

**Introduced by Committee on Local Government (Senators Negrete
McLeod (Chair), Cox, Harman, Kehoe, and Machado)**February 21, 2007

An act to amend Sections 25210.77b, 38743, 38902, 54251, 54984.4, 54984.7, 54984.8, and 61124 of, and to repeal Sections 54984.5 and 54984.6 of, the Government Code, to amend Section 5471 of the Health and Safety Code, to amend Sections 13215 and 13216 of the Public Resources Code, to amend Sections 13022, 16475, 16477, and 16478 of, and to repeal Section 16476 of, the Public Utilities Code, to amend Sections 22280, 31031, 31031.8, 31032.1, 31032.10, 31032.12, 31104, 31104.5, 31104.7, 31104.8, 35470, 50902, 50911, 52402, 55501.5, 55507, 71630, 71632, and 71638 of, to add Sections 35470.1, 37210.1, and 37210.2 to, and to repeal Section 71638.3 of, the Water Code, and to amend Section 5.2 of Chapter 545 of the Statutes of 1943, Section 27.6 of Chapter 1657 of the Statutes of 1951, Section 3.8 of Chapter 2036 of the Statutes of 1959, Section 3.9 of Chapter 2137 of the Statutes of 1959, Section 76 of Chapter 2146 of the Statutes of 1959, Section 11.5 of Chapter 40 of the Statutes of the First Extraordinary Session of 1962, Section 24.1 of Chapter 28 of the Statutes of the First Extraordinary Session of 1962, Sections 134.5, 134.6, and 134.7 of Chapter 209 of the Statutes of 1969, Section 721 of Chapter 527 of the Statutes of 1977, Section 441 of Chapter 926 of the Statutes of 1983, Section 441 of Chapter 688 of the Statutes of 1984, Section 441 of Chapter 689 of the Statutes of 1984, Section 420 of Chapter 1399 of the Statutes of 1987, Section 12 of Chapter 1159 of the Statutes of 1990, and Sections 603 and 604 of Chapter 803 of the Statutes of 1992, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 444, as introduced, Committee on Local Government. Local government: standby charges.

The Uniform Standby Charge Procedures Act establishes procedures for any local agency authorized by law to provide water, sewer, or water and sewer service, and authorized to collect standby or availability charges or assessments in connection with that service, to fix, give notice of, and collect those charges. Article XIII D of the California Constitution and implementing statutes limit local officials' powers to levy benefit assessments.

This bill would amend that act to conform its provisions to the statutes implementing Article XIII D. This bill would amend provisions of various acts that authorize counties, cities, and special districts to impose standby or availability charges on assessments to conform to the revised Uniform Standby Charge Procedures Act. This bill would further state the intent of the Legislature that these provisions are intended to be declarative of existing law.

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. Section 25210.77b of the Government Code is
 2 amended to read:
 3 25210.77b. (a) A county may, *pursuant to the notice, protest,*
 4 *and hearing procedures in Section 53753,* fix, on or before the
 5 first day of July in each calendar year, a water or sewer standby
 6 or immediate availability charge on all land within a county service
 7 area to which water or sewers are made available for any purpose
 8 by the county whether the water or sewers are actually used or not,
 9 except that the charge shall not apply to lands permanently
 10 dedicated exclusively to the public transportation of persons or
 11 property. The board of supervisors of the county which fixes the
 12 water standby charge may establish schedules varying the charges
 13 in different months and in different localities within a county
 14 service area depending upon factors such as the uses to which the
 15 land is put, the cost of transporting the water to the land, the degree
 16 of availability or quantity of use of the water to the affected lands.
 17 The board may not, however, fix a charge in excess of thirty dollars

1 (\$30) for each acre of land, or thirty dollars (\$30) for each parcel
2 of land of less than one acre, for either water or sewer standby
3 charges, *unless the standby charge is imposed pursuant to the*
4 *Uniform Standby Charge Procedures Act (Chapter 12.4*
5 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
6 *5).*

7 If a person for more than one year obtains substantially all of
8 his or her water requirements for the contiguous parcels of land
9 which he or she occupies from rainfall, springs, streams, lakes,
10 rivers, or wells, and if the person's primary economic activity on
11 the land is the commercial extraction or processing of minerals,
12 the land shall be exempt from any water standby or availability
13 charges.

