

Date of Hearing: June 20, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 519 (Beall) – As Amended January 3, 2018

SENATE VOTE: 38-0

SUBJECT: Santa Clara Valley Water District.

SUMMARY: Requires appointed board members of the Santa Clara Valley Water District (SCVWD) to reside in their electoral district when filling a vacancy.

EXISTING LAW:

- 1) Prescribes, generally, the process for filling a vacancy on a local agency board.
- 2) Requires the SCVWD to appoint an individual to fill a vacancy from the district at-large.

FISCAL EFFECT: None

COMMENTS:

- 1) **Background and Bill Summary.** SCVWD is the primary water resources agency for Santa Clara County. First formed as the Santa Clara Valley Water Conservation District in 1929, it now acts as the County's water wholesaler and the steward for its streams, creeks, underground aquifers, and district-built reservoirs. The District owns and manages 10 local surface reservoirs and associated creeks and recharge facilities, manages the County's groundwater basins and three water treatment plants, imports water from the Central Valley Project and the State Water Project, and delivers recycled water to parts of the County. The District is also responsible for flood protection within the County. Its stewardship responsibilities include creek restoration and wildlife habitat projects, pollution prevention efforts, and a commitment to natural flood protection.

Prior to 2010, the SCVWD Board of Directors consisted of five members directly elected, one from each county supervisorial district, and two members appointed by the Santa Clara County Board of Supervisors to serve at large. AB 466 (Coto), Chapter 443, Statutes of 2009, amended the SCVWD Act to require the District to establish boundaries for seven electoral districts, and provided that the two appointed board members must be elected instead. Elected board members must be a resident of the electoral district they represent.

The Government Code prescribes the process for filling a vacancy on a board of directors for any special district. A vacant board seat can be filled by either appointment or by election, and the SCVWD Act requires the District to follow this process. However, AB 466 specified that when a board seat becomes vacant, the new board member must be appointed to represent the District at large. This bill amends SCVWD's Act to require that appointments to vacant seats be made from the electoral district in which the vacant seat exists, rather than from anywhere within the District's jurisdiction. This bill is sponsored by SCVWD.

- 2) **Author's Statement.** According to the author, "The SCVWD is a special district with jurisdiction throughout Santa Clara County, including Silicon Valley. This bill proposes to reform the process for filling Board vacancies to ensure better representation. The District Act currently requires that Board vacancies be filled on an 'at large' basis by a person residing anywhere within SCVWD's jurisdiction of Santa Clara County. This bill requires that the appointment to a vacant Board seat be made from the district in which the vacancy exists rather than from anywhere in Santa Clara County."
- 3) **Related Legislation.** AB 1889 (Caballero) amends the SCVWD Act in three ways. First, AB 1889 increases the amount of days the board can be compensated for meetings every calendar month from 10 to 20. Second, the bill changes the process for receiving a special tax exemption from an opt-in to an opt-out process, specifying that an individual does not have to opt-in on an annual basis to receive the exemption on an ongoing basis. Third, identically to SB 519, the bill requires the individual appointed to fill the vacancy to actually reside within the electoral district that has the vacancy. AB 1889 is currently pending in the Senate Governance and Finance Committee.
- 4) **Arguments in Support.** According to the sponsors, "SB 519 seeks to improve community representation by reforming the process to fill District Board vacancies by requiring that a person appointed to fill the vacancy live in the electoral district where the vacancy has occurred. Currently, the District Act allows anyone living in Santa Clara County to apply for a District Board vacancy. This outdated provision is left over from a time when two seats were appointed from anywhere in the county by the Santa Clara County Board of Supervisors. Reforming the eligibility requirement for vacancy appointments to our Board of Directors will ensure the voters are properly represented by a qualified electoral district in which the vacancy occurred."

5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Santa Clara Valley Water District [SPONSOR]

Opposition

None on file

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