



● **Board of Directors**
Legislation Committee

4/12/2011 Board Meeting

8-11

Subject

Express opposition to SB 701 (Ron Calderon, D-Montebello) - Central Basin Municipal Water District: report

Description

SB 701 by Senator Ron Calderon ([Attachment 1](#)) makes a legislative finding and declaration that Central Basin Municipal Water District (CBMWD) has primary oversight responsibility for protection of the public's interest in the Central Groundwater Basin. The bill would require CBMWD to submit an annual status report to the Legislature regarding the Central Groundwater Basin and seawater barrier operations for the period 2012 through 2016. The annual report would: (1) review all the actions of Department of Water Resources (DWR) and the Water Replenishment District of Southern California (WRD) relating to the Central Groundwater Basin and the seawater barrier operations; and (2) make short- and long-term recommendations to improve the overall health and transparency of the Central Groundwater Basin. The bill directs DWR and WRD to cooperate with CBMWD by providing all information, reports, and any other regularly generated data that is necessary for CBMWD's reports to the Legislature. The reporting provisions of the bill would sunset in 2016. This bill would also require the board of directors of the CBMWD to consist of seven directors.

Analysis

The bill cites the authorities broadly granted in the California Water Code to municipal water districts and draws the conclusion that as a municipal water district that overlies much of the basin, CBMWD has the primary oversight responsibility with respect to protecting the public's interest in the Central Groundwater Basin. The bill does not identify broad authorities also granted in the Water Code to water replenishment districts, and that WRD has been performing duties in Central and West Coast groundwater basins. DWR, as watermaster, has also been performing duties under the Central Basin judgment. The authorities of municipal water districts and water replenishment districts, as broadly granted in the California Water Code, overlap. By proclaiming CBMWD as the primary oversight agency, the bill would create a conflict between the two agencies. Furthermore, because the boundaries of WRD cover Central and West Coast basins, this bill would appear to separate WRD's unified management of the two basins potentially creating additional confusion.

The service territory of CBMWD covers a portion of the Central Groundwater Basin. The balance of the basin's area falls within the service territories of five other Metropolitan member agencies: Long Beach, Los Angeles, Compton, West Basin Municipal Water District (WBMWD), and Upper San Gabriel Valley Municipal Water District ([Attachment 2](#)).

Agency Positions

The Long Beach Board of Water Commissioners, WBMWD, City of Torrance, WRD, Central Basin Water Association, and West Basin Water Association have voted to oppose the measure. The Long Beach Board of Water Commissioners, the WBMWD and the City of Torrance have requested that Metropolitan oppose SB 701. CBMWD has requested Metropolitan remain neutral on the bill. Copies of the correspondence requesting Metropolitan's opposition-will be distributed at the Legislation Committee meeting, along with a letter from CBMWD requesting Metropolitan remain neutral.

Recommendation

This is primarily a local matter and a dispute among member agencies, which would argue for Metropolitan taking no position on this issue. However, Metropolitan has expressed opposition in the past to the settling of these local issues in Sacramento. Accordingly, staff recommends that Metropolitan oppose SB 701 because it interferes with local control and management of the Central and West Coast groundwater basins and impacts the interests of overlying Metropolitan member agencies. Metropolitan has historically deferred to local entities negotiating to reach decisions that will provide a beneficial outcome for all parties involved. SB 701 would circumvent local decision-making.

Policy

Policy Principle on Groundwater Management adopted on December 8, 1992 (M.I. 39978) and amended on January 10, 1995 (M.I. 41222)

Principles for implementing groundwater storage programs within Metropolitan's service area adopted on January 11, 2000 (M.I. 43860)

California Environmental Quality Act (CEQA)

CEQA determination for Options #1 and #2:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

Board Options

Option #1

Adopt the CEQA determination and express opposition to SB 701.

Fiscal Impact: None

Business Analysis: Maintains the status quo for management of groundwater in Central Basin

Option #2

Take no position on SB 701.

Fiscal Impact: None

Business Analysis: Leave the legislation to those with a direct interest in managing groundwater within the Central and West Coast basins.

