

• **Water Planning and Resources Committee**

November 15, 1999 Committee Meeting

WP&R8a

Subject

Local resources provisions of SB 60 (Hayden)

Description

SB 60 (Hayden) was signed by the Governor Sept. 16 and includes the following local-resources related amendments to the MWD Act:

- It is the intent of the Legislature that Metropolitan expand conservation, water recycling, and groundwater recovery efforts. Metropolitan reports that these resources are projected to account for 25% of Metropolitan's total water resources by 2020.
- Metropolitan shall place "increased emphasis" on conservation, water recycling, and groundwater management.
- Metropolitan shall hold annual hearings to review its Urban Water Management Plan for adequacy in achieving this increased emphasis. Metropolitan shall invite experts to this annual hearing and shall consider factors of availability, water quality, regional self-sufficiency, species and environment, avoided costs, and employment and economic benefits.
- Commencing on or before Feb. 1, 2001 and annually thereafter, Metropolitan shall submit a report to the Legislature on its progress in achieving these goals.
- Metropolitan shall participate in considering programs of groundwater and watershed management, habitat restoration, and environmentally sound community development utilizing the Los Angeles River, San Gabriel River, and other southern California rivers in cooperation with member agencies, Water Replenishment District, other public water agencies, County of Los Angeles, and U.S. Army Corps of Engineers.

Policy

This statute has implications for future decisions regarding Metropolitan's policies and programs. The General Counsel will prepare a legal analysis for the Water Planning & Resources Committee and the Strategic Planning Committee.

Fiscal Impact

Not yet determined.


General Counsel

10/28/99

Date

Senate Bill No. 60

CHAPTER 415

An act to add Sections 126.5, 126.7, 130.5, and 130.7 to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to the Metropolitan Water District of Southern California.

[Approved by Governor September 16, 1999. Filed
with Secretary of State September 16, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 60, Hayden. Metropolitan Water District of Southern California.

(1) The Metropolitan Water District Act authorizes the formation of metropolitan water districts and specifies the powers and purposes of a district.

This bill would require the Metropolitan Water District of Southern California to place increased emphasis on sustainable, environmentally sound, and cost-effective water conservation, recycling, and groundwater storage and replenishment measures, as prescribed, and, commencing February 1, 2001, to prepare and submit to the Legislature a prescribed annual report relating to water conservation. The bill would make related legislative findings and declarations.

The bill would require the district, in cooperation with specified entities, to participate in considering programs of groundwater recharge and replenishment, watershed management, habitat restoration, and environmentally compatible community development utilizing the resource potential of the Los Angeles River, the San Gabriel River, or other southern California rivers, including stormwater runoff from these rivers.

The bill would prohibit the district, and its member public agencies, from expending any public money for contracting with any private entity or person to undertake research or investigations with regard to the personal backgrounds or the statements of economic interest of, or the campaign contributions made to, elected officials who vote on public policies affecting the district, or advocacy groups or interested parties who may have matters pending before the board of the district or its member public agencies.

The bill would require the district to establish and operate an Office of Ethics and to adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees, as prescribed. The rules would be required to address certain matters



and would be required, for any association of individuals or entities that includes board members, officers, or employees of the district, or of a member public agency, which association is known by a name other than the Metropolitan Water District of Southern California or the name of a member public agency of the district, to prohibit any association structure or identification that is likely to mislead the public as to the association's true identity, its source of funding, or its purpose. The bill would require the office to adopt those rules for approval by the board of directors, to educate the board, staff, and contractors concerning those rules, and to investigate complaints concerning the violation of those rules. The bill would require the office to propose, and the board to adopt, a schedule of penalties for violations of those rules by board members, officers, staff, or contractors. The bill would prescribe related matters.

By imposing additional duties on the district, the 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 126.5 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

126.5. (a) The Metropolitan Water District of Southern California and its member public agencies may not expend any public money for contracting with any private entity or person to undertake research or investigations with regard to the personal backgrounds or the statements of economic interest of, or the campaign contributions made to, elected officials who vote on public policies affecting the Metropolitan Water District of Southern California, or advocacy groups or interested parties who may have matters pending before the board of the Metropolitan Water District of Southern California or its member public agencies.

(b) Nothing in this section prevents any board member, officer, or employee of the Metropolitan Water District of Southern California or of a member public agency of that district from exercising the right to obtain public records pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

SEC. 2. Section 126.7 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

126.7. (a) The Metropolitan Water District of Southern California shall establish and operate an Office of Ethics and adopt



rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees consistent with the intent and spirit of the laws and regulations of the Los Angeles City Ethics Commission, the Fair Political Practices Commission, and the Los Angeles County Metropolitan Transportation Authority.