14 (b) Notwithstanding any other provision of this article, San Luis
15 Obispo County may, *pursuant to the notice, protest, and hearing*
16 *procedures in Section 53753*, fix, on or before the first day of July
17 in each calendar year, a sewer standby or immediate availability
18 charge not to exceed sixty dollars (\$60) for each acre of land or
19 for each parcel of land of less than one acre, on all land within a
20 county service area to which sewers are made available for any
21 purpose by the county whether the sewers are actually used or not,
22 except that the charge shall not apply to lands permanently
23 dedicated exclusively to the public transportation of persons or
24 property. The Board of Supervisors of San Luis Obispo County
25 in so fixing the sewer standby charge may establish schedules
26 varying the charges in different months and in different localities
27 within the county service area depending upon factors such as the
28 uses to which the land is put, the cost of transporting the sewage
29 from the land, and the degree of the availability of sewage
30 collection and treatment to the affected lands.

31 (c) *If the procedures set forth in this section as it read at the*
32 *time a standby charge was established were followed, the county*
33 *board of supervisors may, by resolution, continue the charge*
34 *pursuant to this section in successive years at the same rate. If*
35 *new, increased, or extended assessments are proposed, the board*
36 *shall comply with the notice, protest, and hearing procedures in*
37 *Section 53753.*

38 SEC. 2. Section 38743 of the Government Code is amended
39 to read:

1 38743. A city may, *pursuant to the notice, protest, and hearing*
2 *procedures in Section 53753*, fix, on or before the first day of July
3 in each calendar year, an annual water service standby or immediate
4 availability charge to be applied on an area or frontage or parcel
5 basis, or a combination thereof, within the city to be charged to
6 such areas to which water service is made available for any purpose
7 by the city, whether the water service is actually used or not. *If the*
8 *procedures set forth in this section as it read at the time a standby*
9 *charge was established were followed, the city council may, by*
10 *resolution, continue the charge pursuant to this section in*
11 *successive years at the same rate. If new, increased, or extended*
12 *assessments are proposed, the city council shall comply with the*
13 *notice, protest, and hearing procedures in Section 53753.* The city
14 council of a city which fixes such a charge may establish schedules
15 varying such charge according to the land uses and the degree of
16 availability or quantity of use of such water service to the affected
17 lands, and may restrict such charge to lands lying within one or
18 more zones or areas of benefits established within such city. The
19 council may not, however, fix a monthly charge in excess of ten
20 dollars (\$10) per acre, either on an area or frontage basis, or in
21 excess of five dollars (\$5) for a parcel or frontage of less than an
22 acre *unless the standby charge is imposed pursuant to the Uniform*
23 *Standby Charge Procedures Act (Chapter 12.4 (commencing with*
24 *Section 54984) of Part 1 of Division 2 of Title 5).*

25 A city may collect the standby or availability charge by billing
26 the charged lands on a monthly or fiscal year basis.

27 A city may collect the standby or availability charge as a part
28 of the annual general county tax bill provided the city furnishes,
29 on or before August 10, in writing to the board of supervisors and
30 to the county auditor the description of each parcel for which a
31 charge is to be billed together with the amount of the charge
32 applicable to each parcel. The parcel description may be the parcel
33 number assigned by the county assessor to the parcel.

34 If the city collects standby charges through the county general
35 tax bill, the amount of the standby charge and any applicable
36 penalty shall be stated on the tax bill separately from all other
37 taxes, if practicable.

