

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 413 (Rubio) – As Amended June 5, 2019

SENATE VOTE: 38-0

SUBJECT: San Gabriel Basin Water Quality Authority.

SUMMARY: Makes a number of changes to the provisions of the San Gabriel Basin Water Quality Authority Act (Act). Specifically, **this bill:**

- 1) Requires the San Gabriel Basin Water Quality Authority (Authority) to update the basinwide groundwater quality management and remediation plan (plan) annually and incorporate a status report that includes elements, as specified.
- 2) Requires the Authority to deliver a copy of the plan to the State Water Resources Control Board and the California Regional Water Quality Control Boards, Los Angeles region.
- 3) Requires all nominations for candidates for a city member elected by cities to be submitted to the Authority 60 to 90 days before the meeting at which the board of the Authority (board) will select an appointee to fill a vacancy to the office of a member or alternate.
- 4) Provides that the terms of the member and alternate for cities with pumping rights, who are elected at the board's final meeting of 2016, to expire on January 1, 2022. Requires the regular election to elect their successors be conducted at the board's final meeting of 2021.
- 5) Specifies that the bill's proposed amendments to the Act shall not be construed to extend the term of the member or alternate for cities with pumping rights elected at the 2021 regular election, or any regular election thereafter, for a term greater than the four-year term.
- 6) Provides that the terms of the member and alternate for cities without pumping rights, who are elected at the board's final meeting of 2018, shall expire on January 1, 2024. Requires the regular election to elect their successors to be conducted at the final board meeting of 2023.
- 7) Clarifies that the bill's proposed amendments to the Act shall not be construed to extend the term of the member or alternate for cities without pumping rights elected at the 2023 regular election, or any regular election thereafter, for a term greater than the four-year term.
- 8) Allows a vacancy in the office of a member or alternate who was elected by cities, at the discretion of the board, to be filled by either of the following:
 - a) A special election called by the board; or,
 - b) An appointment made by the board from among nominees submitted by those cities represented by the member or alternate who has vacated the office as a member or alternate.

- 9) Requires the board to call a special election if there are more than two years remaining on the unexpired balance of the term of the office that is vacant.
- 10) Authorizes the board to allow the vacated office of a member or alternate to remain vacant if there is less than six months remaining on the unexpired balance of the office's term.
- 11) Provides that only those cities which elected the member or alternate to the office in which the vacancy has occurred are eligible to vote in any election called by the board or to submit nominations to the board in the event the board elects to fill the vacancy by appointment.
- 12) Repeals the semi-annual status report requirement and instead incorporates the requirements into the annual basin plan update.
- 13) Requires, if the Commission on State Mandates determines that this Act contains costs mandated by the state, reimbursement to local agencies and school districts be made for those costs.
- 14) Makes conforming changes.

EXISTING LAW:

- 1) Establishes the San Gabriel Basin Water Quality Authority until July 1, 2030, and authorizes it to plan, finance, and implement groundwater remediation activities.
- 2) Establishes election procedures and stipulations for electing members and alternates to the Authority, as well as how to fill a vacancy in the office of a member.
- 3) Requires the Authority to develop and adopt a groundwater quality management and remediation plan that includes certain components, such as characterization of basin contamination, development and implementation of a comprehensive basin cleanup plan, a financing plan, and a public information and participation plan.
- 4) Requires the Authority to provide a status report to the State Water Resources Control Board and the Los Angeles Regional Water Board every six months on activities undertaken pursuant to the Basin groundwater quality management and remediation plan. Requires the status report to include certain information, such as an overview of contamination, coordination with other agencies, funding from potentially responsible parties and other sources, status of certain plans, and project activities information.
- 5) Establishes the California Voter Participation Rights Act, which prohibits a local government, beginning January 1, 2018, from holding an election on any date other than a statewide election date, if doing so in the past has resulted in a turnout that is at least 25% below the average turnout in that jurisdiction in the last four statewide general elections, as specified.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **San Gabriel Water Quality Authority.** The Legislature created the Authority in 1992 [SB 1679 (Russell), Chapter 776, Statutes of 1992] to clean up the San Gabriel Basin and ensure that it continues to be a valuable source of water to the area. The San Gabriel Basin is located in southeast Los Angeles County, and encompasses various cities, including Azusa, Alhambra, El Monte, Industry, and Monterey Park. The mission of the Authority is to coordinate, plan, and implement groundwater quality management programs to efficiently remediate groundwater contamination, address the problem of the migration of contaminated groundwater within the San Gabriel Basin, protect and promote the beneficial use of groundwater supplies, and assist in preventing future contamination.

The Authority is governed by a seven-member board, comprised of:

- a) One member from each of the three overlying municipal water districts;
- b) Two members representing water producers in the San Gabriel Basin;
- c) One member from a city with prescriptive water pumping rights; and,
- d) One member from a city without prescriptive water pumping rights.

