

# COLAB SAN LUIS OBISPO COUNTY

## WEEK OF JUNE 22-28, 2014

**NO BOARD OF SUPERVISORS MEETING ON JUNE 24, 2014**

**ARNOLD LEADS WATER DISTRICT STRUCTURE REVOLT  
(GIBSON SEETHES AS MECHAM AND RAY DEFECT)**

**ARNOLD EXPOSES GIBSON'S PLOY TO HIDE THE BALL  
(MECHAM AND COUNTY ADMINISTRATOR DEFEND HIM)  
(HILL NOT SO MUCH)**

**FUNDING FOR NORTH COUNTY WATER RIPOFF  
APPROVED UNDER COVER OF DROUGHT EMERGENCY  
(SEE ITEM 46)**

**No Board of Supervisors Meeting on Tuesday June 24, 2014(Not Scheduled)**

The Board will take a 2-week summer recess. There will be no meeting on June 24 or July 1, 2014.

**San Luis Obispo County Board of Supervisors Meeting of June 17, 2014 (Completed)**

**Item 43 - Housing Element and Disadvantaged Communities Plan Amendments.** The Board approved the Housing Element, and there was some discussion of one of the real problems, that there is insufficient land zoned for housing. Staff is working on the issue but very narrowly. There was no consideration of COLAB's recommendation for a more strategic approach. It is not known what the staff and the Board's Ad Hoc Committee on Workforce Housing (Ray and Mecham) are doing. Mecham has been busy attending water seminars around the State and Ray has been busy running for election.

**Background:** At rock bottom the County does a great deal of balkanized regulatory-based land use planning but has no comprehensive strategic plan to integrate its job creation, economic development, land use, financial, and capital improvement planning. Any suggestions made from outside along these lines are smugly rejected by the Board, which adheres to business as usual. It would be a miracle if the Planning Commissioners (who are Board appointments) would stand tall and press the issue.

The Housing Element has two dimensions. One is that it is the portion of the County's General Plan that lays out housing trends and needs and sets goals for the future. The second dimension is that the State requires that cities and counties have sufficient land zoned for densities high

enough (usually 20 units or more per acre) to afford developers the opportunity to produce housing affordable to various categories of low- and moderate-income people. The State Housing and Community Development Department (HCD) sets numerical goals for each county as an area. The regional planning body, in our case the San Luis Obispo County Council of Governments (SLOCOG), divides up the assigned quota among the 7 cities and the unincorporated county. The County must submit its plan for meeting its share of the quota to HCD by the close of business on June 30, 2014. It can easily show that there is sufficient land zoned to meet the State quotas. This does not, however, deal with the larger issue that there not is enough land zoned for housing overall. This is especially true of land for large-scale garden apartments with amenities and land for subdivisions of freestanding single-family homes with yards, garages, and privacy.

**Item 46 - Integrated Regional Water Management Plan (IRWM) Update and Project Eligibility.** The proposed grant applications (see chart and background discussion below for context) were approved 3/2 with Arnold and Mecham dissenting. Arnold hammered her majority colleagues on why they would take water that could benefit the Paso Basin and flow it to the Chorro Valley when there are alternatives that they have not even considered, let alone researched. She asked: “What about the Paso Basin projects that didn’t make it onto the recommended list?” Later in the discussion she pointed out that, “People are living under the Urgency Ordinance (moratorium); they are dependent on groundwater.” She further pointed out that the Nacimiento Authority Board (the funder/operator of the project) has not yet considered the matter or under what circumstances it would sell water for diversion to the Chorro Valley. Paraphrasing Arnold - *How can we apply for a grant to move the water when we don’t even know if we could get agreement from its owners to do that?*

COLAB asked, if the drought continues, when Lake Nacimiento would run out of water. We were provided with a typical staff “non – answer,” which was accepted passively by the Board: “The County has the right to water in the bottom of the lake.” Okay, so if it doesn’t rain, when will it run out?

This unfortunate situation again underscores how important the 4<sup>th</sup> District election is for the residents of the north county.

