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AB-939 Santa Clara Valley Water District. (2023-2024)

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Date Published: 09/09/2023 04:00 AM

Assembly Bill No. 939

CHAPTER 170

An act to amend Sections 3, 4, 5, 6, 6.1, 9, 10, 11, 12, 13, 13.2, 14, 15, 17, 21, 25.1, 25.2, 25.6, 26.1, 26.3, 26.4, 26.6, 26.7, 26.12, 26.13, 26.15, 26.17, 28, 31, and 33 of, to amend and renumber Sections 7.6, 7.7, 7.8, 7.9, 7.10, and 7.11 of, and to repeal Sections 7, 7.1, 7.3, 7.4, and 7.5 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 08, 2023. Filed with Secretary of State September 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 939, Pellerin. Santa Clara Valley Water District.

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 act authorizes the district to levy ad valorem taxes or assessments in the district to pay the general administrative costs and expenses of the district, to carry out the act's objects or purposes, and to pay the costs and expenses of constructing or extending works within the district. The act additionally authorizes the district to levy taxes or assessments upon all property or all real property within a portion of the district for specified purposes. The act authorizes the district to issue bonds for specified purposes, and requires that the bonds be paid by revenue derived from those tax levies and assessments, except the ad valorem taxes or assessments.

This bill would additionally authorize the district to use the revenues from the ad valorem taxes or assessments to pay for the bonds.

Existing law authorizes the district to issue bonds in accordance with the Revenue Bond Law of 1941 for the purpose of financing the construction, reconstruction, replacement, acquisition, or improvement of any facility or facilities necessary or convenient for the storage, treatment, transmission, or distribution of water for beneficial use within the district and for the purpose of generation or transmission of electricity. The Revenue Bond Law of 1941 requires the district to pay the principal, interest, and premiums for a bond issued in accordance with that law solely from and secured by a lien upon its gross revenues.

This bill would authorize the district to pay bonds from the net revenues, rather than gross revenues, of its water system, as specified.

Existing law authorizes the district to borrow money and incur indebtedness, not to exceed \$8,000,000, by action of the board of directors and without the necessity of calling and holding an election, and prohibits the resulting indebtedness from exceeding 85% of the estimated amount of the district's revenues, charges, taxes, and assessments that will be available in that fiscal year for payment of short-term notes, including interest.

This bill would delete the \$8,000,000 limit.

Existing law prohibits, until December 31, 2023, the district from compensating its directors for more than a total of 15 days in any calendar month, as specified.

This bill would extend the above provision indefinitely.

This bill would also make various nonsubstantive changes throughout the act.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Santa Clara.

This bill would incorporate additional changes to Section 4 of the Santa Clara Valley Water District Act proposed by AB 1469 to be operative only if this bill and AB 1469 are enacted and this bill is enacted last.

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

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

SECTION 1. Section 3 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 2 of Chapter 205 of the Statutes of 1967, is amended to read:

Sec.3. (a) The board of the district, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in the resolutions' descriptions thereof by metes and bounds and entitling each of the zones by a zone number, and institute zone projects for the specific benefit of the zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in the resolutions descriptions of the amended, divided, or superimposed zones by metes and bounds and entitling each of the zones by a zone number.

(b) Proceedings for the establishment of the zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to the zones. The proceedings shall be instituted in the manner prescribed in Section 12.

SEC. 2. Section 4 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 1 of Chapter 279 of the Statutes of 2006, is amended to read:

Sec.4. (a) The purposes of this act are to authorize the district to provide comprehensive water management for all beneficial uses and flood risk reduction within the County of Santa Clara.

(b) It is the intent of the Legislature that the district work collaboratively with other appropriate entities in the County of Santa Clara in carrying out the purposes of this act.

(c) The district may take action to do all of the following:

(1) Reduce the risks to the County of Santa Clara from floodwater and stormwater of the district, including tidal floodwater and the floodwater and stormwater of streams that have their sources outside the district, but flow into the district.

(2) Reduce the risks of floodwater or stormwater to the public highways, life and property in the district, and the watercourses and watersheds of streams flowing within the district.

(3) Provide flood risk reduction and provide for the conservation and management of stormwater, recycled water, or other water from any sources within or outside the watersheds in which the district is located for beneficial and useful purposes, including spreading, storing, retaining, and causing the waters to percolate into the soil within the district.

(4) Protect, save, store, recycle, distribute, transfer, exchange, manage, and conserve in any manner any of the waters.

(5) Increase and prevent the waste or diminution of the water supply in the district.

(6) Obtain, retain, protect, and recycle drainage, stormwater, floodwater, or treated wastewater, or other water from any sources, within or outside the watersheds in which the district is located for any beneficial uses within the district.

(7) Enhance, protect, and restore streams, riparian corridors, and natural resources in connection with carrying out the purposes set forth in this section.

(8) Preserve open space in the County of Santa Clara and support the county park system in a manner that is consistent with carrying out the powers granted by this section.

SEC. 2.5. Section 4 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 1 of Chapter 279 of the Statutes of 2006, is amended to read:

Sec.4. (a) The purposes of this act are to authorize the district to provide comprehensive water management for all beneficial uses and flood risk reduction within the County of Santa Clara.

(b) It is the intent of the Legislature that the district work collaboratively with other appropriate entities in the County of Santa Clara in carrying out the purposes of this act.

(c) The district may take action to do all of the following:

(1) Reduce the risks to the County of Santa Clara from floodwater and stormwater of the district, including tidal floodwater and the floodwater and stormwater of streams that have their sources outside the district, but flow into the district.

(2) Reduce the risks of floodwater or stormwater to the public highways, life and property in the district, and the watercourses and watersheds of streams flowing within the district.

(3) Provide flood risk reduction and provide for the conservation and management of stormwater, recycled water, or other water from any sources within or outside the watersheds in which the district is located for beneficial and useful purposes, including spreading, storing, retaining, and causing the waters to percolate into the soil within the district.

