

**MWD**

*METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA*

7-7

April 27, 1993

(Executive Committee--Action)

*to:* Board of Directors (Special Committee on Legislation--Action)

*from:* General Manager

*subject:* Opposition to Assembly Bill 2272

Report

Assembly Bill (AB) 2272 was introduced by Assembly Member Martinez (D-Monterey Park) on March 5, 1993, and coauthored by Assembly Member Moore. In its original form, the bill would have required the Department of Water Resources (DWR) to submit to the Legislature copies of any contract or contract amendments for the sale, delivery, or use of water, power, other services, or facilities made available by the State Water Resources Development System [State Water Project (SWP)], not less than 30 days before the contract or amendments became effective.

At its April 13, 1993 meeting, Metropolitan's Board of Directors voted to support AB 2272 because of the benefits to the public process seen in this bill. However, since its introduction, AB 2272 has changed substantially. In its current form, this bill would provide that whenever a municipal water district or a metropolitan water district, whose board members are not elected, proposes to change the method by which it acquires, stores, treats or delivers water which potentially affects the health or safety of any city, the proposed change would not be made if it is disapproved by any affected city. The bill further provides that a potentially affected city would be required to be given adequate notice of the proposed change. By imposing additional duties on municipal water districts, this bill would impose a state-mandated local program. In effect, AB 2272 would give an individual city veto power over the decisions of Metropolitan's existing 51-member Board of Directors.

Metropolitan has a long history of coordinating with the local cities in its service area and working cooperatively with communities to resolve issues in achieving its mission of providing an adequate, reliable water supply for Southern California. Current state law provides that Metropolitan coordinate with a city when there is a proposed change to real

property use. Metropolitan must submit the proposal to the local city for a 40-day review pursuant to Government Code Section 65402(c).

In addition, to further coordinate with local government, Metropolitan has entered into a Memorandum of Understanding with the Southern California Association of Governments, the regional planning arm of local government, to provide a water supply element as part of the Regional Comprehensive Plan for Southern California.

#### Board Committee Assignments

This letter is referred for action to:

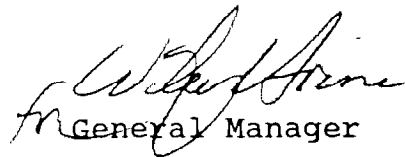
The Executive Committee because it involves legislation which may affect Metropolitan, pursuant to Administrative Code Section 2417(a); and

The Special Committee on Legislation because it involves a legislative matter that may affect Metropolitan, pursuant to Administrative Code Section 2581(a).

#### Recommendation

#### **EXECUTIVE COMMITTEE AND SPECIAL COMMITTEE ON LEGISLATION FOR ACTION.**

It is recommended that Metropolitan oppose Assembly Bill 2272.

  
General Manager

TMS:ks/atr  
(bd:ab2272-4273)

AMENDED IN ASSEMBLY APRIL 19, 1993

AMENDED IN ASSEMBLY APRIL 12, 1993

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2272**

**Introduced by Assembly Member Martinez  
(Principal coauthor: Assembly Member Moore)**

March 5, 1993

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An act to add ~~Section 11456 to the Water Code~~ *Section 71610.3 to the Water Code, and to add Section 130.5 to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969)*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2272, as amended, Martinez. ~~State Water Resources Development System Metropolitan and municipal water districts.~~

(1) Existing law provides for the operation of the State Water Resources Development System (State Water Project) by the Department of Water Resources and requires the department to enter into contracts for the sale, delivery, or use of water, power, or other services or facilities made available by that project.

This bill would require, when a local agency that contracts with the department for the sale, delivery, or use of water, power, or other services or facilities made available by the State Water Resources Development System is affected by a proposed amendment to that contract, that the agency consider the proposed amendment in an open meeting conducted in accordance with the Ralph M. Brown Act, which requires the legislative bodies of local agencies to hold their meetings in sessions that are open to the public, thereby imposing a state/mandated local program. The bill would

require the affected agency to provide public notice of the meeting and would require the notice to include a detailed description of the proposed amendment. Existing law authorizes municipal water districts and metropolitan water districts to, among other things, acquire, store, treat, and deliver water.

*This bill would provide that whenever a municipal water district or a metropolitan water district, whose board members are not elected, proposes to change the method by which it acquires, stores, treats, or delivers water which potentially affects the health or safety of any city, the proposed change shall not be made if disapproved by any potentially affected city. A potentially affected city would be required to be given adequate notice of the proposed change. By imposing additional duties on municipal water districts and metropolitan water districts, this bill would impose 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

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 ~~11456~~ 71610.3 is added to the  
2 Water Code, to read:

3 ~~11456.~~ When a local agency, that contracts with the  
4 department for the sale, delivery, or use of water, power,  
5 or other services or facilities made available by the State  
6 Water Resources Development System (State Water  
7 Project), is affected by a proposed amendment to that  
8 contract, the agency shall consider the proposed  
9 amendment in an open meeting, pursuant to the Ralph  
10 M. Brown Act (Chapter 9 (commencing with Section  
11 54950) of Part 1 of Division 2 of Title 5 of the Government  
12 Code). The agency shall provide public notice of the  
13 meeting and shall include in the notice a detailed  
14 description of the proposed amendment.

15 71610.3. Notwithstanding Section 71610, whenever a  
16 district whose board members are not elected proposes to  
17 change the method by which it acquires, stores, treats, or  
18 delivers water that potentially affects the health or safety  
19 of any city, the proposed change shall not be made if  
20 disapproved by any potentially affected city. A  
21 potentially affected city shall be given adequate notice of  
22 the proposed change.

23 SEC. 2. Section 130.5 is added to the Metropolitan  
24 Water District Act (Chapter 209 of the Statutes of 1969),  
25 to read:

26 130.5. Notwithstanding Section 130, whenever a  
27 district whose board members are not elected proposes to  
28 change the method by which it acquires, stores, treats, or  
29 delivers water that potentially affects the health or safety  
30 of any city, the proposed change shall not be made if  
31 disapproved by any potentially affected city. A  
32 potentially affected city shall be given adequate notice of  
33 the proposed change.

34 SEC. 2.

35 SEC. 3. Notwithstanding Section 17610 of the  
36 Government Code, if the Commission on State Mandates  
37 determines that this act contains costs mandated by the  
38 state, reimbursement to local agencies and school

1 districts for those costs shall be made pursuant to Part 7  
2 (commencing with Section 17500) of Division 4 of Title  
3 2 of the Government Code. If the statewide cost of the  
4 claim for reimbursement does not exceed one million  
5 dollars (\$1,000,000), reimbursement shall be made from  
6 the State Mandates Claims Fund. Notwithstanding  
7 Section 17580 of the Government Code, unless otherwise  
8 specified in this act, the provisions of this act shall become  
9 operative on the same date that the act takes effect  
10 pursuant to the California Constitution.

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