**Background:** In 2002 the State set up a regional planning system called the IRWM. Jurisdictions must cooperate to compete for State water grants. The program is funded through sale of State general obligation bonds (debt). The current round of grant competition is focused on the drought, and projects must be configured to help reduce the risks generated by the drought. The recommended package is displayed in the chart below:

Project	Total Project Cost	Grant Funding Allocation in Application	Required Funding Match
CSA 23-Atascadero-Garden Farms Emergency Intertie	\$1,973,000	\$1,479,750	\$493,250
Heritage Ranch CSD Emergency Turnout	\$150,000	\$112,500	\$37,500
Cambria CSD Emergency Water Supply	\$5,000,000	\$3,750,000	\$1,250,000
San Simeon Small Scale Recycled Water	\$1,728,120	\$1,296,090	\$432,030
Salinas / Nacimiento / CMC Emergency Intertie	\$4,077,710	\$3,058,282	\$1,019,428
<b>TOTAL GRANT FUNDING for SLO Co IRWM Region Drought Grant Application</b>	<b>\$12,928,830</b>	<b>\$9,696,622</b>	<b>\$3,232,208</b>

The Salinas/Nacimiento/CMC Emergency Intertie would allow north county water (subject to the approval and negotiation of pricing with the Nacimiento Authority members) to be sent to the Chorro Valley. It is possible that if the drought continues into 2015, State water, which currently supplies the State Prison, the National Guard facility, the County jail and service yard, Cuesta College, and the City of Morro Bay, will be unavailable. The intertie would allow water from the Naci pipeline to be conveyed to these facilities.

The Board and staff have steadfastly refused to look at alternative solutions, and none are proposed here. Some questions:

- ✓ Since the Board has adopted an urgency ordinance water and development moratorium over most of the Paso basin, why would they take water that could be used to recharge the basin and mitigate declines?
- ✓ Could the use of the Naci water become permanent after the drought emergency ends?
- ✓ Given the growing salt-water intrusion problem in the Los Osos water basin (and issues related to the sewer treatment system under construction there), is it possible that Naci water could end up being used for injection or spreading into the Los Osos aquifer? Will people in the Paso Basin be denied permits and the use of their property in order to, in effect, subsidize the impact of the Los Osos Sewer Project (as current septic recharge ceases when the system opens and collects all sewage that now contributes to recharge)?

**Agenda Addendum Item 6 - Suppressed Letters, Favoritism, Arrogance, Deception, and Bullying in Relation to the Proposed California Water District (Completed)**

**Addendum Item 6 - Consideration of AB 2453 regarding 1) proposed specific amendments to the bill from the California State Senate Governance and Finance Committee, and 2) a conceptual framework for implementation suggested by the California State Senate Governance and Finance Committee staff. Districts 1 and 5.**

**This discussion is divided into two sections:**

**A - Issues Dealing with substantive content of the bill and its proposed amendments and,**

**B - Gibson's abortive attempt to exclude most of the Supervisors (Mecham says Gibson consulted him) and the public from his representation to Assembly member Achadjian that the Board and public supported the bill and the proposed amendment.**

**A. The Substantive District Related Issues:** In the end the Board voted 3/2 (Gibson and Hill dissenting) to request Assembly Member Achadjian and the Legislature to amend AB 2453 to require that the vote to initially create the proposed water district be 1-person 1-vote of those registered voters who own property within the area to be included within the district. The vote meant that unless the final law includes the democratic vote provision, the County's support is withdrawn. Assembly Member Achadjian has stipulated that his sponsorship of the bill and continued support requires the support of the Board of Supervisors. As of this writing, the Assemblyman has said that he is working on the bill. Some preliminary questions:

1. Is the bill constitutionally legal if it requires a democratic vote limited to property owners and that excludes renters? Even if it is, will members of the Legislature be comfortable with it?
2. How will voters who are residents with fractional ownership of property be treated? For example, if I am a 25% owner of a 100 acre-vineyard, do I get a full vote or 25% of a vote?
3. Will PRAAGS/Pro Water Equity support this modification or will they decide that their bill has been amended too far beyond its original content?
4. What are the chances of a water district being approved by a threshold democratic vote?

**The Temporary Board-run District:** In a subsequent vote, the Board indicated that it could support a district board, originally appointed by the Board of Supervisors, that would then transition to a district board on which 3 slots would be open to all voters of the district, with 6 slots based on their acreage (small, medium, and large). The idea of a transitional Board appointed by the Supervisors has been proposed by a Senate Finance Committee staffer. The purpose is to expedite the creation and operation of the district. Support of this provision is also conditioned on the 1-person 1-vote provision.

