

## Senate Bill No. 413

### CHAPTER 370

An act to amend Sections 406, 505, 507, and 508 of, and to repeal Section 711 of, the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to the San Gabriel Water Quality Authority.

[Approved by Governor September 27, 2019. Filed with  
Secretary of State September 27, 2019.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 413, Rubio. San Gabriel Basin Water Quality Authority.

(1) Existing law, the San Gabriel Basin Water Quality Authority Act, establishes the San Gabriel Water Basin Quality Authority, until July 1, 2030, and authorizes it to plan, finance, and implement groundwater remediation activities, as prescribed. The act requires the board of the authority to be composed of members and their alternates, as specified, generally with terms of office of 4 years. The act specifies the procedures for filling a vacancy in an office.

This bill would require the terms of a member or alternate for a city with pumping rights elected in 2016 to expire January 1, 2022, and the terms of a member or alternate for a city without pumping rights elected in 2018 to expire on January 1, 2024, as prescribed. The bill would specify that a nomination is required to be submitted to the authority at least 60, but not more than 90, days preceding the meeting at which the board will select an appointee to fill a vacancy to the office of a member or alternate. The bill would require a vacancy in the office of a member or alternate elected by cities, at the general discretion of the board, to be filled by either a special election or an appointment process, as specified, except that an office may be left vacant if there is less than 6 months remaining in the term.

(2) Existing law requires the authority to develop and adopt a basinwide groundwater quality management and remediation plan with specified components.

This bill would require the basinwide plan to be updated annually and incorporate a status report, with certain elements, on activities undertaken by the authority pursuant to the plan. The bill would require the authority to deliver a copy of the basinwide plan to the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles region, within 30 days of the plan's adoption by the authority. By imposing requirements on the authority, the bill would impose a state-mandated local program.

(3) Existing law requires the authority, to submit by March 31, 2008, and every 6 months thereafter, a status report on its activities undertaken

pursuant to the plan to the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles region.

This bill would repeal this provision.

(4) 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.

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

SECTION 1. Section 406 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992) is amended to read:

Sec.406. (a) The authority shall develop and adopt a basinwide groundwater quality management and remediation plan. The authority shall cooperate with all appropriate entities for that purpose. The plan shall include, but not be limited to, all of the following components:

- (1) Characterization of basin contamination.
- (2) Development and implementation of a comprehensive basin cleanup plan.
- (3) A plan for financing the design, construction, operation, and maintenance of groundwater cleanup facilities.
- (4) Provision for a public information and participation program.
- (5) Coordination with federal, state, and local entities.

(b) The basinwide plan shall be consistent with the National Contingency Plan and with any applicable records of decision issued by the United States Environmental Protection Agency, all requirements of the California Regional Water Quality Control Board, Los Angeles region, including that board's basin plan, and all applicable agreements between federal, state, and local agencies engaged in cleanup activities. The basinwide plan shall consider the benefits to be achieved by the plan or any proposed project in relation to its economic impact on persons or entities within the boundaries of the authority.

(c) The authority shall update the basinwide plan annually and incorporate a status report on activities undertaken by the authority pursuant to the plan. The status report shall include, at a minimum, all of the following elements:

- (1) An overview of groundwater contamination in the San Gabriel Basin.
- (2) Goals for the basin groundwater.
- (3) Coordination with other agencies.
- (4) Public outreach and information.
- (5) Funding from potentially responsible parties and other sources.
- (6) Status of nonoperable unit specific plans.
- (7) For each operable unit:
  - (A) Treatment and remediation plans.

- (B) Description of contamination plans.
- (C) Costs incurred.
- (D) Beneficial uses of recovered water.
- (E) Projected activities for the next reporting period.

(8) A description of the manner in which projects are prioritized and selected for funding and the manner in which contractors are selected, including identification of projects in disadvantaged communities and those which further the human right to water.

(9) Criteria used to quantitatively evaluate projects for effectiveness.

(d) The authority shall deliver a copy of the basinwide plan to the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles region.

SEC. 2. Section 505 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992) is amended to read:

Sec.505. Each of the members elected by the cities pursuant to Section 504 shall be elected according to the following procedure:

(a) A city with pumping rights may vote for candidates to be elected to represent cities with pumping rights. A city without pumping rights may vote for candidates to be elected to represent cities without pumping rights. The number of votes which a city may cast is determined by the population of the city. Each city has one vote for each 10,000 residents or majority fraction thereof, as determined by the most recent United States decennial census data. The number of votes to which a city is entitled shall be computed by rounding the population of the city to the nearest 10,000 and dividing that number by 10,000. Each city has a minimum of one vote.

(b) An election for a city member shall be conducted at the board's final regular meeting of the calendar year preceding the expiration of the term of the office of that city member.

(c) Nominations for candidates for a city member elected by cities with pumping rights may be made by any city with pumping rights. Nominations for candidates for a city member elected by cities without pumping rights may be made by any city without pumping rights. Each city may nominate only one candidate for each office. Nomination shall be made by resolution of the city council of the nominating city. All nominations shall be submitted to the authority at least 60, but not more than 90, days preceding the meeting at which the election is to be held or, in the case of a vacancy filled by board appointment, the meeting at which the board will select an appointee to fill a vacancy to the office of a member or alternate.

