

AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1021

Introduced by Assembly Member Mayes

February 18, 2021

An act to add Section 56378.2 to the Government Code, and to add Section 21562.6 to the Water Code, relating to irrigation districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1021, as amended, Mayes. Imperial Irrigation District.

(1) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Under the act, each local agency formation commission is required to initiate and make studies of existing governmental agencies, including, but not limited to, studies to determine each local agency's maximum service area and service capacities.

This bill would require the commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet ~~websites, by December 1, 2022, websites~~ a joint study of voting rights, ~~and rights in the Imperial Irrigation District,~~ options for providing electricity, ~~electricity~~ in the Imperial Irrigation District. ~~The bill would require the joint study to include a description of voting rights in the district and a determination of whether and how the district can extend voting rights to its residents, as well as options for providing electricity in the district's jurisdiction and other affected service areas, in the~~

circumstance that the district desires to no longer provide electrical service in its jurisdiction. *District, and options for alternative governance structures for the Imperial Irrigation District board of directors, as specified. The bill would make the joint study contingent upon funding by the Legislature and would require the study to be published no later than 18 months after receipt of funds from the Legislature.* By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

(2) Existing law, the Irrigation District Law, with certain exceptions, requires a director on the board of an irrigation district that provides electricity for residents of the district to be a voter of the district and a resident of the division that the director represents. Existing law authorizes an irrigation district to sell, dispose of, and distribute electricity for use outside of the district's boundaries.

This bill would require the membership of the board of directors of the Imperial Irrigation District to increase from 5 to 6 members, with the 3 additional directors *director being a nonvoting members member* with all of the other rights as the existing directors, and meeting certain qualifications. The bill would require the 3 nonvoting directors *director* to be appointed by the county supervisor who represents the ~~Fourth District on the Board of Supervisors of the County of Riverside, thereby imposing a state-mandated local program.~~ *largest amount of population in the electrical service area. The bill would require the nonvoting director to serve a term of 4 years. The bill would require the nonvoting director to represent the electrical service area and to live in the service area at the time of their appointment and throughout their tenure on the board, and if the nonvoting director relocates outside of the electrical service area, the director's membership on the board would terminate and a new member would be required to be appointed. The bill would require that, if the Imperial Irrigation District no longer serves electricity to the electrical service area, the nonvoting director's membership on the board terminate, and membership of the board of directors decrease from 6 to 5.*

By imposing new duties on local government relating to appointment of the nonvoting director, the bill would impose a state-mandated local program.

(3) This bill would make legislative findings and declarations as to the necessity of a special statute for the Imperial Irrigation District.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 56378.2 is added to the Government
2 Code, to read:

3 56378.2. (a) Notwithstanding any other law, the commissions
4 for the County of Imperial and the County of Riverside shall
5 conduct and publish on their internet ~~websites, by December 1,~~
6 ~~2022,~~ *websites* a joint study of ~~both~~ *all* of the following:

7 (a)
8 (1) Voting rights in the Imperial Irrigation District. The joint
9 study shall include a description of voting rights in the district and
10 a determination of whether and how the district can extend voting
11 rights to its residents.

12 (b)
13 (2) Options for providing electricity in the Imperial Irrigation
14 District's jurisdiction and other affected service areas, in the
15 circumstance that the district desires to no longer provide electrical
16 service in its jurisdiction.

17 (3) *Options for alternative governance structures for the*
18 *Imperial Irrigation District board of directors.*

19 (b) *The joint study described in subdivision (a) shall be*
20 *contingent upon funding by the Legislature.*

21 (c) *The joint study described in subdivision (a) shall be*
22 *published no later than 18 months after receipt of funds from the*
23 *Legislature.*

24 SEC. 2. Section 21562.6 is added to the Water Code, to read:
25 21562.6. (a) This section applies to the Imperial Irrigation
26 District.

27 (b) Notwithstanding Sections 21100 and 21550 and Division 3
28 (commencing with Section 56000) of Title 5 of the Government

1 Code, the membership of the board of directors shall increase from
2 five to ~~eight~~ *six*.

3 ~~(c) The directors~~ *director* of the board added pursuant to
4 subdivision (b) shall be *a nonvoting director* with all of
5 the other rights as existing directors.

6 ~~(d) The nonvoting directors~~ *director* shall be appointed by the
7 county supervisor who represents the ~~Fourth District on the Board~~
8 ~~of Supervisors of the County of Riverside and shall be appointed~~
9 ~~subject to the following conditions:~~ *largest amount of population*
10 *in the electrical service area.*

11 ~~(1) One director shall be a representative of local cities and be~~
12 ~~an elected member of city government.~~

13 ~~(2) One director shall be a representative of the County of~~
14 ~~Riverside.~~

15 ~~(3) One director shall be a representative of the environmental~~
16 ~~justice community.~~

17 ~~(e) The nonvoting directors~~ *director* shall represent the electrical
18 service area and shall live in the service area at the time of their
19 ~~appointment.~~ *appointment and throughout their tenure on the*
20 *board. If the nonvoting director relocates outside of the electrical*
21 *service area, the director's membership on the board shall*
22 *terminate and a new member shall be appointed.*

23 ~~(f) The nonvoting director shall serve a term of four years.~~

24 ~~(g) If the Imperial Irrigation District no longer serves electricity~~
25 ~~to the electrical service area, the nonvoting director's membership~~
26 ~~on the board shall terminate, and membership of the board of~~
27 ~~directors shall decrease from six to five.~~

28 ~~(h) The nonvoting director shall comply with Section 1126 of~~
29 ~~the Government Code.~~

30 ~~(f)~~

31 ~~(i) For the purposes of this section, "electrical service area"~~
32 ~~means the area where the district provides retail electrical service~~
33 ~~that is outside of the district's boundaries.~~

34 SEC. 3. The Legislature finds and declares that a special statute
35 is necessary and that a general statute cannot be made applicable
36 within the meaning of Section 16 of Article IV of the California
37 Constitution because of the conditions unique to the Counties of
38 Imperial and Riverside and the Imperial Irrigation District.

39 SEC. 4. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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