(4) Protect, save, store, recycle, distribute, transfer, exchange, manage, and conserve in any manner any of the waters.

(5) Increase and prevent the waste or diminution of the water supply in the district.

(6) Obtain, retain, protect, and recycle drainage, stormwater, floodwater, or treated wastewater, or other water from any sources, within or outside the watersheds in which the district is located for any beneficial uses within the district.

(7) Enhance, protect, and restore streams, riparian corridors, and natural resources in connection with carrying out the purposes set forth in this section.

(8) Assist unsheltered people living along streams, in riparian corridors, or otherwise within the district's jurisdiction, in consultation with a city or the County of Santa Clara to provide solutions or improve outcomes for the unsheltered individuals.

(9) Preserve open space in the County of Santa Clara and support the county park system in a manner that is consistent with carrying out the powers granted by this section.

SEC. 3. Section 5 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 239 of Chapter 664 of the Statutes of 2002, is amended to read:

Sec.5. The district is hereby declared to be a body corporate and politic and, in addition to other powers granted by this act, may take action to carry out all of the following purposes:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or outside the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair, or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

(e) To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve, reclaim, recycle, distribute, store, and manage water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside the district, water for any purpose useful to the district; to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, the acquisition, storage, and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, environmental, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters

not needed for beneficial uses within the district; to commence, maintain, intervene in, defend, or compromise, in the name of the district on behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or outside the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend, and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of water used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from the district; to prevent contamination, pollution, or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in the district, and to commence, maintain, and defend actions and proceedings to prevent any such interference with the described waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district, except that the district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights that do not affect the interests of the district.

(f) To direct the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside of the district, but which streams and the floodwaters thereof, flow into said district, and to conserve the waters for beneficial and useful purposes of the district by spreading, storing, retaining, and causing to percolate into the soil within or without the district, or to save or conserve in any manner all or any of those waters and protect from damage from those flood or storm waters the watercourses, watersheds, public highways, life, and property in the district, and the watercourses outside of the district of streams flowing into the district.

(g) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways, and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair, and improvement of the works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to that end, and for those purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers, and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm, or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the district or for the lawful performance of any power or purpose of the district provided for in this act, including, but not limited to, the granting of the right to the use of any water or the right to store that water in any reservoir of the district or to carrying that water through any tunnel, canal, ditch, or conduit of the district or for the delivery, sale, or exchange of any water right, water supply, or water pumped, stored, appropriated, or otherwise acquired or secured for the use of the district, or for controlling drainage waters, or flood or storm waters of streams in or running into the district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within the district, or in any other works, uses, or purposes provided for in this act; and to adopt and carry out any definite plan or system for accomplishing, facilitating, or financing all work which may lawfully be accomplished by the district and to enforce that plan or system by resolution or ordinance.

(h) To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and outside the district relating to watercourses or streams flowing in or into the district. For these purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into the district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

(i) To prescribe, revise, and collect fees and charges for facilities furnished or to be furnished to any new building, improvement, or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary or convenient for needs of the zone, including, but not limited to, residential, subdivision, commercial, and industrial drainage and flood control needs, that county and those cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or otherwise, to the district for solution.

Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance, and operation of the flood control or storm drainage facilities of the zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of that zone derived from the fund created pursuant to paragraph (1) of subdivision (a) of Section 13.

(j) To incur indebtedness, and to issue bonds in accordance with this act.

(k) To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

(l) To make contracts, to employ labor, and to do all acts necessary for the full exercise of all powers vested in the district, or in the officers thereof, by this act.

(m) To have the power and right to disseminate information concerning the rights, properties, activities, plans, and proposals of the district, except that expenditures during any fiscal year for those purposes shall not exceed one-half cent (\$0.005) for each one hundred dollars (\$100) of assessed valuation of the district.

(n) To pay to any city, public agency, or district, or Stanford University, a portion of the cost of water imported by that city, public agency, or district, or Stanford University, into, for use within, and of benefit to, the Santa Clara Valley Water District.

(o) To establish designated floodways in accordance with the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400) of Part 2 of Division 5 of the Water Code).

(p) To acquire, construct, maintain, operate, and install landscaping or recreational facilities in connection with any dam, reservoir, or other works owned or controlled by the district.

(q) To acquire, construct, maintain, operate and install, lease, and control facilities for the generation, transmission, distribution, sale, exchange, and lease of electricity.

(r) To require the sealing of abandoned or unused wells according to standards adopted by the board by ordinance and designed to protect the groundwater resources of the district from contamination. Upon and following the effective date of the ordinance, the County of Santa Clara or any incorporated city therein shall require all persons applying for any land development permit or approval to show the existence and location of any water well upon a map of the property the subject of the application. When a well is shown, the map shall be referred to the district immediately upon receipt for review and investigation. If upon review and investigation the district determines that the well or wells are to be sealed by the applicant pursuant to the ordinance, the determination shall be transmitted promptly to the applicant by the district as a requirement in writing.

SEC. 4. Section 6 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 26 of Chapter 584 of the Statutes of 1975, is amended to read:

Sec.6. (a) The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility that is required to be moved to a new location. This act shall not be deemed to authorize the district, or any person, to divert the waters of any river, creek, stream, irrigation system, canal, or ditch from its channel, to the detriment of any person having any interest in the river, creek, stream, irrigation system, canal, or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

(b) This act shall not authorize the district to condemn any of the properties, structures, or works, now owned or hereafter to be constructed or acquired, by any water conservation district within the County of Santa Clara.

SEC. 5. Section 6.1 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 2 of Chapter 808 of the Statutes of 1985, is amended to read:

Sec.6.1. (a) Any abandoned or unused water well endangering the public health and safety by creating a water contamination hazard is a public nuisance. The board shall, by ordinance, establish standards for what constitutes a water contamination hazard.