There were 50 public speakers representing themselves and various organizations, including the Farm Bureau, Paso Robles Wine Alliance, Sierra Club, former Supervisor Ryan, and farmers and ranchers from within and/or near the basin. There was even a farm owner from Monterey County. (A portion of the basin underlies Monterey County.) Of the total 50 speakers, 9 were in favor of a district and 36 were opposed.

**B. Gibson's Abortive Attempt to Hide the Ball:**

**Please note that the full discussion from last week's Weekly Update is included for our readers reference and convenience on page 7 (Background) as it relates to the actions in**

**and around the June 17, 2014 Board meeting. On the 17<sup>th</sup> Supervisor Arnold exposed the attempt to hide the ball and exposed the Board majority/Mecham water policy coalition as follows:**

**1. June 4:** Assembly Member Achadjian writes Mecham and requests that Mecham schedule an item on June 17 meeting to obtain Board approval and public comment on proposed changes to AB 2453. An electronic copy is sent and is received by Gibson.

**2. June 4-9:** Gibson confers with Mecham, the County Administrative Officer (CAO), and perhaps County Counsel. It is determined not to agendaize the issue, but to respond under cover of the County's annual Legislative Program procedures, which provide that the Board Chair may express the County's view on urgent matters which arise at the Legislature if there is not time to process them at a public Board meeting. In this case there was plenty of time to place the issue on the June 17<sup>th</sup> agenda (seven full days). Moreover the structure and endorsement of the bill changes directly impact tens of thousands of people and one of the county's biggest industries, agriculture. The Board was not unanimous in endorsing the concept in the first place. Similarly, the Board had previously placed the Basin under an urgency water and development moratorium, further exacerbating the divisiveness and controversy surrounding the issue.

Instead, Gibson and the CAO sat on the Achadjian letter until June 9<sup>th</sup> and never distributed it to other Board members, water advisory bodies, stakeholders, or anyone else except probably the PRAAGS/Pro Water Equity group, who is proposing the district formation. They were able to learn of Achadjian's request in time to send him a letter on June 9<sup>th</sup> supporting the changes in the bill.

This scenario contains all the earmarks of a deliberate conspiracy to hide the letter from the other Board members and to avoid a public airing of the issue, while at the same time playing favorites to prevent people in opposition from having a chance to express their opinions on these issues.

**June 9:** A copy of the Achadjian letter is stamped in as "received" by the Board of Supervisors. The exact office and time cannot be determined from the stamp. Simultaneously, Gibson sends a letter (Exhibit 2 below in the Background) stating that the Board and public support the district, that under the Legislative Program procedures he is authorized to respond, and that there does not need to be an agendaized item. Unbelievably, the Gibson letter shows no indicated copies to the other Supervisors, CAO, County Counsel, or key stakeholders.

**June 9:** During the afternoon of June 9<sup>th</sup>, Supervisor Arnold returned to the office from the morning-long Annual Budget hearing and found a copy of Gibson's letter in her in-box. She was properly astonished and outraged. She called in the CAO to ask how this could be. He blithely told her that it is a normal part of the Legislative Program process. Nothing he can do! Note that later during a Board discussion of the matter, the CAO stated that he deliberately supported, endorsed and concurred in the action.

**June 11:** At the start of the scheduled 2<sup>nd</sup> Annual Budget hearing, Arnold placed on the table a written request with a motion to schedule the matter for the regular June 17 meeting, well ahead of the 72-hour noticing requirement. Gibson, Hill, and Mecham strongly resisted and attempted

to minimize the matter and blow Arnold off. The County Administrator rushed to their aid, stating that the agenda of the 17<sup>th</sup> is too full. County Counsel became mixed up and cited the requirement for placing emergency matters on the agenda that arise with less than 72 hours' notice (4/5<sup>th</sup> vote), thus demonstrating her subjective enrollment in the deception. Later she had to correct and state that it is only a 2/3rds vote because it is before the 72 hours prior to the meeting. Mecham indicated that it would be a waste of time: "what are we going to do if it is on the agenda?" Gibson expressed his usual arrogance and anger at Arnold for daring to question what he wants to do.

