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SB-955 Oroville Dam: Citizens Advisory Commission. (2017-2018)

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Senate Bill No. 955

CHAPTER 509

An act to add Part 3 (commencing with Section 6600) to Division 3 of the Water Code, relating to water.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 955, Nielsen. Oroville Dam: Citizens Advisory Commission.

Existing law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Under existing law, the department operates the State Water Resources Development System, also known as the State Water Project, composed of the state water facilities, including Oroville Dam.

This bill would create the Citizens Advisory Commission for Oroville Dam within the Natural Resources Agency. The bill would require the commission to consist of specified members of state agencies or their designees, including the Secretary of the Natural Resources Agency or his or her designee serving as chairperson. The bill would require the chairperson to invite persons appointed by specified local agencies to serve as members of the commission, as prescribed.

This bill would require the department to, among other things, provide the commission with onsite tours of the dam and its grounds and provide the commission with all information reasonably requested by the commission regarding the construction, rehabilitation or reconstruction, operation, maintenance, and management of the dam. The bill would set forth the organization and duties of the commission and would require the commission to meet as necessary to carry out the purposes and duties of the commission. The bill would require the commission to publish a report at least once every 3 years that provides, among other things, an overview of ongoing maintenance and improvements made at the dam and its site. The bill would prohibit the commission from making regulations or rules to bind operations at the dam.

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

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

SECTION 1. The Legislature finds and declares as follows:

(a) The residents in the communities most immediately affected by Oroville Dam and its delivery of resources bear the risk of any potential natural or manmade disaster as well as daily operations at the dam.

(b) On February 7, 2017, those risks were very clear when, following the release of water during unprecedented rains, a crack in the primary spillway precipitated public discussions on proper response should Oroville Dam collapse or the emergency spillway fail.

(c) Due to the damage to the spillway and the subsequent public safety declarations, nearly 200,000 residents near Oroville Dam evacuated their homes to safer ground.

(d) Now, the state has undertaken a project to repair the damaged spillway and is considering further renovations at the 50-year-old site and on the many appurtenances required for the functioning of the State Water Project. The Citizens Advisory Commission created by this part provides stakeholders with the opportunity to gather at a regularly appointed time to discuss maintenance, findings, reports, and upcoming actions, and to conduct other communications regarding operations, maintenance, and public safety activities at the site.

SEC. 2. Part 3 (commencing with Section 6600) is added to Division 3 of the Water Code, to read:

PART 3. Citizens Advisory Commission for Oroville Dam

6600. As used in this part, the following terms have the following meanings:

(a) "Commission" means the Citizens Advisory Commission created pursuant to Section 6602.

(b) "Dam" means Oroville Dam, its appurtenant structures, the Feather River Fish Hatchery, and the Oroville-Thermalito Complex.

6602. (a) There is hereby created within the Natural Resources Agency the Citizens Advisory Commission for Oroville Dam.

(b) (1) The commission shall consist of all of the following persons as members:

(A) The Secretary of the Natural Resources Agency or his or her designee, who shall be the chairperson.

(B) The director of the department or his or her designee.

(C) The director of the Department of Parks and Recreation or his or her designee.

(D) The director of the Office of Emergency Services or his or her designee.

(E) The commander of the Department of the California Highway Patrol field division that services the County of Butte or his or her designee.

(F) The member of the California State Senate representing the City of Oroville or his or her designee.

(G) The member of the California State Assembly representing the City of Oroville or his or her designee.

(2) The chairperson may request the participation of other state agencies if particular expertise or input is warranted.

(c) The chairperson shall invite all of the following persons to be members of the commission:

(1) Two members appointed by the City Council of the City of Oroville.

(2) Three members appointed by the Board of Supervisors of the County of Butte.

(3) Two members appointed by the Board of Supervisors of the County of Sutter.

(4) Two members appointed by the Board of Supervisors of the County of Yuba.

(5) One county deputy sheriff appointed by the Sheriff of Butte County.

(6) One county deputy sheriff appointed by the Sheriff of Sutter County.

(7) One county deputy sheriff appointed by the Sheriff of Yuba County.

(d) In selecting members, the appointing bodies identified in paragraphs (1) to (4), inclusive, of subdivision (c) shall strive to appoint members who reflect the broad interests of the community they represent.

6604. (a) The members of the commission appointed pursuant to subdivision (c) of Section 6602, if any, shall select the vice chairperson by a majority vote of those members.

(b) The term of office of all members shall be three years, except those who are members of the Legislature, who shall serve for the duration of their term or terms representing the City of Oroville. If a vacancy occurs due to resignation, death, or absence from three consecutive meetings, the appointing power shall fill the vacancy following receipt of written notification that a vacancy has occurred.

(c) The commission shall meet as necessary to carry out the purposes and duties of the commission.

(d) Meetings of the commission shall be open to the public and held in accordance with Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

6606. (a) The commission shall do all of the following:

(1) Serve as a representative to the public for the purposes of providing public input and receiving information from the dam operator.

(2) Act as a unified voice from the communities surrounding Oroville Dam to provide public feedback, advice, and best practices to the dam operator.

(3) Publish a report at least once every three years that provides all of the following:

(A) An overview of ongoing maintenance and improvements made at the dam and its site.

(B) A register of communications received from the department and other parties to the commission.

(C) Notice of upcoming plans made by the department for the dam and its site.

(D) An overview of flood management projects on the Feather River affecting public safety and flood risk reduction.

(b) The commission may request, from the department's Division of Flood Management or the reclamation or flood management district with jurisdiction over the Feather River, or any combination of those entities, levee system visits, briefings, or information regarding Feather River levees and levee-related flood risk.

(c) The commission shall not make regulations or rules to bind operations at the dam.

6608. The department shall do all of the following for the commission:

(a) Provide onsite tours of the dam and its grounds.

(b) Provide all information reasonably requested by the commission regarding the construction, rehabilitation or reconstruction, operation, maintenance, and management of the dam, including, but not limited to, any of the following:

(1) Asset management plans regarding facilities and equipment of the dam.

(2) Scheduled or anticipated repairs, restoration, or replacement of facilities or major equipment.

(3) Changes in flood management rules.

(c) Provide updates of Feather River flood management activities, including site visits and briefings.

6610. The commission shall have the power to visit the dam, its site, and site personnel in furtherance of the goals of this part. The power of visitation specified in this section shall not extend to a situation where institutional security would be jeopardized.

6612. The commission may receive in-kind assistance or funds, or both, from public and private sources. These funds are available to the commission upon appropriation by the Legislature.