(b) Whenever the district determines that a public nuisance, as defined, exists, it shall, by certified mail, notify the then current record owner of the property to abate the public nuisance and that it is the intention of the district to record a notice of violation of the ordinance. The notice to the owner shall describe the violation and specify a time, date, and place for a hearing, at which the owner may present evidence to the board that a public nuisance does not exist and that the notice should not be recorded. The notice to the owner shall state that, unless the public nuisance is abated within the time specified by the board following the hearing, the district may abate the public nuisance and the costs of the abatement will be assessed against the property. The

meeting shall take place no sooner than 30 days and no later than 60 days from date of mailing. If, within 15 days of receipt of the notice, the owner of the real property fails to inform the district of the owner's objection to recording the notice of violation, the board shall record the notice of violation with the county recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the district shall mail a clearance letter to the then current owner of record. If, after the owner has presented evidence, the board determines that a violation has occurred, the board shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in the property. The county recorder shall index the names of the fee owners in the general index.

(c) If the board determines, at the conclusion of the hearing, that a public nuisance exists, the board shall order the property owner to abate the public nuisance within a specified time.

(d) If the public nuisance is not abated within the time specified in the order of the board following a hearing, the district may abate the public nuisance. Any entry upon private property by the district for this purpose shall be preceded by written notice to the owner by certified mail stating the date and place of entry, the purpose thereof, and the number of persons entering. If the mailed notice is returned undelivered, the district may post a copy thereof at the proposed entry point five days before entry.

(e) Any costs incurred by the district in abating a public nuisance pursuant to this section are a lien upon the property upon which the public nuisance existed when notice of the lien is filed and recorded.

(f) Notice of the lien, particularly identifying the property on which the nuisance was abated and the amount of the lien, and naming the owner of record of the property, shall be recorded by the district in the office of the Santa Clara County Recorder within one year after the first item of expenditures by the district or within 90 days after the completion of the work, whichever first occurs. Upon recordation of the notice of lien, the lien shall have the same force, effect, and priority as a judgment lien, except that it shall attach only to the property described in the notice, and shall continue for 10 years from the time of recording of the notice unless sooner released or otherwise discharged.

SEC. 6. Section 7 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 2 of Chapter 443 of the Statutes of 2009, is repealed.

SEC. 7. Section 7.1 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 4 of Chapter 443 of the Statutes of 2009, is repealed.

SEC. 8. Section 7.3 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 6 of Chapter 443 of the Statutes of 2009, is repealed.

SEC. 9. Section 7.4 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 7 of Chapter 443 of the Statutes of 2009, is repealed.

SEC. 10. Section 7.5 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 8 of Chapter 443 of the Statutes of 2009, is repealed.

SEC. 11. Section 7.6 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 9 of Chapter 443 of the Statutes of 2009, is amended and renumbered to read:

Sec.7. Notwithstanding any other law, commencing at noon on December 3, 2010, the number of elected directors on the board shall be increased from five to seven and the number of appointed directors shall be reduced from two to zero.

SEC. 12. Section 7.7 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 10 of Chapter 443 of the Statutes of 2009, is amended and renumbered to read:

Sec.7.1. (a) On or before June 30, 2010, the board shall adopt a resolution that divides the district into seven electoral districts and that assigns a number to each district.

(b) Using the most recent census data as a basis, the electoral districts shall be as nearly equal in population as possible.

(c) In establishing the boundaries of the electoral districts, the board may give consideration to the topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and the community of interests of the electoral districts.

SEC. 13. Section 7.8 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 11 of Chapter 443 of the Statutes of 2009, is amended and renumbered to read:

Sec.7.2. (a) The first elections for the first, fourth, sixth, and seventh electoral districts established pursuant to Section 7.1 shall be conducted at the November 2, 2010, statewide general election. The first elections for the second, third, and fifth electoral districts established pursuant to Section 7.1 shall be conducted at the November 6, 2012, statewide general election.

(b) Except as otherwise provided by this act, the term of office for each director elected pursuant to subdivision (a) shall be four years beginning at noon on the first Friday in December following the director's election and the director shall hold office until the director's successor qualifies and takes office.

(c) Elections for the electoral districts established pursuant to Section 7.1 shall be conducted in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

(d) (1) One director shall be elected in accordance with this section by the voters of each electoral district.

(2) A candidate for the board of directors shall be a resident in the electoral district for which they are a candidate.

(3) A director shall continue to reside within the electoral district during the director's term of office, except that a change in boundaries of an electoral district shall not affect the term of office of any incumbent director.

(e) The directors elected pursuant to this section are to exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole, in furthering the purposes and intent of this act.

SEC. 14. Section 7.9 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 1 of Chapter 251 of the Statutes of 2018, is amended and renumbered to read:

Sec.7.3. 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. 15. Section 7.10 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 13 of Chapter 443 of the Statutes of 2009, is amended and renumbered to read:

Sec.7.4. Any elected director may be recalled by the voters pursuant to Chapter 1 (commencing with Section 11000) of Division 11 of the Elections Code.

SEC. 16. Section 7.11 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 14 of Chapter 443 of the Statutes of 2009, is amended and renumbered to read:

Sec.7.5. The board shall review the boundaries of the seven electoral districts established pursuant to Section 7.1 before November 1 of the year following the year in which each decennial census is taken. The boundaries shall be adjusted if needed in accordance with Section 22000 of the Elections Code so that each electoral district is as nearly equal in population to the others as possible. In making the adjustments, the board may give consideration to the factors described in subdivision (c) of Section 7.1.

SEC. 17. Section 9 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 3 of Chapter 808 of the Statutes of 1985, is amended to read:

Sec.9. (a) The board may adopt resolutions for the district, which shall be adopted, certified to, recorded, and published, in the same manner except as herein otherwise provided for, as are resolutions for the County of Santa Clara.