Each member sits on the board for a four-year term, staggered such that cities without pumping rights, and the Three Valleys Municipal Water District – one of the three overlying municipal water districts – select their board members two years before the remaining five board members. To be eligible to sit on the board, city members (one member from a city with prescriptive water pumping rights, and one member from a city without prescriptive water pumping rights) and their alternates must be current city council members. When a board member cannot attend a meeting, their alternate sits on the board in their place. The alternate for each member is selected in the same manner as the board members. If a seat is vacated by a board member who is a city member, the Authority must hold a special election following the same nomination and voting procedures that apply to a regular election.

- 2) **Local Elections.** In 2015, the Legislature required local governments experiencing low turnout to hold their elections on one of four statewide election dates [SB 415 (Hueso), Chapter 235, Statutes of 2015]. These statewide election dates include the second Tuesday of April in each even-numbered year; the first Tuesday after the first Monday in March of each odd-numbered year; the first Tuesday after the first Monday in June in each year; and, the first Tuesday after the first Monday in November in each year. Local city council elections previously were held in odd-numbered years and did not overlap with the Authority's board elections in even-numbered years. However, since SB 415 was enacted, local governments have started transitioning to a consolidated election cycle, and many cities in Los Angeles County have shifted to even-year election cycles. Some local elections now no longer align with the election cycle for the Authority's board. This creates the potential that someone will be elected to the Authority's board, but will soon thereafter have to vacate the seat because they did not win reelection to city council, resulting in a special election that costs approximately \$20,000, according to Authority staff.

- 3) **Bill Summary and Author's Statement.** This bill makes a number of changes to the provisions of the Act. It repeals the semi-annual status report requirement and instead incorporates the requirements into the annual basin plan update. This bill also outlines the options and procedures for filling a vacancy of a member or their alternate. Lastly, this bill extends the current terms of board city members and alternates by one year, so as to better align with local elections. San Gabriel Water Quality Authority is the sponsor of this bill.

According to the author, "SB 413 is a district-specific bill that will reduce taxpayer expenses and create an efficient election process for the San Gabriel Basin Water Quality Authority by staggering its election schedule with local city council elections and by consolidating duplicative reports that create unnecessary staff work and expenses. All of the information currently required in the two existing reports will be retained in the new annual report. The Authority's board discussed these changes at a public workshop and hearing and unanimously adopted a position supporting them after hearing no opposition from the public."

4) **Prior Legislation.**

- a) SB 429 (Hernández), Chapter 214, Statutes of 2013, extended the sunset date of the Act from July 1, 2017, to July 1, 2030.
 - b) AB 1010 (Hernández), Chapter 404, Statutes of 2007, extended the sunset date of the Act from July 1, 2010, to July 1, 2017; required the Authority, commencing April 1, 2008, and on at least a quarterly basis thereafter, to update its Internet Web site with information regarding its activities undertaken, pursuant to the basinwide groundwater quality management and remediation plan; and, required the Authority to submit by March 31, 2008, and every six months thereafter, a status report on its activities undertaken, pursuant to the plan, to the State Water Board and the LA Regional Water Board.
 - c) SB 334 (Romero), Chapter 192, Statutes of 2003, extended the sunset date of the Act from July 1, 2005, to July 1, 2010; deleted a consultation requirement relating to the status report; and, authorized the Authority to impose an annual pumping right assessment in an amount that does not exceed \$10 per acre-foot.
 - d) AB 2544 (Calderon), Chapter 905, Statutes of 2000, extended the sunset date of the Act from July 1, 2002, to July 1, 2005; and, required the appointment to the board of the Authority of two additional producer members and their alternates, pursuant to specified procedures, and prescribed their terms of office.
 - e) AB 2173 (Margett), Chapter 281, Statutes of 1996, extended the sunset date of the Act from January 1, 1998, to July 1, 2002; decreased the authorized pumping right assessment from \$35 per acre-foot to \$20 per acre-foot; and, authorized the Authority to adopt, by resolution, rules and regulations for the collection of pumping right assessments.
- 5) **Arguments in Support.** The San Gabriel Basin Water Quality Authority, the sponsor of this bill, writes, "SB 413 addresses the problem created when a city representative is chosen by [their] peers for a four-year term on the Authority board only to lose [their] reelection to the home city council. The solution contained in SB 413 would shift the city elections to the

Authority board to occur in odd-numbered years and would allow the board to fill vacancies either by special election or appointment from nominees suggested by the relevant group of cities if less than two years remain in a vacant office...the board of directors heard no dissenting opinions from the public and subsequently formally adopted a unanimous position of support for the provisions which are now contained in SB 413.”

- 6) **Arguments in Opposition.** None on file.
- 7) **Double-Referral.** This bill was heard by the Environmental Safety and Toxic Materials Committee on June 4, 2019, and passed with an 8-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

San Gabriel Basin Water Quality Authority [SPONSOR]
Association of California Water Agencies
California American Water
California Domestic Water Company
California Groundwater Coalition
City of Covina
City of La Puente
Regional Chamber of Commerce San Gabriel Valley
San Gabriel Valley Economic Partnership
San Gabriel Valley Municipal Water District
San Gabriel Valley Water Association
San Gabriel Valley Water Company
Three Valleys Municipal Water District
Upper San Gabriel Valley Municipal Water District

Opposition

None on file

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