

ASSEMBLY BILL

No. 2135

Introduced by Assembly Member Frusetta

February 18, 1998

An act to amend Sections 7.6, 7.7, and 7.8 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2135, as introduced, Frusetta. San Benito County Water Conservation and Flood Control District.

(1) The San Benito County Water Conservation and Flood Control District Act authorizes the San Benito County Water Conservation and Flood Control District to levy a groundwater charge, as prescribed, and includes provisions requiring the preparation of an investigation and report on the groundwater conditions of the district, to hold a public hearing on the report, and to determine whether or not a groundwater charge should be levied as specified, based on a water year from March 1st of a calendar year to the last day of February of the following calendar year.

This bill would modify those requirements to accord with a water year commencing October 1 of the preceding calendar year through September 30 of the current year. The bill would require the district to also hold a public hearing to determine if a groundwater charge should be levied, thereby imposing 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 7.6 of the San Benito County
2 Water Conservation and Flood Control District Act
3 (Chapter 1598 of the Statutes of 1953) is amended to read:

4 Sec. 7.6. The board may by resolution ~~order that~~
5 *require* the district ~~shall~~ *to* annually prepare an
6 investigation and report ~~upon~~ *on* groundwater conditions
7 of the district and the zones thereof, *for the water year*
8 *commencing October 1 of the preceding calendar year*
9 *through September 30 of the current year and upon* on
10 activities of the district for protection and augmentation
11 of the water supplies of the district and the zones thereof.
12 The investigation and report shall include, ~~among other~~
13 ~~information which the board may order information~~ *all of*
14 *the following information:*

15 (a) *Information* for the consideration of the board in
16 its determination of the annual overdraft, ~~information.~~

17 (b) *Information* for the consideration of the board in
18 its determination of the accumulated overdraft as of ~~the~~
19 ~~last day of the preceding water year, a~~ *September 30 of*
20 *the current calendar year.*

21 (c) A report as to the total production of water from
22 the groundwater supplies of the district and the zones
23 thereof ~~for the preceding water year, an~~ *as of September*
24 *30 of the current calendar year.*

25 (d) An estimate of the annual overdraft for the current
26 water year and for the ensuing water year, ~~information.~~

27 (e) *Information* for the consideration of the board in
28 its determination of the estimated amount of agricultural
29 water and the estimated amount of water other than



1 agricultural water to be withdrawn from the
2 groundwater supplies of the district and the zones thereof
3 for the ensuing water year,~~the.~~

4 (f) *The* amount of water the district is obligated to
5 purchase during the ensuing water year,~~a.~~

6 (g) A recommendation as to the quantity of water
7 needed for surface delivery and for replenishment of the
8 groundwater supplies of the district and the zones thereof
9 the ensuing *water* year,~~a.~~

10 (h) A recommendation as to whether or not a
11 groundwater charge should be levied in any zone or
12 zones of the district during the ensuing water year ~~and,~~
13 ~~if.~~

14 (i) *If* any groundwater charge is recommended, a
15 proposal of a rate per acre-foot for agricultural water and
16 a rate per acre-foot for all water other than agricultural
17 water for such zone or zones.

18 (j) *Any other information the board requires.*

19 SEC. 2. Section 7.7 of the San Benito Water
20 Conservation and Flood Control District Act (Chapter
21 1598 of the Statutes of 1953) is amended to read:

22 Sec. 7.7. (a) On the ~~second~~*third* Monday in ~~March~~
23 ~~December~~ of each year, the ~~engineering investigation~~
24 ~~and groundwater~~ report shall be delivered to the clerk of
25 the ~~district~~ board in writing. The clerk shall publish,
26 pursuant to Section 6061 of the Government Code, a
27 notice of the receipt of ~~such~~*the* report and of ~~the~~*a* public
28 hearing to be held on the second Monday of ~~April~~*January*
29 *of the following year* in a newspaper of general
30 circulation printed and published within the district, at
31 least 10 days prior to the date at which the public hearing
32 regarding the ~~engineering investigation and~~
33 ~~groundwater~~ report shall be held. The notice, ~~among~~
34 ~~other information which the district may provide therein,~~
35 shall ~~contain~~ *include, but is not limited to,* an invitation
36 to all operators of water-producing facilities within the
37 district to call at the offices of the district to examine ~~said~~
38 ~~engineering investigation and the groundwater~~ report.