38 SEC. 3. Section 38902 of the Government Code is amended
39 to read:

1 38902. A city may, *pursuant to the notice, protest, and hearing*
2 *procedures in Section 53753*, fix an annual sewer service standby
3 or immediate availability charge to be applied on an area or
4 frontage or parcel basis, or a combination thereof, within the city
5 to be charged to such areas to which sewer service is made
6 available for any purpose by the city, whether the sewer service
7 is actually used or not. *If the procedures set forth in this section*
8 *as it read at the time a standby charge was established were*
9 *followed, the city council may, by resolution, continue the charge*
10 *pursuant to this section in successive years at the same rate. If*
11 *new, increased, or extended assessments are proposed, the city*
12 *council shall comply with the notice, protest, and hearing*
13 *procedures in Section 53753.* The city may establish schedules
14 varying such charge according to the land uses and the degree of
15 availability or quantity of use of such sewer service to the affected
16 lands, and may restrict such charge to lands lying within one or
17 more zones or areas of benefits established within such city.

18 The city may collect the standby or availability charge by billing
19 the charged lands on a fiscal year basis or by other means available.

20 The city may collect the standby or availability charge as a part
21 of the annual general county tax bill provided the city furnishes
22 in writing to the board of supervisors and to the county auditor the
23 description of each parcel for which a charge is to be billed together
24 with the amount of the charge applicable to each parcel in sufficient
25 time to meet the schedule established by the county for inclusion
26 of such items on the county general tax bill. The parcel description
27 may be the parcel number assigned by the county assessor to the
28 parcel. In such case, the standby or availability charge shall become
29 a lien against the parcel of land to which it is charged in the same
30 manner as the county general taxes. Penalties may be collected for
31 late payment of the standby or availability charge or the amount
32 thereof unpaid in the manner and at the same rates as that
33 applicable for late payment or the amount thereof unpaid of county
34 general taxes.

35 If the city collects standby charges through the county general
36 tax bill, the amount of the standby charge and any applicable
37 penalty shall be stated on the tax bill separately from all other
38 taxes, if practicable.

39 SEC. 4. Section 54251 of the Government Code is amended
40 to read:

1 54251. (a) A local agency may, pursuant to this article,
2 authorize, grant, or enter into one or more exclusive or
3 nonexclusive franchise, license, or service agreements with a
4 privatizer for the design, ownership, financing, construction,
5 maintenance, or operation of a privatization project.

6 (b) A local agency may enact any measures necessary and
7 convenient to carry out this article.

8 (c) Notwithstanding Section 25210.77b, within a county service
9 area, a county may, *pursuant to the notice, protest, and hearing*
10 *procedures in Section 53753*, fix a charge in excess of ten dollars
11 (\$10) for each acre of land, or ten dollars (\$10) for each parcel of
12 land of less than one acre for sewer standby charges subject to a
13 privatization project pursuant to this article. *If the procedures set*
14 *forth in this section as it read at the time a standby charge was*
15 *established were followed, the county may, by resolution, continue*
16 *the charge pursuant to this section in successive years at the same*
17 *rate. If new, increased, or extended assessments are proposed, the*
18 *county shall comply with the notice, protest, and hearing*
19 *procedures in Section 53753.*

20 SEC. 5. Section 54984.4 of the Government Code is amended
21 to read:

22 54984.4. (a) ~~The local agency shall cause notice of the date,~~
23 ~~time, and place of hearing on the charge to be published, pursuant~~
24 ~~to Section 6066, prior to the date set for hearing, in a newspaper~~
25 ~~of general circulation printed and published within the jurisdiction~~
26 ~~of the entity, if there is one, and if not, then in a newspaper of~~
27 ~~general circulation printed and published in the county~~ *comply*
28 *with the notice, protest, and hearing procedures in Section 53753.*

29 ~~(b) The local agency shall also cause a notice in writing of the~~
30 ~~date, time, and place of hearing on the charge to be mailed at least~~
31 ~~21 days prior to the date set for hearing, to each owner of land~~
32 ~~described in the resolution initiating proceedings. The mailed~~
33 ~~notice shall include the name and address of the local agency, a~~
34 ~~description of the charge and method by which it is proposed to~~
35 ~~be imposed, the amount of the charge or a schedule of charges,~~
36 ~~the address or addresses of the place or places where the resolution~~
37 ~~adopted pursuant to Section 54984.3 may be reviewed, and a~~
38 ~~summary of the procedures for making a protest set forth in Section~~
39 ~~54984.6. The notice shall be mailed to the address shown on the~~

1 last equalized assessment roll, or known to the secretary or clerk
2 of the local agency.

