



SB 246

BIGHORN-DESERT VIEW WATER AGENCY: MODERNIZATION OF ENABLING ACT

SUMMARY

SB 246 helps clarify and reorganize the law that established the Bighorn-Desert View water district within San Bernardino County. This update and modernization should provide more transparency and accountability to ratepayers in that district.

BACKGROUND

The Bighorn-Desert View Water Agency enabling Act, the “Bighorn Mountains Water Agency Law”, is an Uncodified Act of the Statutes of 1969, Chapter 1175, and effective August 31, 1969. The Law was amended in 1989 (Statutes of 1989, Chapter 570) through AB 1819 (Woodruff) to facilitate a proposed consolidation of the 1969 Water Agency with the Desert View County Water District, which was completed in 1990 without further amendment to the Water Agency Law.

Furthermore, there was a requirement to keep the two water systems financially separate which would essentially negate financial efficiencies expected from the consolidation.

Revisions proposed to the Water Agency Law increase transparency by (1) eliminating all references to the “future consolidation” of Bighorn with Desert View; (2) reorganizing the Law by grouping provisions that address a common theme in order to make the Law a more useful resource for research purposes; (3) updating and modernizing certain financial provisions in order to reflect the current State of California law, especially with respect to the power of the Board of Directors to enact taxes (now regulated by Prop. 13) and water service rates (now regulated by Prop. 218) and eliminating the requirement to maintain separate finances of the pre-consolidation entities.

EXISTING LAW

The current Water Agency Law is outdated because it does not reflect important additions to the California

Constitution, such as Articles 13A, B, C and D, which affect the Board of Director’s authority to enact taxes and adopt water rates. Moreover, the original Act is not well organized, thereby reducing its usefulness as a reference for Agency staff, public officials and the general public.

Additionally, the requirement to keep the two water systems financially separate works against the economic savings that consolidation was expected to bring to the rate payers.

The revisions do not significantly alter the duties and responsibilities, or the power and authority, of the Bighorn-Desert View Water Agency; rather, this legislation is proposed for the exclusive purpose of eliminating outdated and irrelevant provisions, and reorganizing the Act to assist staff, the agency’s officials and the public by making the Act easier to understand, and more transparent.

THIS BILL

SB 246 reorganizes the Act and eliminates the requirement that the two water systems finances are kept separate, thereby increasing transparency for its ratepayers and providing agency staff with a better reference document for operating purposes.

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