(b) The board may adopt ordinances for the district. All ordinances shall be enacted only by rollcall vote entered into the proceedings of the board. An ordinance shall be in full force and effect 30 days after adoption, and shall be published once in full in a newspaper of general circulation, printed, published, and circulated in the district within 10 days after adoption. It is a misdemeanor for any person to violate any district ordinance adopted pursuant to this section from and after the effective date of the ordinance. The violation shall be punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not to exceed 30 days, or both that fine and that imprisonment. Any violation or threatened violation may also be enjoined by civil action. The board may make and enforce all needful rules, regulations, standards, and procedures for the administration and government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain those works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

(c) In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chair, a clerk, and such other officers and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties, and fix their compensation. Those officers and employees shall be employed, suspended, or their employment terminated in accordance with an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment.

SEC. 18. Section 10 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 1 of Chapter 38 of the Statutes of 1962, is amended to read:

Sec.10. (a) The board shall have jurisdiction and may employ competent registered civil engineers to investigate and carefully devise a plan or plans for a project, and to obtain such information in regard thereto, as may be deemed necessary or useful for carrying out the purposes of this act. The board may direct those engineers to make and file reports from time to time with the board, which shall show:

(1) A general description of the project, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project.

(2) A general description of the lands, rights-of-way, easements, and property proposed to be taken, acquired, or injured in carrying out the project.

(3) A map or maps that show the location and zones, as may be required, of each project, and lands, rights-of-way, easements, and property to be taken, acquired, or injured in carrying out the project, and any other information in regard to the project that may be deemed necessary or useful.

(4) An estimate of the cost of each of the following:

(A) Each project, including a statement of the portion, if any, of the cost theretofore advanced by the district for the project for which the district proposes to reimburse itself from the proceeds of sale of any bonds to be issued to pay for the project.

(B) The lands, rights-of-way, easements, and property proposed to be taken, acquired, or injured in carrying out the project.

(C) All incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing, and advertising.

(D) If deemed advisable, a sum sufficient to pay interest on any bonds proposed to be issued during all or any part of the period of construction of the project and for not to exceed 12 months of interest thereafter.

(E) The total amount of bonds, if any, necessary to be issued to pay for the project.

(b) The engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory, and additional reports and recommendations, as necessity and convenience may require.

(c) The engineer or engineers employed by the board, subject to the control and direction of the board, may employ the engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of any report.

(d) The board may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

SEC. 19. Section 11 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec.11. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is one of the following:

(a) For the common benefit of the district as a whole.

(b) For the common benefit of two or more zones hereinafter referred to as participating zones.

(c) For the benefit of a single zone.

SEC. 20. Section 12 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec.12. (a) The board may institute projects for single zones and joint projects for two or more zones for the financing, constructing, maintaining, operating, extending, repairing, or otherwise improving of any work or improvement of common benefit to the zone or participating zones. For the purpose of acquiring authority to proceed with a project, the board shall adopt a resolution specifying its intention to undertake the project, together with the engineering estimates of the cost of the project to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and that shall refer to a map or maps showing the general location and general construction of the project. Notice of the hearing shall be given by publication once per week for two consecutive weeks before the hearing, the last publication of which notice shall be at least seven days before the hearing, in a newspaper of general circulation designated by the board, circulated in the zone or each of

said participating zones, if there is such a newspaper, and if there is no such newspaper then by posting notice for two consecutive weeks before the hearing in five public places designated by the board, in the zone or in each of the participating zones. The notice shall designate a public place in the zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person. The map shall be posted in each of the public places so designated in the notice at least two weeks before the hearing.

(b) At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing, the board may abandon the proposed project or proceed with the project, unless before the conclusion of the hearing, written protests against the proposed project signed by a majority in number of the registered voters residing within the zone or participating zones is filed with the board, in which event further proceedings relating to the project shall be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 21. Section 13 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 1 of Chapter 811 of the Statutes of 1984, is amended to read:

Sec.13. (a) The board shall have the authority, in any year:

(1) To levy ad valorem taxes in accordance with subdivision (b) of Section 1 of Article XIII A of the California Constitution for the acquisition or improvement of real property, and to levy assessments that have received property owner approval pursuant to subdivision (e) of Section 4 of Article XIII D of the California Constitution to pay the capital costs of public improvements, and other lawful expenditures, including the creation and maintenance of a fund that may be used by the district to pay the costs and expenses of constructing or extending any or all works established within or on behalf of a zone or participating zones within the district, if the ad valorem taxes or assessments are from either of the following sources:

(A) Taxes or assessments levied pursuant to paragraph (2) or (3) within the zone or participating zones benefited by the construction in the year or years immediately following the use of those funds. Taxes or assessments under this subparagraph may be levied for purposes of this paragraph by either of the following methods:

(i) By a levy or assessment upon all property within the district, including land, improvements thereon, and personal property.

(ii) By a levy or assessment upon all real property within the district, including both land and improvements thereon.

(B) Fees or charges collected under authority of subdivision (i) of Section 5, or Section 26.

(2) To levy taxes or assessments in each or any of the zones and participating zones to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of the respective zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or improvements established or to be established within or on behalf of the respective zones, according to the benefits derived or to be derived by the respective zones, by any of the following methods:

(A) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property.

(B) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon.

(C) By a levy or assessment upon land only within a zone or participating zones.

(3) To levy assessments upon any property in each or any of said zones, according to the provisions and procedures of the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), or the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935).