Staff Recommendation

Option #1



Linda Waade
Deputy General Manager, External Affairs

4/5/2011

Date



Jeffrey Kightlinger
General Manager

4/5/2011

Date

Attachment 1 – Senate Bill 701

Attachment 2 – Map of Central and West Coast Groundwater Basins

Ref# ea12611529

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 701

Introduced by Senator Calderon

February 18, 2011

An act to amend Section 71261 of the Water Code, relating to the Central Basin Municipal Water District.

LEGISLATIVE COUNSEL'S DIGEST

SB 701, as amended, Calderon. Central Basin Municipal Water District: ~~report.~~ *directors: report.*

(1) Existing law, the Municipal Water District Law of 1911, authorizes the formation of a municipal water district to acquire and sell water.

This bill would require the Central Basin Municipal Water District, on or before July 1, 2012, to submit a report to the Legislature on the status of the Central Groundwater Basin and seawater barrier operations, and would prescribe the information to be included in the report. The bill would require the municipal water district to provide an annual update of that report, and would require the Department of Water Resources and the Water Replenishment District of Southern California to cooperate with the municipal water district in providing information necessary for the completion of the report. The bill would repeal this reporting requirement on July 1, 2016, in accordance with a specified provision of law.

This bill would require the Board of Directors of the Central Basin Municipal Water District to consist of 7 directors.

By imposing new duties on the Central Basin Municipal Water District, the bill would impose a state-mandated local program.

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(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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. The Legislature finds and declares all of the
2 following:

3 (a) The Central Basin Municipal Water District is a wholesale
4 water supplier in southeast Los Angeles County and overlies
5 approximately 75 percent of the Central Groundwater Basin.

6 (b) The Central Basin Municipal Water District was formed
7 under the Municipal Water District Law of 1911 (Division 20
8 (commencing with Section 71000) of the Water Code), and is a
9 groundwater rights holder in the Central Groundwater Basin.

10 (c) The Central Basin Municipal Water District is vested with
11 broad authority, including the authority to acquire, distribute, store,
12 spread, sink, treat, purify, recycle, recapture, and salvage water,
13 including sewage and stormwater, for the beneficial use of the
14 district, its inhabitants, and the holders of water rights in the
15 district.

16 (d) Therefore, the Central Basin Municipal Water District has
17 primary oversight responsibility with respect to protecting the
18 public's interest in the Central Groundwater Basin.

19 SEC. 2. (a) On or before July 1, 2012, the Central Basin
20 Municipal Water District shall submit a report to the Legislature
21 on the Central Groundwater Basin and associated seawater barrier
22 operations. The report shall include all of the following:

23 (1) A review of all actions by the Department of Water
24 Resources and the Water Replenishment District of Southern
25 California relating to the Central Groundwater Basin and associated
26 seawater barrier operations to determine the current status of the
27 Central Groundwater Basin and the seawater barrier operations.

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1 (2) Short-term and long-term recommendations to improve the
2 overall health and transparency of the Central Groundwater Basin.

3 (b) The Central Basin Municipal Water District shall provide
4 an annual update of the report to the Legislature by July 1 of each
5 year.

6 (c) The Department of Water Resources and the Water
7 Replenishment District of Southern California shall cooperate with
8 the Central Basin Municipal Water District to provide all
9 information, reports, and any other data regularly generated by
10 those agencies, that is necessary for the completion of reports
11 pursuant to this section.

12 (d) (1) A report to be submitted pursuant to subdivision (a)
13 shall be submitted in compliance with Section 9795 of the
14 Government Code.

15 (2) Pursuant to Section 10231.5 of the Government Code, this
16 section is repealed on July 1, 2016.

