

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 588 (Robert Rivas) – As Introduced February 9, 2023

**SUBJECT:** Pajaro Valley Water Management Agency Act: board members.

**SUMMARY:** Requires the City of Watsonville appointee to the Pajaro Valley Water Management Agency (PVWMA) to have a primary income that involves or, if the appointee is retired, did involve, a close and continuing relationship with the Pajaro Valley agricultural industry instead of deriving at least 51% of their net income from the production of agricultural products.

**EXISTING LAW:**

- 1) Establishes PVWMA, and prescribes its boundaries, organization, operations, management, and other powers and duties. (Water C.App § 124-1 to 124-1108)
- 2) Provides findings and declarations that the management of the water resources within the PVWMA for agricultural, municipal, industrial, and other beneficial uses is in the public interest and that the creation of a water agency is for the common benefit of all water users within the agency. (Water C.App § 124-101)
- 3) Requires that PVWMA shall be governed by the board of directors which consists of seven members. Each member of the board shall be a voter of and a resident within PVWMA. Four members shall be elected and three appointed. (Water C.App § 124-402)
- 4) Specifies that the appointed members of the board shall reside within the jurisdiction of the appointing power, shall derive at least 51% of their net income from the production of agricultural products, and shall be appointed by the following agencies: one member each by the Board Supervisors of Monterey County, the Board of Supervisors of Santa Cruz County, and the City of Watsonville. The appointments may be made from lists of not less than three nor more than five persons submitted to the appointing power for each vacancy by the Santa Cruz and Monterey County Farm Bureaus. (Water C.App § 124-402)
- 5) Requires that the term of office of each elected board member be four years and the term of office for an appointed board member to be two years. (Water C.App § 124-404)

**FISCAL EFFECT:** None.

**COMMENTS:**

- 1) **PVWMA.** Created by the Legislature in 1984 [AB 2037 (Mello), Chapter 257, Statutes of 1984], and approved by the voters, PVWMA is a water management district formed to manage existing and supplemental water supplies in order to prevent further increase in, and to accomplish continuing reduction of, long-term overdraft. PVWMA also works to provide and ensure sufficient water supplies for present and future anticipated needs within its boundaries, generally the greater coastal Pajaro Valley.

PVMWA's board currently consists of seven members, four elected and three appointed. The counties of Monterey and Santa Cruz and the City of Watsonville appoint one board member each. Each appointed board member has terms of two years and must meet certain criteria, including:

- a) Each appointed member shall reside within the jurisdiction of the appointing power.
- b) Each appointed member shall derive at least 51% of their net income from the production of agricultural products, as certified by affidavit.

- 2) **Bill Summary and Author's Statement.** This bill requires the City of Watsonville appointee to the PVWMA to have a primary income that involves or, if the appointee is retired, did involve, a close and continuing relationship with the Pajaro Valley agricultural industry instead of deriving at least 51% of their net income from the production of agricultural products. This bill is sponsored by PVWMA.

According to the author, "For a number of years, the PVWMA has made every effort, yet still struggled, to fill enough of its appointed seats to establish a quorum for its meetings. A quorum typically requires four out of a full seven-person board. When one seat remains vacant, four people are still required to attend out of the six members. In large part, this problem stems from an inability to fill the City of Watsonville's appointed seat. Despite substantial outreach in-person, via phone, and online, the City of Watsonville's appointed seat recently suffered a vacancy for two and a half years following the retirement of the previously serving City of Watsonville appointee after twenty years of continuous service.

"Historically, farmers and ranchers have served most frequently in the role of appointed board members. However, over the years, fewer farmers and ranchers have continued to reside in Watsonville proper. Instead, they largely live outside the city limits. The board positions are time-consuming (on average, approximately four hours minimum per month) and do not pay well (generally, a \$100 monthly stipend).

"The approximately 60,000 residents of the City of Watsonville lose their appointed representation on the board unless this seat remains filled on a regular basis. As California and the Central Coast region grapple with ongoing water challenges, including a critically overdrafted groundwater basin, these residents depend on PVWMA for the long-term reliability of their water supply; they deserve fair representation on the PVWMA board as the agency makes decisions affecting the long-term future of the region's water systems."

- 3) **Arguments in Support.** According to PVWMA, "AB 588 provides a solution to our problem. AB 588 requires that the PV Water board member appointed by the City of Watsonville have a primary income that involves or, if the appointee is retired, did involve, a close and continuing relationship with the agricultural industry in the Pajaro Valley (Watsonville region), as opposed to requiring that a prescribed percentage of their income come from agriculture. This change in the law allows the City of Watsonville to keep its appointed seat on the PV Water board filled more consistently, while maintaining the requirements for residency and close ties to the agricultural sector that defines the Pajaro Valley."
- 4) **Arguments in Opposition.** None on file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Pajaro Valley Water Management Agency [SPONSOR]

**Opposition**

None on file

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