(b) In the event of project cooperation with any of the governmental bodies as authorized in subdivision (g) of Section 5, and the making of a contract with any such governmental body for the purposes set forth in the subdivision (g) of Section 5, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by the contract it is agreed that the district is to pay to the governmental body, a sum of money in consideration or subvention for the performance of the work by the governmental body, the board may levy and collect a special tax or assessment as provided in this section upon the property in the zone or participating zones, whereby to raise funds to enable the district to make the payment, in addition to other taxes or assessments herein otherwise provided for.

(c) The taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from the district taxes or assessments, together with penalties thereon, shall be paid into the county treasury to the credit of the district, or the respective zones thereof, and the board may control and order the expenditure thereof for those purposes, except that revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under paragraph (2) of subdivision (a) shall not be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside the zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, the zones will become, and shall be referred to as, participating zones.

SEC. 22. Section 13.2 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 2 of Chapter 251 of the Statutes of 2018, is amended to read:

Sec.13.2. (a) For purposes of levying special taxes pursuant to paragraph (2) of subdivision (a) 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 their 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 their 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 their 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. 23. Section 14 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 1 of Chapter 632 of the Statutes of 1975, is amended to read:

Sec.14. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any project in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds to be issued to raise the amount of money necessary for each project and the denomination and the maximum rate of interest of the bonds. In determining each amount of bonds and the amount of money necessary for each project, the board may include therein the portion, if any, of the cost of the project theretofore advanced by the district for which the district proposes to reimburse itself from the proceeds of sale of any bonds to be issued to pay for the project and the cost of lands, rights-of-way, easements, and property proposed to be taken, acquired, or injured in carrying out the project and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing, and advertising, and, if deemed advisable, a sum sufficient to pay interest on any bonds proposed to be issued during all or any part of the period of construction of the project and for not to exceed 12 months thereafter. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Santa Clara County Clerk-Recorder's Office within five days after its issuance. From and after the filing of the copy of the resolution, the board shall be deemed vested with the authority to proceed with the bond election.

(b) After the filing for record of the resolution specified in subdivision (a), the board may call a special bond election in the zone or participating zones at which shall be submitted to the qualified electors of the zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in the resolution and for the purpose or purposes therein stated. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(c) The board shall call the special bond election by ordinance and not otherwise and submit to the qualified electors of the zone or participating zones, the proposition of incurring a bonded debt in the zone or participating zones in the amount and for the purposes stated in the resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred. It shall be sufficient to give a brief, general description of the objects and purposes, and refer to the recorded copy of the resolution adopted by the board, and on file for particulars. The ordinances shall also state the estimated cost of the proposed project, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on that indebtedness, and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed 8 percent per annum. For the purposes of the election, the board shall in the ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in the district to a number not exceeding six general precincts for each special bond election precinct, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each special bond election precinct.

(d) In all particulars not recited in the ordinance, the special bond election shall be held as nearly as practicable in conformity with the general election laws of the state, except as provided herein.

(e) The board shall cause a map or maps to be prepared covering a general description of the project. The map shall show the location of the proposed project. The board shall cause the map to be posted in a prominent place in the county courthouse for public inspection for at least 30 days before the date fixed for the election.

(f) The ordinance calling for the special bond election shall, before the date set for the election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of the ordinance shall be at least 14 days before the election, and if there is no such newspaper, then the ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least 30 days before the date fixed for the election. No other notice of the election need be given nor need polling place cards be issued.

(g) Any defect or irregularity in the proceedings before the calling of the special bond election shall not affect the validity of the bonds authorized by the election. If at the election two-thirds of the votes cast are in favor of incurring the bonded indebtedness, then bonds for the zone or participating zones for the amount stated in the proceedings shall be issued and sold as provided in this act.

SEC. 24. Section 15 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 2 of Chapter 632 of the Statutes of 1975, is amended to read:

Sec.15. (a) The board shall, subject to this act, prescribe by resolution the form of the bonds, which shall include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. The bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by the board, and designated in the bonds, together with the interest on all sums unpaid on that date until the whole of the indebtedness has been paid.

(b) The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series. The board may provide for call and redemption of all or any part of any issue or series of bonds before maturity at prices determined by the board. A bond shall not be subject to call or redemption before maturity unless it contains a recital to that effect.

(c) The bonds shall be issued in denominations as the board may determine, except that bonds shall be issued in denominations of one thousand dollars (\$1,000) or more, and shall be payable on the days and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 8 percent per annum, and shall be made payable annually or semiannually, and the bonds shall be numbered consecutively and shall be signed by the chair of the board, and countersigned by the auditor of the district, and the seal of the district shall be affixed thereto by the clerk of the board. Either or both signatures may be printed, engraved, or lithographed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor by a printed, engraved, or lithographed signature. If the officer whose signatures or countersignatures appear on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, the bonds and coupons and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds.

SEC. 25. Section 17 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 5 of Chapter 38 of the Statutes of 1962, is amended to read:

Sec.17. Any bonds issued under this act and the interest thereon shall be paid by revenue derived from an annual tax or assessment, levied as provided in either paragraph (1) of, or subparagraph (A) or (B) of paragraph (2) of, subdivision (a) of Section 13. A zone or the property therein shall not be liable for the share of bonded indebtedness of any other zone. Any moneys derived from taxation or assessment in any of the several zones shall not be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone, except in the case of joint projects by participating zones.

SEC. 26. Section 21 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec.21. (a) The bonds of the district issued for any zone or zones thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, those moneys or funds may be invested in the bonds of the district issued in accordance with this act, and whenever bonds of cities, cities and counties, counties, school districts, or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, those bonds of the district may be so used.

(b) This section is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and, if any law is in conflict with this section, this section shall prevail.