Suddenly, Ray pushed her microphone button and stated that not only had she not been informed of Achadjian's June 4<sup>th</sup> letter or Gibson's June 9<sup>th</sup> letter, but that she found out about the issue by reading the newspaper. We suspect that this is not a lapse in her office. Her Leg. Aide is sharp, well educated, organized, and as a former Air Force pilot, certainly possesses very acute situational awareness and would elevate such a communication immediately.

After COLAB suggested that they agendize the matter out of courtesy, an articulate regular activist, Eric Greening, pointed out that if they did not schedule it, the hearing would take place at general public comment anyway. In other words, people would show up at general public comment and a hearing would take place whether no matter what Gibson thought.

**June 17:** The hearing kicked off with a staff presentation calculated to justify the unequal treatment of the Board members by Gibson and staff as simply a righteous adherence to the Legislative Program process. No one was buying the party line on this one. At first Gibson tried to forbid speakers from commenting on the deception issue, stating that they could only talk about the substance of the bill changes. Eventually he gave up, realizing that the people were ignoring him and were probably willing to go to jail if removed by a Sheriff's Deputy. After a lengthy and late hearing, the Board took the actions noted in Part A above.

**June 20:** Mecham (on a KPRL radio show) said that he has been attending water seminars and is now not so sure that a single water management district is appropriate for the basin, given its complexity and varying conditions. If that is true, then why doesn't he rescind the moratorium?

#### **Future Actions:**

Terminate the Moratorium.

Grand Jury investigate:

Has the CAO withheld information from some of the Board members in the past?

How did PRAAGS/Pro Water Equity learn of the June 4<sup>th</sup> Achadjian letter in time to prepare a considered response even before some of the Board members knew about it?

Since the decision to withhold the information from other Board members was considered and deliberate (at least 5 days) and since Gibson officially misinformed Assembly Member Achadjian with respect to the issue and the need for a hearing, is there an element of misfeasance

or even malfeasance? Certainly and for a time, Gibson, Hill, and Mecham did everything they could to blunt Arnold's request.

Of course if Hill had advance information or was in on any discussions, there would have to be a Brown Act violation. Wonder what he would say under oath? Wonder what his aide would say separately under oath?



**Background - Assembly Member Achadjian's June 4<sup>th</sup> Request (as reported in last week's Weekly Update):** The enabling legislation to create a customized California Water District (AB 2453), as a work in progress, was amended to change the formula for qualifications of 3 of the 9 Board positions. Originally, qualifications for all the seats required that members be owners of property within the basin. The amendment would eliminate the property requirement for the 3 at-large seats. They would be required to be registered voters within the basin. There are a number of theories about why such a change was made. It could be as simple as the fact that Senator Monning has a problem with a formula that excludes renters. Another theory is that some large entities have managers who are not owners. The owners want these managers, who live on site or elsewhere in the new district, to be able to represent them and take an active part in district governance. Citizens are concerned about how the change would affect policy and operations of a future district. For example: Does a paid manager/corporate executive who is not personally subject to the fees and taxes and who does not have a personal stake in impacts of the district (but who instead is solely interested in economic outcomes) have the same interest as a resident owner (particularly someone with a single home or small property and whose life savings and family survival will be impacted)?

In any case, Assemblymen Achadjian wrote to Board Chair Gibson on June 4, 2014 (the letter is stamped in at the County on June 9, 2014) and requested that he (Gibson) schedule the matter on the Board agenda on June 17. The purpose would be for the other Board members, interest groups, and the general public to have chance to express their opinions about the change and for the Board to consider whether it still supports the bill.

