

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2453**

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**Introduced by Assembly Member Achadjian**

February 21, 2014

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An act to ~~amend Section 380 of~~ *add Part 8.2 (commencing with Section 37900) to Division 13 of the Water Code*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2453, as amended, Achadjian. ~~Water supply.~~ *Paso Robles Basin Water District.*

*Existing law, the California Water District Law, provides for the formation of California water districts and grants these districts authority relating to, among other things, the production, storage, transmission, and distribution of water. That district law generally requires the members of the board of a California water district, and the voters of that district, to be landowners, but provides for the modification of these requirements by the board of that district.*

*This bill would set forth the composition of, and method of election by landowners and registered voters for, the board of directors for the Paso Robles Basin Water District, the boundaries of which shall be established and may be modified by the San Luis Obispo County Local Agency Formation Commission.*

~~Existing law makes findings and declarations relating to local or regional level water management decisions:~~

~~This bill would make a technical, nonsubstantive change in these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1     SECTION 1. Part 8.2 (commencing with Section 37900) is  
2     added to Division 13 of the Water Code, to read:

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4             PART 8.2. PASO ROBLES BASIN WATER DISTRICT

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6                     CHAPTER 1. GENERAL PROVISIONS

7

8     37900. (a) For purposes of this part, “district” means the  
9     Paso Robles Basin Water District, the boundaries of which shall  
10    be established and may be modified by the San Luis Obispo County  
11    Local Agency Formation Commission.

12    (b) This part shall apply only to the Paso Robles Basin Water  
13    District.

14    37902. The Legislature finds and declares that the provisions  
15    of this part are enacted in order to provide a governmental  
16    framework for the district to balance the supply to and consumption  
17    of groundwater within the basin underlying the district, and thereby  
18    pursue stabilizing that basin and sustaining its resources for the  
19    beneficial use of all who use water within the district.

20    37904. The creation of the district is not intended to and shall  
21    not modify the powers of the County of San Luis Obispo and the  
22    San Luis Obispo County Flood Control and Water Conservation  
23    District, carried out consistent with applicable law, to manage  
24    and protect groundwater resources within the County of San Luis  
25    Obispo, including the Paso Robles Groundwater Basin.

26

27                     CHAPTER 2. ELECTIONS

28

29    37910. Notwithstanding any other law or the bylaws of the  
30    district, all elections for the board of directors of the district shall  
31    be conducted in accordance with this part.

32    37912. The composition of the board of directors shall be as  
33    follows:

34    (a) There shall be a total of nine directors, each of whom shall  
35    be qualified for office by being a person who holds title to land  
36    within the district or a person authorized to vote in elections by  
37    landowners as provided in Section 37916. A person may only be  
38    a candidate for one director.

1 (b) Six of the directors shall be elected by landowners within  
2 the district as provided by Article 1 (commencing with Section  
3 35003) of Chapter 1 of Part 4, except that each voter shall be  
4 entitled to cast one vote for each acre owned by the voter within  
5 the district. If the voter owns less than one acre, the voter shall be  
6 entitled to one vote and any fraction shall be rounded to the nearest  
7 full acre.

8 (1) For the purposes of election of the six directors described  
9 by this subdivision, landowners within the district shall be divided  
10 into three classes as follows:

11 (A) "Large landowners," meaning holders of title owning a  
12 total of 400 acres or more.

13 (B) "Medium landowners," meaning holders of title owning a  
14 total of 40 acres or more but less than 400 acres.

15 (C) "Small landowners," meaning holders of title owning a  
16 total of less than 40 acres of land.

17 (2) Of the six directors elected pursuant to this subdivision,  
18 large landowners shall elect two directors, medium landowners  
19 shall elect two directors, and small landowners shall elect two  
20 directors.

21 (3) Candidates for the six directors elected pursuant to this  
22 subdivision may be within any landowner class.

23 (c) Three of the directors shall be elected by registered voters  
24 within the district at large.

25 (d) All directors, whether qualified under subdivision (b) or (c),  
26 shall reside within the district, within two miles of the district  
27 boundary, or within the boundaries of the City of Paso Robles, the  
28 Atascadero Mutual Water Company, the Templeton Community  
29 Services District, the San Miguel Community Services District, or  
30 the San Luis Obispo County Service Area 16.