(d) The authority shall adopt procedures for preparing and distributing ballots to each city eligible to vote in the election. Ballots shall be distributed to all cities which are eligible to vote at least 45 days prior to the meeting at which the election is to be held. Each ballot shall indicate the number of votes which the city is entitled to cast.

(e) Each city shall cast all of its votes for one candidate for each office, by resolution of the city council. The resolution casting the city's votes shall be delivered to the authority at least 24 hours before the meeting at which

the election is held. Any resolutions not received by the authority 24 hours before the election may not be counted.

(f) (1) The candidate receiving the highest number of votes cast by cities with pumping rights shall be elected to fill the office representing cities with pumping rights. The candidate receiving the next highest number of votes cast by cities with pumping rights, who is not a city council member from the same city as the candidate receiving the highest number of votes, is the alternate member.

(2) The candidate receiving the highest number of votes cast by cities without pumping rights shall be elected to fill the office representing cities without pumping rights. The candidate receiving the next highest number of votes cast by cities without pumping rights, who is not a city council member from the same city as the candidate receiving the highest number of votes, is the alternate member.

(g) Not later than March 1, 1993, the joint powers authority shall call and conduct the election to elect the initial city members and alternates. Thereafter, the election of city members shall be called and conducted by the authority.

SEC. 3. Section 507 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), as amended by Section 7 of Chapter 905 of the Statutes of 2000, is amended to read:

Sec.507. (a) Except as provided in subdivisions (b), (c), and (d), the terms of the members shall commence on the first Monday in January and each member shall hold office for a term of four years and until the successor takes office.

(b) With respect to the initial board members, the terms of the member appointed by the Three Valleys Municipal Water District and the member elected by the cities without pumping rights shall expire on January 1, 1995, and the terms of the remaining members shall expire on January 1, 1997.

(c) The terms of the initial producer members and alternates shall commence on the first business day after the appointment of the producer members and alternates. The terms of the initial producer members and alternates shall expire on the fourth January 1 following commencement of their term.

(d) (1) (A) Notwithstanding subdivisions (a) and (b), the terms of the member and alternate for cities with pumping rights who are elected at the board's final meeting of 2016 shall expire on January 1, 2022. The regular election to elect their successors shall be conducted at the board's final meeting of 2021.

(B) Subparagraph (A) shall not be construed to extend the term of the member or alternate for cities with pumping rights elected at the 2021 regular election, or any regular election thereafter, for a term greater than the four-year term prescribed under subdivision (a).

(2) (A) Notwithstanding subdivisions (a) and (b), the terms of the member and alternate for cities without pumping rights who are elected at the board's final meeting of 2018 shall expire on January 1, 2024. The

regular election to elect their successors shall be conducted at the final board meeting of 2023.

(B) Subparagraph (A) shall not be construed to extend the term of the member or alternate for cities without pumping rights elected at the 2023 regular election, or any regular election thereafter, for a term greater than the four-year term prescribed under subdivision (a).

SEC. 4. Section 508 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), as amended by Section 3 of Chapter 810 of the Statutes of 2001, is amended to read:

Sec.508. Any vacancy in the office of a member shall be filled as follows:

(a) (1) A vacancy in the office of a member or alternate who was appointed by a water district shall be filled by the appointing water district by a resolution adopted by a majority vote of the district governing board. The person appointed to fill the vacancy shall meet the qualifications applicable to the vacant office and shall serve for the remaining term of the vacant office.

(2) If a water district member or alternate water district member ceases to be a member of the board of directors of a water district, the office on the board occupied by that member shall be deemed vacant.

(b) (1) A vacancy in the office of a member or alternate who was elected by cities, at the discretion of the board, shall be filled by either of the following:

(A) A special election called by the board.

(B) An appointment made by the board from among nominees submitted by those cities represented by the member or alternate who has vacated the office as a member or alternate.

(2) Notwithstanding paragraph (1):

(A) The board shall call a special election if there are more than two years remaining on the unexpired balance of the term of the office that is vacant.

(B) The board may allow the vacated office of a member or alternate to remain vacant if there is less than six months remaining on the unexpired balance of the office's term.

(3) Only those cities which elected the member or alternate to the office in which the vacancy has occurred are eligible to vote in any election called by the board or to submit nominations to the board in the event the board elects to fill the vacancy by appointment. Nominations and balloting shall be conducted in the same manner as prescribed for a regular election, except that the date of an election called by the board and time periods shall be as prescribed by the authority. The member or alternate elected or appointed to fill a vacancy shall meet the qualifications applicable to the vacant office and shall serve for the remaining term of the vacant office.

(4) If a city member or alternate city member ceases to be a city council member, the office on the board occupied by that member shall be deemed vacant.

(c) A vacancy in the office of a producer member or alternate who was appointed by the Board of Directors of the Water Association shall be filled pursuant to Section 503.1.

SEC. 5. Section 711 of the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), as added by Section 3 of Chapter 404 of the Statutes of 2007, is repealed.

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