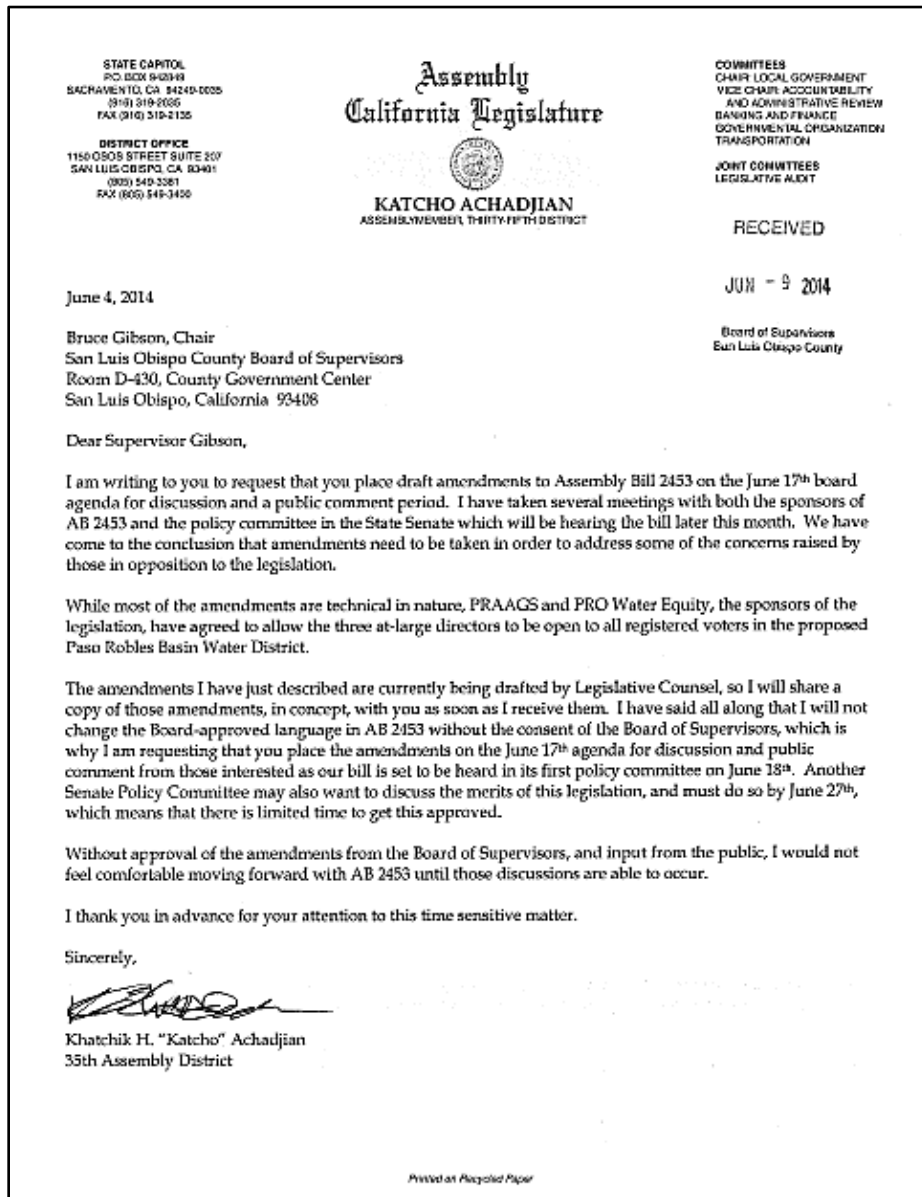
The hard copy of the letter is stamped in on June 9<sup>th</sup>. Given Achadjian's urgency concerns, wouldn't he have sent a separate and instantaneous electronic copy (fax or email attachment) on June 4<sup>th</sup>? When did Gibson actually receive the letter? Is it possible that it was withheld from some other Board members for 5 or 6 days, or in Ray's case 7 days, when she read about it the newspaper? (Note: it turned out that Achadjian's office did send an electronic copy on June 4<sup>th</sup>.) **Thus Gibson and perhaps Mecham and probably the county administrative officer knew about and sat on it until the 9<sup>th</sup>.**

Another question is when and how did the County Executive Officer obtain a copy of the letter and then when and how did he distribute it to the Supervisors (if ever)? Given the urgency and

gravamen of the situation, one would think he would have composed a memorandum (to cover himself) alerting all Board members simultaneously.

If Gibson was the only one who received it, why would he not have distributed the letter to all of his colleagues immediately?