SEC. 27. Section 25.1 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 1 of Chapter 291 of the Statutes of 1974, is amended to read:

Sec.25.1. In addition to proceedings authorized under Sections 13, 14, 15, 16, 17, 18, and 24, whenever the board determines that it is in the public interest, it may borrow money to provide funds to pay the cost of any work or improvement in the district or in any zone or zones thereof by the issuance of revenue bonds pursuant to the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). If the work or improvement is determined by the board to be for a zone or zones comprising less than all the district, the election at which the proposition to issue such revenue bonds is submitted shall be held only in such zone or zones. Proceeds from the sale of any such revenue bonds shall be expended only in the zone or zones in which the proposition to issue such revenue bonds is approved. Except as specified in Section 25.2, in the case of any conflict between this act and the Revenue Bond Law of 1941, the Revenue Bond Law of 1941 shall control.

SEC. 28. Section 25.2 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 1 of Chapter 610 of the Statutes of 1983, is amended to read:

Sec.25.2. (a) Notwithstanding any other provision of this act, the district may from time to time, subject to this section, issue bonds in accordance with the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code) for the purpose of financing the construction, reconstruction, replacement, acquisition, or improvement of any facility or facilities necessary or convenient for the storage, treatment, including reclamation, transmission, or distribution of water for beneficial use within the district and for the purpose of generation or transmission of electricity, except that this section shall not apply to the acquisition of any facility or facilities already employed in any such public utility use, except where the acquisition of the facility or facilities is by mutual agreement between the district and the owner of the property.

(b) The provisions of Sections 54380 to 54387, inclusive, of the Government Code shall not apply to the issuance and sale of bonds pursuant to this section.

(c) The board shall not proceed under this section until it has submitted to the qualified voters of the district at a special election called by a resolution of the board a proposition as to whether the district may authorize and sell revenue bonds under this section. If a majority of the voters of the district voting on the proposition at the election vote in favor of the proposition, the board may proceed to issue and sell revenue bonds as provided by this section. If the proposition fails to carry at the election, the proposition shall not again be voted upon until at least six months have elapsed since the date of the last election at which the proposition was submitted.

(d) The resolution calling the election shall fix the date on which the election is to be held, the proposition to be submitted thereat, and the manner of holding the election and of voting for or against the proposition, and shall state that in all other particulars the election shall be held and the votes canvassed as provided by law for the holding of elections within the district. The election may be held separately or may be consolidated with any other election authorized by law at which the voters of the district may vote. The resolution calling the election shall be published and no other notice of the election need be given.

(e) (1) Section 54420 of the Government Code shall not apply to bonds issued by the district pursuant to this section.

(2) Bonds issued and sold pursuant to this section may be payable from the net revenues of the water system, constituting water revenues remaining after the payment of the operation and maintenance costs of the water system.

(3) For purposes of this subdivision, "revenues of the water system" includes moneys allocated to the district by the County of Santa Clara in accordance with Article XIII A of the California Constitution and Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code only to the extent that those moneys are allocated by the board for purposes of the water system.

SEC. 29. Section 25.6 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 2 of Chapter 164 of the Statutes of 1988, is amended to read:

Sec.25.6. (a) Consistent with the California Constitution, the district may borrow money and incur indebtedness, not to exceed the amount specified in subdivision (d), as provided in this section by action of the board of directors and without the necessity of calling and holding an election in the district.

(b) Indebtedness may be incurred pursuant to this section for any purpose for which the district is authorized to expend funds.

(c) Indebtedness incurred under this section shall be evidenced by short-term notes payable at stated times fixed by the board. The maturity of short-term notes shall be not later than five years from the date of issuance. Short-term notes shall bear interest at a rate not exceeding 10 percent per annum payable annually or semiannually. Short-term notes shall be general obligations of the district payable from revenues, charges, taxes, and assessments levied for purposes of the district.

(d) Short-term notes shall not be issued pursuant to this section that are payable in any fiscal year in an amount that, when added to the interest thereon, exceeds 85 percent of the estimated amount of the revenues, charges, taxes, and assessments of or allocable to the district that will be available in that fiscal year for payment of short-term notes and the interest thereon.

SEC. 30. Section 26.1 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 230 of Chapter 1010 of the Statutes of 1994, is amended to read:

Sec.26.1. As used in connection with the groundwater charge, the following definitions apply:

(a) "Person," "owner," or "operator" means public agencies, federal, state, and local, private corporations, firms, partnerships, limited liability companies, individuals or groups of individuals, whether legally organized or not. "Owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

(b) "Groundwater" means nonsaline water beneath the natural surface of the ground, whether or not flowing through known and definite channels. "Nonsaline water" means water that has less than 1,000 parts of chlorides to 1,000,000 parts of water, both quantities measured by weight.

(c) "Production" or "producing" means the extraction or extracting of groundwater, by pumping or any other method, from shafts, tunnels, wells including, but not limited to, abandoned oil wells, excavations or other sources of groundwater, for domestic, municipal, irrigation, industrial, or other beneficial use, except that the terms do not mean or include the extraction of groundwater produced in the construction or reconstruction of a well, or water incidentally produced with oil or gas in the production thereof, water incidentally produced in a bona fide mining or excavating operation, or water incidentally produced in the bona fide construction of a tunnel, unless the groundwater so extracted is used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

(d) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the groundwater supplies within the district or a zone thereof.

(e) "Water production statement" means the certified statement filed by the owner or operator of a water-producing facility with the district of the production of groundwater of the facility in a specified period.

(f) "Water year" means July 1 of one calendar year to June 30 of the following calendar year.

(g) "Agricultural water" means water primarily used in the commercial production of agricultural crops or livestock.

SEC. 31. Section 26.3 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 10 of Chapter 38 of the Statutes of 1962, is amended to read:

Sec.26.3. (a) Groundwater charges levied pursuant to this act are declared to be in furtherance of district activities in the protection and augmentation of the water supplies for users within a zone or zones of the district that are necessary for the public health, welfare, and safety of the people of this state. The groundwater charges are authorized to be levied upon the production

of groundwater from all water-producing facilities, whether public or private, within the zone or zones of the district for the benefit of all who rely directly or indirectly on the groundwater supplies of the zone or zones and water imported into the zone or zones.