31 37914. District elections shall be conducted in conformance  
32 with the Uniform District Election Law (Part 4 (commencing with  
33 Section 10500) of Division 10 of the Elections Code) and the laws  
34 generally applicable to districts created and operated pursuant to  
35 this division, provided the following shall apply:

36 (a) Separate ballots shall be prepared and separate elections  
37 shall be conducted for those director positions which will be elected  
38 by resident voters and for those which will be elected by landowner  
39 voters. Notwithstanding Section 10555 of the Elections Code, these

1 *landowner voter elections and resident voter elections shall be*  
2 *conducted simultaneously.*

3 *(b) District elections may be conducted by all-mailed ballots*  
4 *pursuant to Section 4108 of the Elections Code. Separate voter*  
5 *lists of resident voters and landowner voters eligible to vote within*  
6 *the district shall be prepared and maintained according to*  
7 *applicable provisions of law, including Section 10525 of the*  
8 *Elections Code. Separate all-mailed ballot elections shall be held*  
9 *for the directors to be elected by resident voters and for those to*  
10 *be elected by landowner voters.*

11 *(c) The directors elected upon formation of the district shall*  
12 *hold office pursuant to Section 10505 of the Elections Code. For*  
13 *the purposes of implementing this section, the director positions*  
14 *elected by large landowners shall be divided into two director*  
15 *term classes, the directors elected by medium landowners shall*  
16 *be divided into two director term classes, the directors elected by*  
17 *small landowners shall be divided into two director term classes,*  
18 *and the directors elected by registered voters shall be divided into*  
19 *two director term classes.*

20 *(d) Elections of directors shall be held on the first Tuesday after*  
21 *the first Monday in October of each odd-numbered year.*

22 *(e) The voters list used for purpose of an election of directors*  
23 *shall be based upon the last assessment roll prepared by the county*  
24 *assessor, which shall be conclusive evidence of ownership and*  
25 *acreage for purpose of carrying out the election. The voters list*  
26 *shall be amended if satisfactory evidence of a change in ownership*  
27 *is presented at least 45 days prior to the election to the elections*  
28 *official in the case of the formation election, and thereafter to the*  
29 *district secretary. The county assessor shall be compensated for*  
30 *all costs incurred in determining the ownership and acreage*  
31 *information and providing the information to the county clerk.*

32 *37916. Notwithstanding any other provision of this division or*  
33 *the Uniform District Election Law (Part 4 (commencing with*  
34 *Section 10500) of Division 10 of the Elections Code), election*  
35 *participation by landowners as provided in subdivision (b) of*  
36 *Section 37912 shall be carried out as follows:*

37 *(a) If the holder of title is a trust, any trustee of the trust may*  
38 *vote on behalf of the trust.*

1 (b) If the holder of title is a corporation, the president, vice  
2 president, secretary, or other duly designated officer may vote on  
3 behalf of the corporation.

4 (c) If the holder of title is a limited liability company, any  
5 managing member may vote on behalf of the limited liability  
6 company.

7 (d) An officer or partner with managerial responsibilities of a  
8 legal entity not listed in subdivisions (a) to (c), inclusive, may vote  
9 on behalf of the entity.

10  
11 *CHAPTER 3. GROUNDWATER MANAGEMENT*

12  
13 37920. The district shall have the authority afforded to local  
14 agencies as provided in Part 2.75 (commencing with Section  
15 10750) of Division 6, as that part may be amended, consistent with  
16 the requirements and limitations of applicable law.

17 ~~SECTION 1. Section 380 of the Water Code is amended to~~  
18 ~~read:~~

19 ~~380. The Legislature hereby finds and declares as follows:~~

20 ~~(a) The various regions of the state differ widely in the~~  
21 ~~availability of water supplies and in the need for water to meet~~  
22 ~~beneficial uses.~~

23 ~~(b) Decisions regarding operations to meet water needs can~~  
24 ~~depend in part upon regional differences.~~

25 ~~(c) Many water management decisions can best be made at a~~  
26 ~~local or regional level, to the end that local and regional operational~~  
27 ~~flexibility will maximize efficient statewide use of water supplies.~~

28 ~~(d) The authority granted by this chapter to local and regional~~  
29 ~~public agencies, as defined in Section 65930 of the Government~~  
30 ~~Code and not including federal agencies, is in furtherance of the~~  
31 ~~policy declared in Section 2 of Article X of the California~~  
32 ~~Constitution and in Section 109.~~