See Exhibit 1 (Achadjian's June 4<sup>th</sup> Letter) below:



### Gibson's Reply:

On June 9<sup>th</sup> Board Chair Gibson (- promptly? – depending on when he really first received it) replied to Achadjian, stating that it was not necessary to place the matter on the County Board agenda because the Board had previously considered the bill and the formation of a water district



in general. (See exhibit 2 below). Gibson stated that this approval is included in the County's 2013-14 Legislative Program, which authorizes him, as Chairman, to represent the County Board of Supervisors when such changes arise.

Gibson's assertion is a huge improper and unethical leap. The various potential configurations of the proposed district board of directors were hashed over for months. It is a matter of broad and deep public concern. In fact, during the debates about the district, Gibson said repeatedly that "if the legislature changes it and we don't like it, we can ask that the bill be withdrawn." If no one knows about the changes except Gibson, how does that promise work?

Gibson's letter says ...*Removal of the requirement that the three (3) directors elected by registered voters within the district at-large be landowners within the district broadens the population of interested parties, with no negative effects to other interests.*

How does he know?

Nevertheless, he wrote, *Thus our Board supports the amended version of AB 2453 as consistent with our Legislative Platform. The amended version actually addresses concerns expressed by Board members and the public that it broadens the population of interested parties in the Basin eligible to serve on the Board.*

Not surprisingly, it turns out that other Board members have an opinion on this. Now that the matter has become public, it is more than clear that many impacted groups not only have an opinion, but are extremely angry.

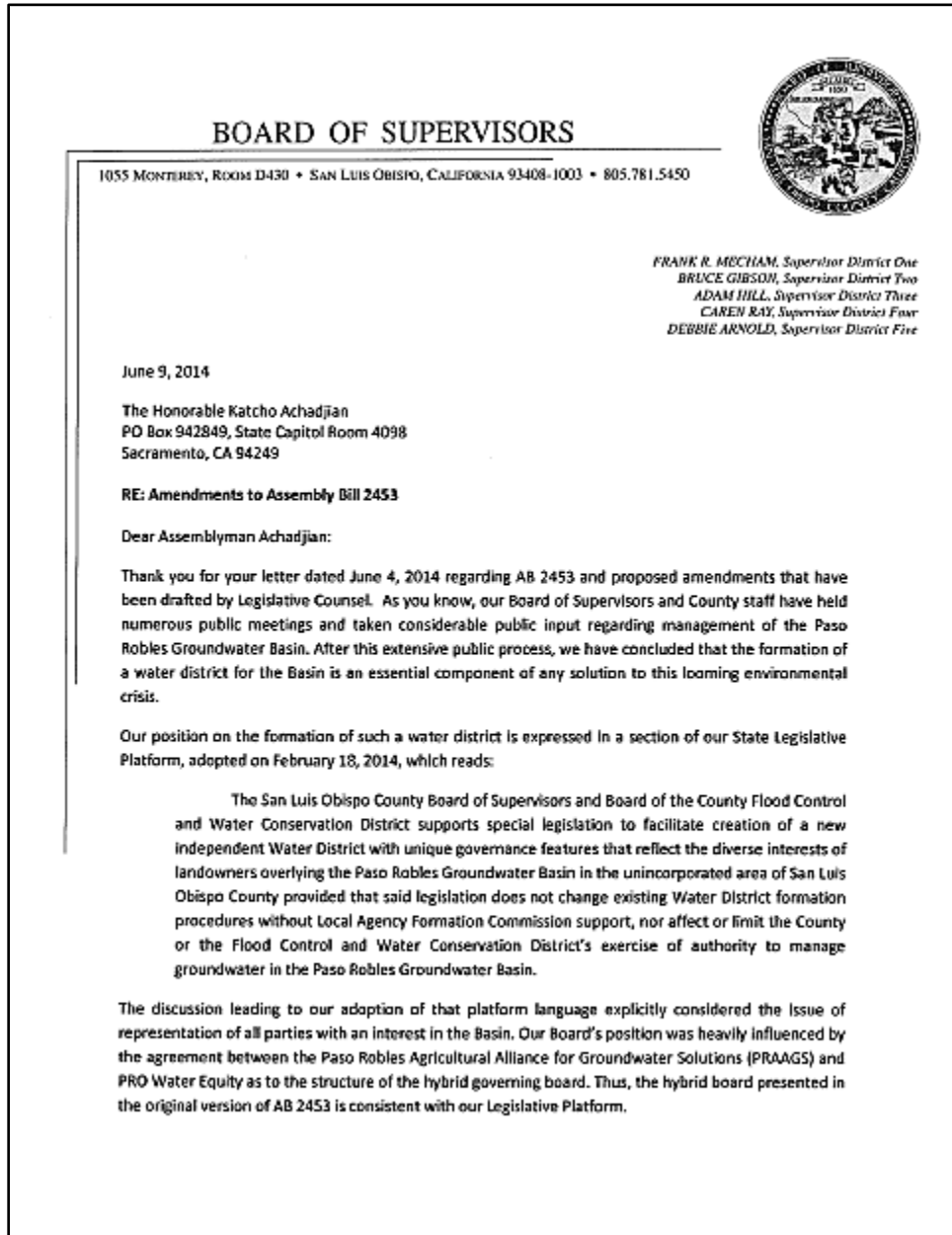
Even more outrageously, neither Supervisors Arnold nor Ray saw the Achadjian letter or Gibson's response until much later. (It is not clear when Supervisors Mecham and Hill were included. In fact, Ray says she learned of the situation by reading the Tribune. Note that neither Achadjian's June 4<sup>th</sup> letter nor Gibson's June 9<sup>th</sup> reply show indicated copies to the other Supervisors. This is, in itself, peculiar since Achadjian is an experienced former 3-term Supervisor and a member of the nation's most politically sophisticated, powerful, and overstaffed State Assembly. Do we believe they just forgot the protocol for indicated copies?