(b) The proceeds of groundwater charges levied and collected on the production of water from groundwater supplies within the zone or zones of the district are authorized and shall be used exclusively by the board for the following purposes:

(1) To pay the costs of constructing, maintaining, and operating facilities that will import water into the district that will benefit the zone or zones, including payments made under any contract between the district and the State of California, the United States of America, or any public, private, or municipal utility.

(2) To pay the costs of purchasing water for importation into the zone or zones, including payments made under contract to the State of California, the United States of America, or any public, private, or municipal utility.

(3) To pay the costs of constructing, maintaining, and operating facilities that will conserve or distribute water within the zone or zones, including facilities for groundwater recharge, surface distribution, and the purification and treatment of that water.

(4) To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district on behalf of the zone or zones for any of the purposes set forth in paragraphs (1), (2), and (3).

(c) The district may apply to any one or more of the purposes set forth in paragraphs (1), (2), (3), and (4) of subdivision (b) any or all revenues received by the district from water sale contracts executed by the district pursuant to this act.

SEC. 32. Section 26.4 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 20 of Chapter 205 of the Statutes of 1967, is amended to read:

Sec.26.4. (a) Within six months after the date of establishing any zone or zones, all water-producing facilities located within the boundaries of the zone or zones shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district installed by the district or at the district's option by the operator thereof. Any new water-producing facility, constructed or reestablished, or any abandoned water-producing facility that is reactivated, after that date, shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion, reestablishment, or reactivation thereof.

(b) Failure to register any water-producing facility, as required by this act, is a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed six months, or by both the fine and imprisonment.

(c) In addition to other information that the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

SEC. 33. Section 26.6 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 31.4 of Chapter 1195 of the Statutes of 1993, is amended to read:

Sec.26.6. On or before the first Tuesday in April of each year, the report shall be delivered to the clerk of the district board in writing. The clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of the report and of the public hearing to be held on or before the fourth Tuesday in April in a newspaper of general circulation printed and published within the district, at least 10 days before the date at which the public hearing regarding the report shall be held. The notice, among other information that the district may provide, shall contain an invitation to all operators of water-producing facilities within the district and to any person interested in the district's activities in the protection and augmentation of the water supplies of the district to call at the offices of the district to examine the report. There shall be held on or before the fourth Tuesday of April of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the district's activities in the protection and augmentation of the water supplies of the district, may in person, or by representative, appear and submit evidence concerning the subject of the written report.

SEC. 34. Section 26.7 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 10 of Chapter 279 of the Statutes of 2006, is amended to read:

Sec.26.7. (a) (1) Before the end of the water year in which the hearing is held, and based upon the findings and determinations from the hearing, the board shall determine whether or not a groundwater charge should be levied in any zone or zones.

(2) If the board determines that a groundwater charge should be levied, it shall levy, assess, and affix the charge or charges against all persons operating groundwater-producing facilities within the zone or zones during the ensuing water year.

(3) (A) The charge shall be computed at a fixed and uniform rate or rates per acre-foot for agricultural water, and at a fixed and uniform rate or rates per acre-foot for all water other than agricultural water.

(B) Different rates may be established in different zones, except that in each zone the rate or rates for agricultural water shall be fixed and uniform.

(C) The rate or rates, as applied to operators who produce groundwater above a specified annual amount, may, except in the case of any person extracting groundwater in compliance with a government-ordered program of cleanup of hazardous waste contamination, be subject to prescribed, fixed, and uniform increases in proportion to increases by that operator in groundwater production over the production of that operator for a prior base period to be specified by the board, upon a finding by the board that conditions of drought and water shortage require the increases. The increases shall be related directly to the reduction in the affected zone groundwater levels in the same base period.

(D) The rates shall be established each year in accordance with a budget for that year approved by the board pursuant to this act, or amendments or adjustments to that budget, and shall be fixed and uniform rates for agricultural water and for all water other than agricultural water, respectively, except that each rate for agricultural water shall not exceed one-fourth of the rate for all water other than agricultural water.

(b) (1) The board may also impose or adjust any groundwater charge, and the rate of any charge, on or before January 1 of each water year whenever the board determines that the imposition or adjustment of the charge is necessary.

(2) The board shall prepare a supplemental report to the annual report prepared pursuant to Section 26.5, explaining the reasons for the imposition or adjustment of the charge. The board shall file the supplemental report with the clerk of the board at least 45 days before the date the new or adjusted charge is proposed to take effect.

(3) (A) The clerk shall publish in a newspaper of general circulation published within the district, pursuant to Section 6061 of the Government Code, a notice of the receipt of the supplemental report and a hearing to be held on the proposed imposition or adjustment of the groundwater charge at least 31 days before the date on which the new or adjusted charge is proposed to take effect and at least 10 days before the date of the hearing.

(B) The notice shall invite any operator of a water-producing facility within the district and other interested parties to examine the supplemental report prepared pursuant to paragraph (2) at the district office.

(4) (A) A public hearing shall be held in the chambers of the board at least 21 days before the date on which the new or adjusted groundwater charge is proposed to take effect.

(B) Any operator of a water-producing facility within the district may, in person or by means of a representative, present evidence at the hearing concerning the imposition or adjustment of the groundwater charge.

(c) Any groundwater charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

(d) Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility from which the production of water is otherwise properly charged, or in the making or extension of any charge upon the records that do not affect the substantial rights of the assessee or assessees, shall not invalidate the groundwater charge.

SEC. 35. Section 26.12 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 19 of Chapter 38 of the First Extraordinary Session of the Statutes of 1962, is amended to read:

Sec.26.12. (a) The superior court of the county in which the district lies may issue a temporary restraining order upon the filing by the district with the court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility that has not been registered with the district, or that the defendant is delinquent in the payment of a groundwater charge. The temporary restraining order shall be returnable to the court on or before 10 days after its issuance.

