the water agency within that public agency, as prescribed. The bill would authorize each board member to cast one vote weighted so as to equal the percentage of the total financial contribution paid to the authority that is attributable to the public agency of which the member is a representative, as specified.~~

~~The bill would provide that a quorum exists if there are present representatives that represent more than 50% of the total financial contribution paid to the county water authority. The bill would declare that board members serve at the pleasure of the governing body of the public agency from which the member is appointed and would provide for the recall of that member by a majority vote of that governing body.~~

~~By imposing additional duties on a county water authority, the bill would impose a state-mandated local program.~~

~~(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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: yes *no*. State-mandated local program: yes *no*.~~



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

1 ~~SECTION 1. Section 6 of the County Water Authority~~
2 *SECTION 1. Section 6 of the County Water Authority*
3 *Act (Chapter 545 of the Statutes of 1943) is amended to*
4 *read:*

5 Sec. 6. (a) All powers, privileges, and duties vested in
6 or imposed upon any authority incorporated under this
7 act shall be exercised and performed by and through a
8 board of directors. The exercise of any and all executive,
9 administrative, and ministerial powers may be delegated
10 by the board of directors to any of the offices created by
11 this act or by the board of directors acting under this act.

12 (b) The board of directors shall consist of at least one
13 representative from each public agency, the area of
14 which is within the authority. The representatives shall
15 be designated and appointed by the chief executive
16 officers of those public agencies, respectively, with the
17 consent and approval of the legislative bodies of the
18 public agencies, respectively. Any member of the
19 governing body of a member agency which is a water
20 district may be appointed by that member agency to the
21 board of the authority to serve as the agency's
22 representative, except that, in the case of agencies with
23 several representatives, a majority of the members of the
24 governing body of the agency may not be so appointed by
25 the agency to serve as representatives on the board of the
26 authority. Any director holding dual offices shall not vote
27 upon any contract between a county water authority and
28 the member public agency he or she represents on the
29 authority's board. The term "water district," as used in
30 this subdivision, has the same meaning as in subdivision
31 (a) of Section 10.

32 (c) Members of the board of directors shall hold office
33 for a term of six years, and until their successors are
34 appointed and qualified. However, the terms of the
35 members of the first board shall be determined by lot so
36 that the terms of not less than one-half of the members
37 shall be for three years and the terms of the remainder
38 shall be six years. Every member shall be subject to recall



1 by the voters of the public agency from which that
2 member is appointed, in accordance with the recall
3 provisions of the freeholders' charter or other law
4 applicable to the public agency, ~~and any member may be~~
5 ~~recalled by the majority vote of the governing body.~~
6 *Members serve at the pleasure of the governing body of*
7 *the public agency from which the member is appointed*
8 *and may be recalled by a majority vote of the governing*
9 *body of the public agency from which the member is*
10 *appointed.*

11 (d) As a member of the board of directors, each
12 representative is entitled to vote on all questions, orders,
13 resolutions, and ordinances coming before the board, and
14 is entitled to cast one vote for each five million dollars
15 (\$5,000,000), or major fractional part thereof, of assessed
16 valuation of property taxable for authority purposes in
17 the public agency represented by him or her as shown by
18 the last equalized assessment roll of the county and
19 evidenced by the certificate of the county auditor;
20 provided, that each representative shall have at least one
21 vote and no public agency shall have votes that exceed
22 the number of the total number of votes of all the other
23 public agencies whose corporate areas are included in the
24 authority. In addition to one representative, any public
25 agency may, at its option, designate and appoint one
26 additional representative for each full 5 percent of the
27 assessed value of property taxable for authority purposes
28 which is within the public agency. However, the term of
29 office of any representative shall not be changed or
30 terminated by reason of any future change in the assessed
31 value of property within any member agency. The
32 representatives of each public agency shall cast the vote
33 to which that public agency would otherwise be entitled
34 as a unit and as a majority of the representatives present
35 shall determine. The affirmative votes of members
36 representing more than 50 percent of the total number
37 of votes of all the members shall be necessary, and, except
38 as otherwise herein provided, shall be sufficient to carry
39 any order, resolution, or ordinance coming before the
40 board of directors. However, any meeting may be



1 adjourned or recessed from day to day or from time to
2 time, by vote of the director or directors present,
3 irrespective of the number of directors present or the
4 number of votes represented at the meeting. For the
5 purposes of this section, the term “major fractional part”
6 means a fractional part larger than one-half.

7 (e) Members of the first board of directors so
8 constituted shall convene at the call of the clerk of the
9 board of supervisors in the meeting room of the board of
10 supervisors at the county seat of the county, and
11 immediately upon convening, the board of directors shall
12 elect from its membership a chairperson, a vice
13 chairperson, and a secretary, who shall serve for a period
14 of two years, or until their respective successors are
15 elected and qualified.

16 (f) A quorum necessary for the transaction of business
17 at any meeting of the board of directors exists whenever
18 there are present at the meeting a majority of the
19 membership of the board of directors which includes at
20 least one-half of the number of representatives of each
21 public agency member having more than six
22 representatives serving on the board of directors.
23 However, any regular or special meeting of the board of
24 directors at which a quorum is not present may be
25 continued from time to time until a quorum is present to
26 transact the business of the board of directors.