A troubling question: When did Mecham find out? When Arnold brought the matter up on Wednesday June 11<sup>th</sup>, Mecham seemed fully conversant with the issue and was not perturbed. When Arnold requested that the issue be agendaized for the June 17<sup>th</sup> Board meeting, Mecham said, "I don't understand what we are going to do" (if it is on the agenda).

More egregiously, it is Arnold's district that is most impacted by the potential operations, costs, and regulations of a water district. She only found out about the letters inadvertently and had to send her aide to demand them. This is yet another example of Gibson's bullying and disrespectful treatment of Arnold in his deliberate attempt to marginalize her and diminish her voice on the Board. Not only her constituents, but also decent people everywhere should be outraged. The people who just returned him to office should be ashamed of themselves.

When will Ray disavow Gibson and publicly criticized his arrogant and unethical behavior?

**Exhibit 2**



More on next page:

The amendment language provided by Legislative Counsel (via your office) was reviewed relative to our Platform, and we find the following:

- 1) Most of the amendments are technical and do not have a significant effect on the governance structure of the district, and
- 2) Removal of the requirement that the three (3) directors elected by registered voters within the district at-large be landowners within the district broadens the representation of interested parties, with no negative effects to other interests.

Thus, our Board supports the amended version of AB 2453 as consistent with our Legislative Platform. The amended version actually addresses concerns expressed by Board members and the public in that it broadens the population of interested parties in the Basin eligible to serve on the governing board.

It is important to note that PRAAGS and PRO Water Equity support the amended language (see attachments), as their agreement on the hybrid governing board structure was central to the development of our legislative platform.

We would reiterate that the development of our Legislative Platform on this issue involved an extensive public process. Given the tight time limits on consideration of AB 2453 in the State Senate, we believe that the previous public input received by the Board and the Board deliberations on AB 2453 are sufficient for us to support AB 2453, as amended.

In conclusion, although the issue of land ownership as a necessary condition to service as a director is not specifically addressed in our Legislative Platform, it has always been the priority of this Board to have all stakeholders represented. Granting non-landowners the right to serve as directors effectuates this goal.

If you have any further questions regarding this issue, please don't hesitate to contact me or our County Administrative Officer, Dan Buckshl. Thank you.

Sincerely,




**BRUCE GIBSON**  
Chair, Board of Supervisors  
County of San Luis Obispo

Attachments

After receiving Gibson's letter containing the misrepresentations of the Board's position on the issue, Achadjian withdrew his request that the matter be agendaized on the June 17<sup>th</sup> Board meeting. Please see exhibit 3 below. Gibson's reputation for dishonesty in his personal life is now conjoined with this example of his dishonesty and deception of a State official.

Continued on the next page.

