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AB-1794 Ojai Basin Groundwater Management Agency: Southern California Water Company. (2017-2018)

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Assembly Bill No. 1794

CHAPTER 68

An act to amend Sections 401, 403, and 901 of, and to add Section 401.5 to, the Ojai Basin Groundwater Management Agency Act, relating to water.

[Approved by Governor July 09, 2018. Filed with Secretary of State July 09, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1794, Limón. Ojai Basin Groundwater Management Agency: Southern California Water Company.

Existing law, the Ojai Basin Groundwater Management Agency Act, establishes the Ojai Basin Groundwater Management Agency to carry out groundwater management activities within the boundaries of the agency. Under the act, the agency is governed by a board of directors consisting of 5 members that includes one director who is required to be a representative of the Southern California Water Company.

This bill would delete the requirement that one director be a representative of the Southern California Water Company and instead would require one director to be chosen by the board, as prescribed, for a term of 3 years. The bill would eliminate other references to the Southern California Water Company within the act.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 401 of the Ojai Basin Groundwater Management Agency Act (Chapter 750 of the Statutes of 1991) is amended to read:

401. (a) The board shall consist of five directors and shall be selected in the following manner:

(1) One director shall be a member of, and be appointed by, each of the following entities, and shall be chosen by their respective governing boards or bodies from their members whose districts or divisions, if any, overlie, at least in part, the boundaries of the agency:

(A) The Ojai City Council.

(B) The Board of the Casitas Municipal Water District.

(C) The Board of the Ojai Water Conservation District.

(2) One director shall be chosen pursuant to Section 401.5 as the community facilities district resident director.

(3) (A) One director shall be chosen pursuant to subparagraph (B) from the members of the governing boards of the following mutual water companies whose territory at least in part overlies the boundaries of the agency.

(1) The Senior Canyon Mutual Water Company.

(2) The Siete Robles Mutual Water Company.

(3) The Hermitage Mutual Water Company.

(B) The mutual water company director shall be chosen at a public meeting where each mutual water company is represented by the chairperson of its governing board. If the mutual water companies fail to appoint a director within three months, the remaining four directors shall appoint a director from one of the boards of the mutual water companies identified in this paragraph.

(b) The board is the governing body of the agency and shall exercise the powers of the agency.

SEC. 2. Section 401.5 is added to the Ojai Basin Groundwater Management Agency Act (Chapter 750 of the Statutes of 1991), to read:

401.5. (a) The community facilities district resident director shall meet all of the following qualifications:

(1) Has a demonstrated interest in and commitment to the general policies and operating goals of the agency.

(2) Is a customer of the Casitas Municipal Water District.

(3) Owns or leases real property located within the Casitas Municipal Water District Community Facilities District 2013-1.

(4) Is not a director, employee, or agent of the Casitas Municipal Water District.

(5) Is not a council member, employee, or agent of the City of Ojai.

(6) Is not a director, employee, or agent of the Ojai Water Conservation District.

(7) Does not hold shares in and is not an employee or agent of any mutual water company located partially or wholly within the boundaries of the agency.

(8) Does not have any interest in real property located within the agency boundaries that is outside of the boundaries of the Casitas Municipal Water District Community Facilities District 2013-1.

(9) Does not have any litigation pending with the agency, the Casitas Municipal Water District, the City of Ojai, the Ojai Water Conservation District, the Senior Canyon Mutual Water Company, the Siete Robles Mutual Water Company, the Hermitage Mutual Water Company, or a private pumper in the basin.

(b) A director described in paragraph (1) or (3) of Section 401 may nominate a qualified candidate to be the community facilities district resident director.

(c) The community facilities district resident director shall be chosen by the board from the nominated candidates by a majority vote of the other directors then in office on the board. If the votes of the board result in a tie between candidates, then the board shall vote again by choosing from the nominated candidates who tied with the highest number of votes. If a second round of voting results in a tie between candidates, the president of the board shall draw lots to determine which of the candidates who tied is chosen to be the community facilities district resident director.

(d) The community facilities district resident director shall serve a term of three years. The community facilities district resident director may be removed from office for cause pursuant to a unanimous vote of the other directors then in office on the board.

(e) If the community facilities district resident director position is vacant for any reason, including, but not limited to, death, incapacity, resignation, or removal for cause, the board shall appoint a new director pursuant to this section within 90 days of the vacancy.

SEC. 3. Section 403 of the Ojai Basin Groundwater Management Agency Act (Chapter 750 of the Statutes of 1991) is amended to read:

403. This act does not abrogate or impair the overlying or appropriative rights of landowners or existing appropriators within the agency, including the right to seek an adjudication of those rights, or abrogate or impair the jurisdiction of the California Public Utilities Commission.

SEC. 4. Section 901 of the Ojai Basin Groundwater Management Agency Act (Chapter 750 of the Statutes of 1991) is amended to read:

901. (a) Each year the board may fix a management charge in accordance with benefit-based criteria to be established by the board, upon the City of Ojai, the Casitas Municipal Water District, and the Ojai Water Conservation District for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, purposes, and groundwater management activities for which the agency is organized.

(b) In the aggregate, management charges shall be limited to fifty thousand dollars (\$50,000) in the first year and twenty-five thousand dollars (\$25,000) in the second year. None of the entities identified in subdivision (a) shall be required to pay more than one-third of the aggregate allowable charges. Management charges in succeeding years, or contributions in excess of the established limits, shall be voluntary and payable at the discretion of each entity identified in subdivision (a).