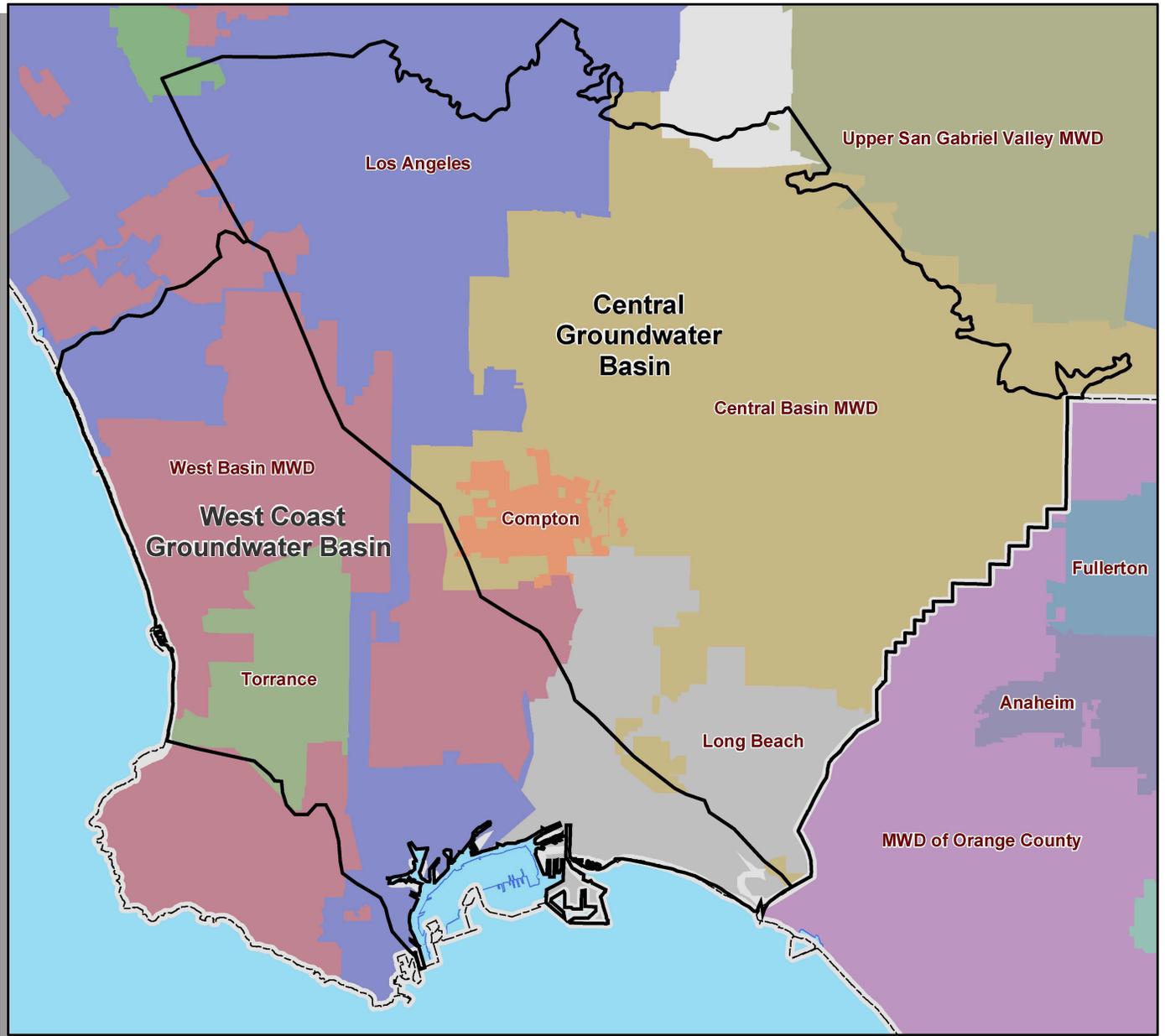
17 *SEC. 3. Section 71261 of the Water Code is amended to read:*

18 71261. Notwithstanding any other provision of this division,
19 the Board of Directors of the Three Valleys Municipal Water
20 District *and the Central Basin Municipal Water District* shall
21 consist of seven directors. Each director shall be a resident of the
22 division from which he or she is elected.

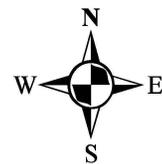
23 ~~SEC. 3.~~

24 *SEC. 4.* If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.

O



-  County
-  Basin
-  MWD Member Agency Boundary (color varies)



Note: This map was prepared by the Metropolitan Water District of Southern California for its own use. No warranty is expressed or implied as to the correctness, timeliness, or content of the information shown herein.

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Additional Data Source(s): Santa Ana Watershed Project Authority (SAWPA); California Spatial Information Library (CaSIL).