39 ~~There shall be held by the board~~



1 (b) *The board shall hold, on the second Monday of*
 2 ~~April-January~~ *of each year, in the chambers of the board,*
 3 *a public hearing, at which time any operator of a*
 4 *water-producing facility within the district, or any person*
 5 *interested in the condition of the groundwater supplies*
 6 *or the surface water supplies of the district, may in*
 7 *person, or by representative, appear and submit evidence*
 8 *concerning the groundwater conditions and the surface*
 9 *water supplies of the district. Appearances also may be*
 10 *made supporting or protesting the written engineering*
 11 ~~*investigation and groundwater report, including, but not*~~
 12 ~~*limited to, the engineer's recommended groundwater*~~
 13 ~~*charge.*~~

14 SEC. 3. Section 7.8 of the San Benito County Water
 15 Conservation and Flood Control District Act (Chapter
 16 1598 of the Statutes of 1953) is amended to read:

17 Sec. 7.8. (a) *Prior to the end of the water year in*
 18 ~~*which said a hearing is held pursuant to subdivision (b)*~~
 19 ~~*of Section 7.7, and based upon the findings and*~~
 20 ~~*determinations from said hearing, the board shall*~~
 21 ~~*determine whether or not hold a public hearing, noticed*~~
 22 ~~*pursuant to Section 6061 of the Government Code, to*~~
 23 ~~*determine if a groundwater charge should be levied in*~~
 24 ~~*any zone or zones. If the board determines that a*~~
 25 ~~*groundwater charge should be levied, it shall levy, assess,*~~
 26 ~~*and affix such a charge or charges against all persons*~~
 27 ~~*operating groundwater-producing facilities within such*~~
 28 ~~*the zone or zones during the ensuing water year. The*~~
 29 ~~*charge shall be computed at a fixed and uniform rate per*~~
 30 ~~*acre-foot for agricultural water, and at a fixed and*~~
 31 ~~*uniform rate per acre-foot for all water other than*~~
 32 ~~*agricultural water. Different rates may be established in*~~
 33 ~~*different zones; provided, however, that. However, in*~~
 34 ~~*each zone, the rate for agricultural water shall be fixed*~~
 35 ~~*and uniform and the rate for water other than*~~
 36 ~~*agricultural water shall be fixed and uniform; further*~~
 37 ~~*provided, that the. The rate for agricultural water shall*~~
 38 ~~*not exceed one-third of the rate for all water other than*~~
 39 ~~*agricultural water.*~~

40 The



1 (b) *The* groundwater charge in any year shall not
2 exceed the costs reasonably borne by the district in the
3 period of the charge in providing the water supply
4 service authorized by this act in the district or a zone or
5 zones thereof.

6 ~~Any~~

7 (c) *Any* groundwater charge levied pursuant to this
8 section shall be in addition to any general tax or
9 assessment levied within the district or any zone or zones
10 thereof.

11 ~~Clerical~~

12 (d) *Clerical* errors occurring or appearing in the name
13 of any person or in the description of the water-producing
14 facility where the production of water therefrom is
15 otherwise properly charged, or in the making or
16 extension of any charge upon the records which do not
17 affect the substantial rights of the assessee or assessees,
18 shall not invalidate the groundwater charge.

19 SEC. 4. No reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution because the only costs that may be incurred
22 by a local agency or school district are the result of a
23 program for which legislative authority was requested by
24 that local agency or school district, within the meaning of
25 Section 17556 of the Government Code and Section 6 of
26 Article XIII B of the California Constitution.

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

