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AB-1889 Santa Clara Valley Water District. (2017-2018)

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Assembly Bill No. 1889

CHAPTER 251

An act to amend Sections 7.9, 13.2, and 33 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

[Approved by Governor September 05, 2018. Filed with Secretary of State September 05, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, Caballero. Santa Clara Valley Water District.

Existing law, the Santa Clara Valley Water District Act, creates the Santa Clara Valley Water District and authorizes the district to provide for the conservation and management of flood, storm, and recycled waters, and other waters, for beneficial uses and to enhance natural resources in connection with carrying out the purposes of the district. The district act authorizes the district to impose special taxes at minimum rates according to land use category and size. The district act authorizes the district to provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age, or who qualify as totally disabled, if the household income is less than an amount approved by the voters of the district.

This bill would authorize the district to require a taxpayer seeking an exemption from these special taxes to verify his or her age, disability status, or household income, as prescribed.

The district act requires the board of directors to adopt a resolution that divides the district into 7 electoral districts and requires one director to be elected by the voters of each electoral district, as prescribed. The district act requires a candidate for the board of directors to be a resident in the electoral district for which he or she is a candidate and to continue to reside within the electoral district during his or her term of office. The district act requires a vacancy in the office of any director to be filled, as specified.

This bill would require any director appointed or elected to fill a vacancy to represent the electoral district in which the vacancy occurred and to be a qualified elector residing in the electoral district in which the vacancy occurred.

Existing law provides for the compensation of members of a board of directors of a water district, as defined, by the adoption of an ordinance by the governing board of the water district, as specified. Existing law prohibits an ordinance from authorizing compensation for more than a total of 10 days in any calendar month.

This bill, until December 31, 2023, would instead prohibit an ordinance adopted by the board of directors of the Santa Clara Valley Water District to provide compensation to a director from authorizing compensation for more than a total of 15 days in any calendar month. The bill would require the board of directors to annually adopt a written policy describing why more than 10 meetings per month are necessary for the effective operation of the district if the district compensates its members for more than 10 meetings in a calendar month.

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

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

SECTION 1. Section 7.9 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 12 of Chapter 443 of the Statutes of 2009, is amended to read:

Sec. 7.9. A vacancy in the office of any director shall be filled pursuant to Section 1780 of the Government Code. Any director appointed or elected to fill a vacancy shall represent the electoral district in which the vacancy occurred and shall be a qualified elector residing in the electoral district in which the vacancy occurred.

SEC. 2. Section 13.2 of the Santa Clara Valley Water District (Chapter 1405 of the Statutes of 1951), as amended by Section 16 of Chapter 443 of the Statutes of 2009, is amended to read:

Sec.13.2. (a) For the purposes of levying special taxes pursuant to paragraph (2) of Section 13, the district may impose special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code at minimum uniform rates according to land use category and size. The district may provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age, or who qualify as totally disabled under the federal Social Security Act, if the total household income is less than an amount that is approved by the voters of the district.

(b) The district may require a taxpayer seeking exemption from a special tax levied by the district to verify age, disability status, or annual household income, as follows:

(1) Age with government-issued identification.

(2) Disability status with government-issued identification and documentation.

(3) Household income with a signed certification that includes language consistent with all of the following:

(A) The taxpayer seeking exemption certifies that his or her annual household income is less than the amount approved by the voters of the district.

(B) The taxpayer seeking exemption pledges to review the district's annual notice of each year's low-income threshold for special tax exemption.

(C) The taxpayer seeking exemption pledges to promptly notify the district if his or her annual household income exceeds the annual low-income threshold for special tax exemption.

(c) A signed certification pursuant to paragraph (2) of subdivision (b), reviewed and accepted by the district, shall serve as standing verification of eligibility until the taxpayer notifies the district of his or her ineligibility for the special tax exemption or until the district has reason to believe that the taxpayer is ineligible for the special tax exemption.

SEC. 3. Section 33 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 3 of Chapter 170 of the Statutes of 2001, is amended to read:

Sec.33. (a) Each person elected or appointed to the office of director shall, within 10 days after receiving his or her certificate of election, or notice of appointment, qualify as such by taking and subscribing to an official oath. The director shall file his or her official oath with the clerk of the board.

(b) Except as provided in subdivision (c), Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code governs compensation paid to a director.

(c) Notwithstanding Section 20202 of the Water Code or any other law, until December 31, 2023, no ordinance adopted to provide compensation to a director shall authorize compensation for more than a total of 15 days in any calendar month. If the district compensates its directors for more than 10 meetings in a calendar month, the board shall annually adopt a written policy describing, based on a finding supported by substantial evidence, why more than 10 meetings per month are necessary for the effective operation of the district.

(d) The determination of whether a director's activities on any specific day are compensable shall be made pursuant to Section 53232.1 of the Government Code.

(e) Employees appointed by the board under this act, when required by the board of directors, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of the county, before entering upon the duties of their respective employments.