(b) The rules described in subdivision (a) shall address, and seek to avoid potential ethical abuses relating to, all of the following matters:

(1) The direct and indirect business relationships between board members, contractors, and vendors, and between board members and officers or employees of member public agencies.

(2) The solicitation of campaign contributions by board members, officers, or employees and the receipt of contributions from bidders, contractors, or subcontractors.

(3) Public notice and approval procedures for contracts of fifty thousand dollars (\$50,000) or more.

(c) (1) The office shall operate as an independent entity that is not subject to political influence and shall be staffed with professional, qualified persons.

(2) The office shall adopt the rules described in subdivision (a) for approval by the board, educate the board, staff, contractors, and subcontractors concerning those rules, and shall investigate complaints concerning the violation of those rules.

(3) The office shall adopt procedures for protecting the confidentiality of sources, the job security of “whistle blowers,” and the due process rights of the accused.

(d) Subject to paragraph (3) of subdivision (c), the office shall make available to the public the results of the investigations that it undertakes.

(e) The office shall propose, and the board shall adopt, a schedule of penalties for violations of the rules described in subdivision (a) by board members, officers, staff, or contractors.

(f) For any association of individuals or entities that includes board members, officers, or employees of the Metropolitan Water District of Southern California or of a member public agency of that district that is known by a name other than the Metropolitan Water District of Southern California or the name of a member public agency of the district, the rules of ethics shall prohibit any association structure or identification that is likely to mislead the public as to the association’s true identity, its source of funding, or its purpose.

(g) Nothing in this section prohibits the Metropolitan Water District of Southern California, a member public agency of that district, or a board member, officer, or employee of the Metropolitan Water District of Southern California or of a member public agency of the district, from participating in, or providing funding in a clearly identifiable way for, an association formed for the purpose of



undertaking legitimate activities, including, but not limited to, advocating on behalf of that association before a local agency, the Legislature, or the United States Congress.

SEC. 3. Section 130.5 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

130.5. (a) The Legislature finds and declares all of the following:

(1) The Metropolitan Water District of Southern California reports that conservation provides 7 percent of its “water resource mix” for 1998, and conservation is projected to provide 13 percent of its total water resources by 2020. Conservation, water recycling, and groundwater recovery, combined, provide 12 percent of the district’s total water resources for 1998 and those water resources are projected to increase to 25 percent of the district’s total water resources by 2020.

(2) It is the intent of the Legislature that the Metropolitan Water District of Southern California expand water conservation, water recycling, and groundwater recovery efforts.

(b) The Metropolitan Water District of Southern California shall place increased emphasis on sustainable, environmentally sound, and cost-effective water conservation, recycling, and groundwater storage and replenishment measures.

(c) The Metropolitan Water District of Southern California shall hold an annual public hearing, which may be held during a regularly scheduled meeting of the Board of Directors of the Metropolitan Water District of Southern California, during which the district shall review its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code, for adequacy in achieving an increased emphasis on cost-effective conservation, recycling, and groundwater recharge in accordance with this section. The Board of Directors of the Metropolitan Water District of Southern California may modify any ongoing program as necessary to meet that requirement, consistent with the district’s urban water management plan.

(d) The district shall invite to the hearings knowledgeable persons from the fields of water conservation and sustainability, and shall consider factors of availability, water quality, regional self-sufficiency, benefits for species and environment, the totality of life-cycle costs, including avoided costs, and short- and long-term employment and economic benefits.

(e) On or before February 1, 2001, and on or before each February 1 thereafter, the Metropolitan Water District of Southern California shall prepare and submit to the Legislature a report on its progress in achieving the goals of increased emphasis on cost-effective conservation, recycling, and groundwater recharge in accordance with this section, and any recommendations for actions with regard to policy or budget matters to facilitate the achievement of those goals.



(f) Nothing in this section shall diminish the authority of the Metropolitan Water District of Southern California pursuant to Section 25 or any other provision of this act, or otherwise affect the purposes of the Metropolitan Water District of Southern California as described in existing law.

SEC. 4. Section 130.7 is added to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read:

130.7. (a) The Metropolitan Water District of Southern California, in cooperation with the following entities, shall participate in considering programs of groundwater recharge and replenishment, watershed management, habitat restoration, and environmentally compatible community development utilizing the resource potential of the Los Angeles River, the San Gabriel River, or other southern California rivers, including storm water runoff from these rivers:

(1) Member public agencies whose boundaries include any part of the Los Angeles River, the San Gabriel River, or any other river in southern California.

(2) The Water Replenishment District of Southern California.

(3) Local public water purveyors and other appropriate groundwater entities.

(4) The County of Los Angeles.

(5) The United States Army Corps of Engineers.

(b) Nothing in this section affects the powers and purposes of the Water Replenishment District of Southern California or any other groundwater management entity, the County of Los Angeles, local public water purveyors, or the United States Army Corps of Engineers.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

