



- Board of Directors
Communications and Legislation Committee

3/12/2019 Board Meeting

8-5

Subject

Express support, if amended, to AB 1220 (C. Garcia, D-Bell Gardens): Metropolitan Water Districts; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

AB 1220 by Assemblymember Cristina Garcia was introduced on February 21, 2019 (**Attachment 1**). This bill is sponsored by Central Basin Municipal Water District to address the perceived loss of representation in densely populated communities with slower relative increases in assessed property values.

This bill would amend the Metropolitan Water District Act (MWD Act) to provide an optional, alternative methodology for appointing directors to The Metropolitan Water District of Southern California (Metropolitan Board).

Details

Background

Under the MWD Act, member agency representation on the Metropolitan Board is comprised of at least one representative from each member public agency, as prescribed. The MWD Act authorizes each member public agency to appoint additional representatives not to exceed one additional representative for each 5 percent of the assessed valuation of real property within the jurisdictional boundary of that member public agency.

This bill would amend Section 52 of the MWD Act (Statutes 1969, ch.209, as amended) and would authorize each member public agency to designate and appoint additional representatives based on either population or assessed property value. Specifically, the public agency could appoint additional members pursuant to the greater of the assessed valuation calculation or, on and after January 1, 2021, for each full 5 percent of the population within the entire district that is within the member public agency.

The bill would require a district to conduct the analysis of additional directors using the Department of Finance population data and any other pertinent population data and would require the number of population-based directors authorized to remain fixed until it is recalculated, every 10 years in the year immediately following each United States census.

By requiring a district to analyze the population data to determine additional representatives, this bill would impose a state-mandated local program. 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 the statutory provisions noted above.

It is important to note that this bill would not affect the total weighted value of a member agency's vote on the Metropolitan Board. Both the sponsor (Central Basin Municipal Water District) and the author (Assemblymember Cristina Garcia) intend to specifically address only Section 52, dealing with board appointments, within the MWD Act. Additionally, the author and Central Basin have expressed a willingness to consider substitute language in the bill to establish a floor for board membership such that no member agency would lose representation it currently enjoys due to lower relative growth in its assessed valuation.

Impacts to Metropolitan and Member Agencies

Sponsored by Central Basin Municipal Water District to address the perceived loss of representation in densely populated communities with slower relative increases in assessed property values, AB 1220 would amend the MWD Act to provide an optional, alternative methodology for appointing directors to the Metropolitan Board in addition to assessed valuation as currently drafted. Member agencies would be able to select either population or assessed valuation as their basis for board representation every 10 years, in the year immediately following the federal census.

Staff recommends supporting the bill, if amended to strike the alternative methodology proposed in the bill as introduced in favor of establishing the current number of seats on the Metropolitan Board as the baseline allocation of board seats for each respective member agency, regardless of changes in the assessed valuation of a member agency's service area. This amendment is supported by Central Basin Municipal Water District and the author.

Policy

Metropolitan Water District Act, Section 52: Additional Directors

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves legislative proposals that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Public Resources Code Section 21065 and Section 15378(b)(1) of the State CEQA Guidelines).

Option #2:

None required.

Board Options

Option #1

Express support, if amended, to AB 1220 (C. Garcia, D-Bell Gardens): Metropolitan Water Districts

Fiscal Impact: Unknown. Metropolitan may be subject to additional costs due to possible Administrative Code updates.

Business Analysis: While there would be no immediate effect on member agency representation on the Metropolitan Board or for the member agencies, changes to the composition of the Metropolitan Board may require changes to the Administrative Code and committee structure.

Option #2

Take no action.

Fiscal Impact: None.

Business Analysis: Metropolitan Board governance would continue as per status quo.

Staff Recommendation

Option #1



Susan Sims
Manager, External Affairs

3/6/2019

Date



Jeffrey Kightlinger
General Manager

3/6/2019

Date

Attachment 1 – Assembly Bill 1220, as introduced 02/21/2019

Ref# ea12664588

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL**No. 1220**

Introduced by Assembly Member Cristina GarciaFebruary 21, 2019

An act to amend Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1220, as introduced, Cristina Garcia. Metropolitan water districts.

Under the Metropolitan Water District Act, the board of a metropolitan water district is required to consist of at least one representative from each member public agency, as prescribed. The act authorizes each member public agency to appoint additional representatives not exceeding one additional representative for each 5% of the assessed valuation of property taxable for district purposes within the entire district that is within the boundaries of that member public agency.

This bill would authorize each member public agency to designate and appoint additional representatives pursuant to the greater of that allowed under either the assessed valuation calculation or, on and after January 1, 2021, for each full 5% of the population within the entire district that is within the member public agency. The bill would require a district to conduct the analysis of additional directors using the Department of Finance population data and any other pertinent population data and would require the number of population-based directors authorized to remain fixed until it is recalculated, every 10 years in the year immediately following each United States census. By requiring a district to analyze the population data to determine additional representatives, this bill would impose a state-mandated local program.

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 the statutory provisions noted above.

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 52 of the Metropolitan Water District
2 Act (Chapter 209 of the Statutes of 1969), as added by Section 2
3 of Chapter 781 of the Statutes of 1998, is amended to read:

4 Sec. 52. (a) In addition to one representative, any member
5 public agency may designate and appoint ~~several~~ representatives
6 ~~not exceeding one~~ pursuant to the greater of that allowed under
7 either of the following:

8 (1) One additional representative for each full 5 percent of the
9 assessed valuation of property taxable for district purposes within
10 the entire district that is within ~~such~~ the member public agency,
11 ~~in which event all such representatives present at a meeting of the~~
12 ~~board of directors when a vote is taken shall cast, or may abstain~~
13 ~~from casting, an equal share of the total vote to which such member~~
14 ~~public agency is entitled.~~ agency.

15 ~~(b) This section shall become operative on January 1, 2001.~~

16 (2) *On and after January 1, 2021, one additional representative*
17 *for each full 5 percent of the population within the entire district*
18 *that is within the member public agency. For the purposes of this*
19 *paragraph, the district shall conduct the analysis of additional*
20 *directors using the Department of Finance population data and*
21 *any other pertinent population data.*

22 (b) *All the representatives of a member public agency present*
23 *at a meeting of the board of directors when a vote is taken shall*
24 *cast, or may abstain from casting, an equal share of the total vote*
25 *to which the member public agency is entitled.*

26 (c) *The number of population-based directors authorized*
27 *pursuant to paragraph (2) of subdivision (a) shall remain fixed*

3

1 *until it is recalculated, every 10 years in the year immediately*
2 *following each United States census.*

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

O