Exhibit 3

<p>STATE CAPITOL P.O. BOX 942849 SACRAMENTO, CA 95829-0025 (916) 319-3225 FAX (916) 319-2135</p> <p>DISTRICT OFFICE 1150 OSCG STREET SUITE 207 SAN LUIS OBISPO, CA 93401 (805) 549-3351 FAX (805) 549-3400</p>	<p>Assembly California Legislature</p>  <p>KATCHO ACHADJIAN ASSEMBLY MEMBER, THIRTY-FIFTH DISTRICT</p>	<p>COMMITTEES CHAIR: LOCAL GOVERNMENT VICE CHAIR: ACCOUNTABILITY AND ADMINISTRATIVE REVIEW BANKING AND FINANCE GOVERNMENTAL ORGANIZATION TRANSPORTATION</p> <p>JOINT COMMITTEES LEGISLATIVE AUDIT</p>
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June 10, 2014

Bruce Gibson, Chair  
San Luis Obispo County Board of Supervisors  
1055 Monterey, Room D430  
San Luis Obispo, CA 93408

Dear Chairman Gibson, *Bruce*

Thank you for contacting me regarding the proposed amendments to Assembly Bill 2453. I am very glad to hear that the Board is supporting the amendments dated June 7<sup>th</sup>.

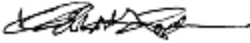
As you already know, my goal is to work with both the proponents and opponents of my legislation in order to ensure that this bill has the best chance at success. While I know I may not have addressed all of the concerns of the opposition, many of the concerns will be addressed by the San Luis Obispo County Local Agency Formation Commission as they will be establishing the boundaries and the powers and duties of the district. I believe the currently proposed amendments bring more balance to the board of directors by giving nonlandowners the opportunity to sit on the board of directors.

Because the Board of Supervisors has determined that the proposed amendments are within the scope of the discussions held at the board hearings in February, I will move forward with the amendments, which allow residents of the proposed district that do not own land to sit on the board of directors, at this time.

With a hearing in the Senate Governance and Finance Committee scheduled for June 18<sup>th</sup>, I am eager to continue the discussions with my Senate colleagues and stakeholders in the Basin.

Should you have any further questions regarding the amendments or the legislation in general, please do not hesitate to contact me.

Sincerely,

  
Khatchik H. "Katcho" Achadjian  
35th Assembly District

cc: Senator Bill Monning

**New Set Of Proposed Amendments:**

It turns out that there are other amendments in play. These include the establishment of a temporary district run by the Board of Supervisors. It would then be converted to the independent version with its own elected Board. All this is summarized in the memo below:

June 10, 2014

To: Assembly member Achadjian  
  
Senator Monning

From: Toby Ewing, Consultant

Senate Governance and Finance Committee

Re : AB 2453

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AB 2453 would establish the Paso Robles Basin Water District with a governing board of 9 members, six representing landowners based on a one-acre/one vote weighted voting, as specified in the bill, and three elected at large with a one-person/one-vote requirement.

In recognition of the controversy in the region regarding the proposed governance structure for the new district, please consider an option that has precedent.

The Legislature has in the past authorized a County Board of Supervisors to appoint the initial board of a new district, with successive boards being elected. This approach is consistent with how vacancies can be filled. Similarly, the Legislature has required landowner-only irrigation districts to transition to voter districts when they begin to offer electricity services (SB 1939, Alarcón, 2000) or if they provide 3,000 or more acre-feet of water to residential customers or have more than 3,000 customers (AB 159, Salinas, 2006).

A similar transition approach may offer benefits over the current proposal:

- An appointed board would allow the district to be formed more quickly.
- An appointed board, following the governance structure of the bill, will allow for the district to begin operating with the representation outlined in AB 2453 and incumbents would be eligible to subsequently run for election.
- An appointed board that is followed by an elected board based on one-person/one-vote may address opposition to the current bill regarding lack of representation.
- The transition to a popularly elected board may reduce the risk of litigation over the constitutionality of the governance structure.

Please consider the following language. This language is not in legislative counsel form.

I would be happy to respond to any questions.

I can be reached at [toby.ewing@sen.ca.gov](mailto:toby.ewing@sen.ca.gov) or 916-651-4119.