(b) The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register the water-producing facility with the district, or that the defendant is delinquent in payment of groundwater charges thereon. The court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent groundwater charge.

(c) Service of process is completed by posting a copy of the summons and complaint on the water-producing facility or the parcel of land on which it is located and by personal service upon the named defendant.

(d) The right to proceed for injunctive relief granted herein is an additional right to those that may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the

Code of Civil Procedure regarding injunctions shall be followed except as otherwise provided. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 36. Section 26.13 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 7 of Chapter 610 of the Statutes of 1983, is amended to read:

Sec.26.13. (a) If the district has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering the water-producing facility, or if no statements are filed covering any water-producing facility, the district may cause an investigation and report to be made concerning the production of water from the water-producing facility. The district may fix the amount of water production from the water-producing facility at an amount not to exceed the maximum production capacity of the water-producing facility, except, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate.

(b) After the determination has been made by the district, a written notice thereof shall be mailed to the person operating the water-producing facilities at the address shown by the district's records. The determination made by the district shall be conclusive on all persons having an interest in the water-producing facility, and the groundwater charge, interest, and penalties thereon, shall be paid forthwith, unless the person files with the board within 15 days after the mailing of the notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of the protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the groundwater charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. If the water production statement was filed and the amount disclosed thereon was paid within the time required by this act, and the board finds that the failure to report the amount of water actually produced resulted from excusable or justifiable circumstances, the board may waive the charge of interest on the amount found to be due. A notice of the hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall have 20 days from the date of mailing to pay the groundwater charge, interest, or penalties provided by this act.

(c) Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States in a sealed envelope with postage paid, addressed to the person on whom it is served at the name and address disclosed by the records of the district. The service is complete at the time of deposit.

SEC. 37. Section 26.15 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 5 of Chapter 432 of the Statutes of 1963, is amended to read:

Sec.26.15. (a) It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless the water-producing facility has been registered with the district within the time required by this act and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

(b) Violation of this section shall be punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed six months, or by both the fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 38. Section 26.17 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 9 of Chapter 1466 of the Statutes of 1965, is amended to read:

Sec.26.17. In implementing the enforcement of this act relating to groundwater charges, the district may, in addition to the powers enumerated elsewhere in this act, do any of the following:

(a) Install and maintain water-measuring devices, and other devices that will aid in determining accurate water production, on water-producing facilities not owned by the district.

(b) Affix seals to water-producing facilities that the owner or operator thereof has declared to be abandoned, or are in fact permanently abandoned.

(c) Enter on to any land for the purposes enumerated in this section and for the purpose of making investigations relating to water production.

SEC. 39. Section 28 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 26 of Chapter 205 of the Statutes of 1967, is amended to read:

28. There is hereby granted to the district the right-of-way for the location, construction and maintenance of channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works for flood risk reduction in, over and across public

lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right-of-way and lands.

SEC. 40. Section 31 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 2 of Chapter 170 of the Statutes of 2001, is amended to read:

Sec.31. (a) The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 17 of Article XVI of the California Constitution, acquired under this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board may hold, use, acquire, manage, occupy, and possess the property, as herein provided. The board may determine, by resolution duly entered in their minutes, that any real property, or interest therein, held by the district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease, or otherwise dispose of the property pursuant to this section.

(b) Real property that, in the unanimous judgment of the board, has no access to a public road, or that consists of an easement for ingress and egress to property that, by the terms of the easement, will terminate when ingress and egress is supplied to the property by a public road, may be sold, leased, or conveyed by the board on terms prescribed by it.

(c) The board may reconvey real property to the former owner by whom the property was conveyed, or from whom the property was condemned by the district, or the owner's successor in interest for fair market value. Fair market value shall be determined by a qualified real estate appraiser. The district may reconvey real property to the former owner or the owner's successor in interest for less than fair market value if the district finds that a public purpose exists justifying that reconveyance for less than fair market value.

(d) The board may by a majority vote exchange real property of equal value with any person, firm, or corporation for the purpose of removing defects in the title to real property owned by the district or where the real property to be exchanged is not required for district use and the property to be acquired is required for district use.

(e) In all other cases, the board shall be governed in the sale, lease, or other disposition of real property by the requirements of law governing that action by counties, except that notice of the board's intended action shall be as prescribed in Section 25363 of the Government Code.

(f) The board may by resolution prescribe a procedure for the leasing of real property owned by the district alternative to the requirements of law governing counties.

(g) The board may by a majority vote sell, lease, or otherwise transfer to the state, the County of Santa Clara, or to any city, school district, or other special district within the Santa Clara Valley Water District, or exchange with the public entities, any real or personal property or interest therein belonging to the district upon the terms and conditions that are agreed upon.

(h) The board shall establish regulations for the trade in, survey, sale, or other disposition of personal property held by the district and no longer necessary to be retained for the uses and purposes thereof, except that any sale of personal property having a sale value in excess of that value stated from time to time by Section 1041.6 of Title 2 of the California Code of Regulations as a definition of "fixed assets," or any lower value as may be determined by the board, shall be made upon public bid preceded by notice of the board's intended action given as prescribed in Section 25363 of the Government Code.

SEC. 41. Section 33 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 3 of Chapter 251 of the Statutes of 2018, is amended to read:

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

SEC. 42. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need of the Santa Clara Valley Water District to provide water services and flood protection within the County of Santa Clara.

SEC. 43. Section 2.5 of this bill incorporates amendments to Section 4 of the Santa Clara Valley Water District Act proposed by both this bill and Assembly Bill 1469. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 4 of the Santa Clara Valley Water District Act, and (3) this bill is enacted after Assembly Bill 1469, in which case Section 2 of this bill shall not become operative.