

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: Original
POSITION: Oppose

BILL NUMBER: SB 1360
AUTHOR: M. Machado
RELATED BILLS: AB 156 (Laird), AB 162 (Wolk), SB 17 (Flores), SB 5 (Machado)

BILL SUMMARY: Central Valley Flood Protection Board

The purpose of this bill is to make technical and clarifying amendments to a variety of flood management bills passed last year. Specifically, this bill would: (1) require the Department of Water Resources (DWR) to prepare and the Central Valley Flood Protection Board (Board) to adopt a map that clearly delineates the boundaries of the Sacramento and San Joaquin Drainage District, (2) make changes regarding the Board's members, (3) change the definition of a quorum needed for the Board to take action, (4) change Board conflict of interest and ex parte communications requirements, and (5) make technical, non-substantive changes.

FISCAL SUMMARY

The development of a map of the Sacramento and San Joaquin Drainage District would likely cost DWR \$50,000 General Fund. However, Finance notes that DWR would likely have to develop a map of the Sacramento and San Joaquin Drainage District as part of the development of the Central Valley Flood Protection Plan required by Chapters 364 and 365, Statutes of 2007. Consequently, the costs associated with this bill are absorbable within the DWR's existing resources.

COMMENTS

Finance opposes this bill for the following reason:

- This bill would allow the nonvoting ex officio members of the Board, currently Legislative members of select Senate and Assembly Committees, to name a designee to serve in their absence. Both the Legislators and their designees would be exempt from conflict of interest requirements of Government Code Section 87100 and would be allowed to conduct an ex parte communication. For example, a Legislative staff member serving as a Legislative designee would be allowed to influence decisions or recommendations of employees or consultants to the Board on issues in which the designee had a direct personal financial interest. We believe it is appropriate for all members of the Board to be subject to existing conflict of interest requirements to prevent attempts to influence Board decisions for personal gain.

Finance also notes that while this is intended to be a technical clean-up bill, it does not address all necessary clean-up issues. For example, there is a need to clarify existing law to ensure that only permits for projects that significantly affect the State Plan of Flood Control require Board hearings, and to clarify that ex parte communication restrictions apply only to items requiring an evidentiary hearing of the Board. Without these clarifications, ministerial activities or unimportant ex parte communications would require a full-hearing, which would be an inefficient use of public resources. If all technical issues are not addressed in this bill, a second clean-up bill may be necessary.

(Continued)

Analyst/Principal (0631) M. Almy Date Program Budget Manager Karen Finn Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	
3860/Water Res	SO	No		-----	No/Minor Fiscal Impact	-----			0001