

Date of Hearing: April 17, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2748 (Flora) – As Amended April 3, 2024

SUBJECT: Tri-Dam Project: board of directors: meetings.

SUMMARY: Allows the Board of Directors of the Tri-Dam Project to hold no more than four regular meetings annually at a Tri-Dam Project office that is located in Sonora, California, or Strawberry, California, or within 30 miles of either city.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill allows the Board of Directors of the Tri-Dam Project to hold no more than four regular meetings annually at a Tri-Dam Project office that is located in Sonora, California, or Strawberry, California, or within 30 miles of either city. This bill is sponsored by the South San Joaquin Irrigation District.

According to the author, “This measure is purely a common-sense change in law to ensure that a local agency can operate efficiently, and maximize local stakeholder access to the headquarters of the Tri Dam Project.”

- 2) **Background.** The Tri-Dam Project is a partnership between the Oakdale Irrigation District and the South San Joaquin Irrigation District, formed via a Joint Powers Agreement (JPA) for the purposes of operating and maintaining a hydroelectric system on the Stanislaus River. The JPA’s governing board is composed of the members of the boards of directors of the Oakdale Irrigation District, located in Oakdale (Stanislaus County) and the South San Joaquin Irrigation District, located in Manteca (San Joaquin County). The Tri-Dam Project includes the Donnells, Beardsley, and Tulloch reservoirs, and associated dams, tunnels, and other infrastructure that are located outside the jurisdictional boundaries of the two JPA member districts. The Tri-Dam Project office is located in the small town of Strawberry (El Dorado County), which is also outside the jurisdiction of either irrigation district.

The Brown Act generally requires a JPA to meet within its boundaries. However, the Tri-Dam Project JPA is only a joint powers *agreement*. It is not a separate *agency* or *authority*. As such, it has no jurisdictional boundaries of its own. Under normal circumstances, the governing board members of the Project would be required to meet within the boundaries of the JPAs member agencies – in this case, the boundaries of the two irrigation districts.

AB 2240 (House), Chapter 83, Statutes of 1998, provided an exception to this rule for the Tri-Dam board of directors after concerns were raised about several issues. Members and staff were encountering difficulties in transferring documents from the Project facility to Manteca or Oakdale for each monthly meeting. In addition, the JPA board wanted to hold meetings at the Tri-Dam facility to increase public participation from Strawberry residents and businesses, and to allow board members to communicate directly with the Project’s employees. AB 2240 allowed the Tri-Dam Project Board of directors to meet up to four times per year at the Project office in Strawberry.

According to the author's office, the Tri-Dam Project is in the process of relocating its principal office from Strawberry to Sonora, California, which is also outside the jurisdictional boundaries of the JPA member agencies. As a result, absent a change to law, Tri-Dam will be precluded from holding regular meetings at its new principal office.

- 3) **Arguments in Support.** The Tri-Dam Project, Oakdale Irrigation District (OID) and South San Joaquin Irrigation District (SSJID) write, "The Tri-Dam Project operates pursuant to a Joint Exercise of Powers Agreement, but it is not a Joint Powers Authority or separate legal entity, and it has no 'jurisdictional boundary' of its own. The Tri-Dam Project is governed by the joint boards of the irrigation districts.

"Under the Irrigation District Law (Division 11 of the California Water Code), all meetings of the board of directors of an irrigation district are to be held pursuant to the Ralph M. Brown Act, which generally requires a legislative body to hold its regular and special meetings within the jurisdictional boundaries of the territory over which it exercises jurisdiction, with several narrowly-tailored exceptions.

"Due to the lack of jurisdictional boundaries of Tri-Dam, and recognizing the need for the ability to hold regular meetings at Tri-Dam's offices, the California Legislature added §21377.5, which provides in pertinent part: ' ... the Board of Directors of the Tri-Dam Project. .. may hold no more than four regular meetings annually at the Tri-Dam Project offices located in Strawberry, California' (emphasis added).

"Tri-Dam is in the process of relocating its principal office from Strawberry to Sonora, California. As a result, under the existing provisions of §21377.5, Tri-Dam will be precluded from holding regular meetings at its principal office, and will only be allowed to hold special meetings if the topic of the meeting is limited to items directly related to the office building/location itself. The requested amendment to §21377.5 would authorize the board of directors to hold those regular meetings at a Tri-Dam Project office that is located in Sonora, California, or Strawberry, California, or within 30 miles of either city."

- 4) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

South San Joaquin Irrigation District [SPONSOR]
California Special Districts Association
Oakdale Irrigation District
Tri-Dam Project

Opposition

None on file

Analysis Prepared by: Angela Mapp / L. GOV. / (916) 319-3958