27 ~~Act (Chapter 545 of the Statutes of 1943) is amended to~~
28 ~~read:~~

29 ~~Sec. 6. (a) All powers, privileges, and duties vested in~~
30 ~~or imposed upon any authority incorporated under this~~
31 ~~act shall be exercised and performed by and through a~~
32 ~~board of directors. The exercise of any and all executive,~~
33 ~~administrative, and ministerial powers may be delegated~~
34 ~~by the board of directors to any of the offices created by~~
35 ~~this act or by the board of directors acting under this act.~~

36 ~~(b) The board of directors shall consist of at least one~~
37 ~~representative from each public agency, the area of~~
38 ~~which is within the authority. The representatives shall~~
39 ~~be designated and appointed by the chief executive~~
40 ~~officers of those public agencies, respectively, with the~~



1 consent and approval of the legislative bodies of the
2 public agencies, respectively. Any member of the
3 governing body of a member agency which is a water
4 district may be appointed by that member agency to the
5 board of the authority to serve as the agency's
6 representative, except that, in the case of agencies with
7 several representatives, a majority of the members of the
8 governing body of the agency may not be so appointed by
9 the agency to serve as representatives on the board of the
10 authority. Any director holding dual offices shall not vote
11 upon any contract between a county water authority and
12 the member public agency he or she represents on the
13 authority's board. The term "water district," as used in
14 this subdivision, has the same meaning as in subdivision
15 (a) of Section 10.

16 (c) Members of the board of directors shall hold office
17 for a term of six years, and until their successors are
18 appointed and qualified. However, the terms of the
19 members of the first board shall be determined by lot so
20 that the terms of not less than one-half of the members
21 shall be for three years and the terms of the remainder
22 shall be six years. Every member shall be subject to recall
23 by the voters of the public agency from which that
24 member is appointed, in accordance with the recall
25 provisions of the freeholders' charter or other law
26 applicable to the public agency. Members serve at the
27 pleasure of the governing body of the public agency from
28 which the member is appointed and may be recalled by
29 a majority vote of the governing body of the public
30 agency from which the member is appointed.

31 (d) In addition to one representative, any public
32 agency may, at its option, designate and appoint one
33 additional representative for each full 5 percent of the
34 total financial contribution paid to a county water
35 authority during the immediately preceding five-year
36 period that has been paid by property owners and water
37 users within the public agency. The board shall adjust the
38 entitlement to representatives every fourth year
39 commencing in January 1998. If the adjustment of
40 entitlement to representatives results in a decline in the



1 number of representatives to which a public agency is
2 entitled, any director who is to be excused shall be
3 designated by the chief executive officer of that public
4 agency with the approval by the legislative body of that
5 public agency.

6 (e) Each member of the board of directors shall be
7 entitled to vote on all questions, orders, resolutions, and
8 ordinances coming before the board. Each member of the
9 board shall be entitled to cast one vote weighted so as to
10 equal the percentage of the total financial contribution
11 paid to the authority that is attributable to the public
12 agency of which the member is a representative. For
13 those public agencies represented by more than one
14 representative, each such representative shall be entitled
15 to cast one vote weighted so as to equal the percentage
16 of the total financial contribution paid to a county water
17 authority that is attributable to the public agency of
18 which the member is a representative divided by the
19 number of representatives designated and appointed by
20 the public agency. The affirmative votes of more than 50
21 percent of the total number of votes of all the members
22 shall be necessary to carry any question, order, resolution,
23 or ordinance coming before the board of directors.
24 However, any meeting may be adjourned or recessed
25 from day to day or from time to time, by vote of the
26 director or directors present, irrespective of the number
27 of directors present at the meeting.

28 (f) For the purposes of this section, “total financial
29 contribution paid to a county water authority” includes
30 all amounts paid in taxes, assessments, fees, and charges
31 to, or on behalf of, the authority with regard to property
32 located within the boundaries of member public
33 agencies, including capacity charges and charges for
34 water delivered to member public agencies by the
35 authority. The total financial contribution shall be
36 determined by the board at the end of each fiscal year.
37 The percentage of voting power shall be redetermined by
38 the board in January of each year based on the calculation
39 determined for the previous fiscal year.



1 ~~(g) Members of the first board of directors so~~
 2 ~~constituted shall convene at the call of the clerk of the~~
 3 ~~board of supervisors in the meeting room of the board of~~
 4 ~~supervisors at the county seat of the county, and~~
 5 ~~immediately upon convening, the board of directors shall~~
 6 ~~elect from its membership a chairperson, a vice~~
 7 ~~chairperson, and a secretary, who shall serve for a period~~
 8 ~~of two years, or until their respective successors are~~
 9 ~~elected and qualified.~~

10 ~~(h) A quorum necessary for the transaction of business~~
 11 ~~at any meeting of the board of directors exists whenever~~
 12 ~~there are present at the meeting representatives that~~
 13 ~~represent more than 50 percent of the total financial~~
 14 ~~contribution paid to a county water authority. However,~~
 15 ~~any regular or special meeting of the board of directors~~
 16 ~~at which a quorum is not present may be continued from~~
 17 ~~time to time until a quorum is present to transact the~~
 18 ~~business of the board of directors.~~

19 ~~SEC. 2. Notwithstanding Section 17610 of the~~
 20 ~~Government Code, if the Commission on State Mandates~~
 21 ~~determines that this act contains costs mandated by the~~
 22 ~~state, reimbursement to local agencies and school~~
 23 ~~districts for those costs shall be made pursuant to Part 7~~
 24 ~~(commencing with Section 17500) of Division 4 of Title~~
 25 ~~2 of the Government Code. If the statewide cost of the~~
 26 ~~claim for reimbursement does not exceed one million~~
 27 ~~dollars (\$1,000,000), reimbursement shall be made from~~
 28 ~~the State Mandates Claims Fund.~~

29 ~~Notwithstanding Section 17580 of the Government~~
 30 ~~Code, unless otherwise specified, the provisions of this act~~
 31 ~~shall become operative on the same date that the act~~
 32 ~~takes effect pursuant to the California Constitution.~~