3 *(b) In the absence of a majority protest, as defined in subdivision*
4 *(e) of Section 53753, the governing body of the local agency may*
5 *determine to fix the charge.*

6 SEC. 6. Section 54984.5 of the Government Code is repealed.

7 ~~54984.5. At the time and place stated in the notice, the~~
8 ~~governing body shall conduct the hearing, and shall hear and~~
9 ~~consider all objections or protests, if any, to the resolution referred~~
10 ~~to in the notice, and may continue the hearing from time to time.~~
11 ~~Upon the conclusion of the hearing, the governing board may~~
12 ~~adopt, revise, change, reduce, or modify, or withdraw a charge.~~
13 ~~The governing board shall make its determination upon each~~
14 ~~assessment or charge described in the resolution, which~~
15 ~~determination shall be final.~~

16 SEC. 7. Section 54984.6 of the Government Code is repealed.

17 ~~54984.6. (a) Any landowner desiring to make a protest shall~~
18 ~~do so by written communication filed with the local agency not~~
19 ~~later than the hour set for the hearing. A protest by a landowner~~
20 ~~shall contain a description sufficient to identify the land owned by~~
21 ~~the landowner. A written protest may be withdrawn at any time~~
22 ~~before the determination on the charge by the governing body.~~

23 ~~(b) If the governing body receives written protests which are~~
24 ~~not withdrawn at the time of determination by the governing body,~~
25 ~~which protests represent 40 percent of the parcels subject to the~~
26 ~~charges authorized by this chapter, no further proceedings may be~~
27 ~~had under this chapter until a period of one year shall have passed~~
28 ~~from the time of the initiation of this procedure.~~

29 ~~(c) If the governing body receives written protests which are~~
30 ~~not withdrawn at the time of the determination by the governing~~
31 ~~body, which protests represent 15 percent or more of the parcels~~
32 ~~subject to the charges authorized by this chapter the governing~~
33 ~~body may still adopt, revise, change, reduce, or modify a charge,~~
34 ~~but all the charges are ineffective until collectively approved by a~~
35 ~~majority of the vote in an election within the affected territory in~~
36 ~~which the owner of one or more parcels may cast one vote for each~~
37 ~~parcel owned within the affected territory.~~

38 SEC. 8. Section 54984.7 of the Government Code is amended
39 to read:

1 54984.7. If the procedures set forth in this chapter ~~have been~~
 2 ~~followed in a given year at the time a charge was established were~~
 3 ~~followed~~, the governing body may, by resolution, continue ~~the a~~
 4 ~~charge pursuant to Section 54984.2~~ in successive years at the same
 5 rate and in the same manner, but dispensing with the requirement
 6 ~~for mailed notice. The local agency shall cause notice of the intent~~
 7 ~~to adopt the resolution to be published pursuant to Section 6066,~~
 8 ~~prior to the date set for adoption, and shall hear any and all~~
 9 ~~objections at the time and place set forth in the notice. The~~
 10 ~~governing body shall, at the time and place specified, conduct the~~
 11 ~~hearing and consider all objections to the assessment, if any. The~~
 12 ~~governing body may, thereafter, adopt, revise, reduce, or modify~~
 13 ~~the assessment or charge, but may not increase the charge, or may~~
 14 ~~overrule any and all objections. The determination of the governing~~
 15 ~~body shall be final. This section shall not apply if the amount of~~
 16 ~~the assessment is increased, or if the governing body makes any~~
 17 ~~change in the areas subject to the assessment, compared to the~~
 18 ~~prior year's assessment. If new, increased, or extended assessments~~
 19 ~~are proposed, the governing body shall comply with the notice,~~
 20 ~~protest, and hearing procedures in Section 53753.~~

21 SEC. 9. Section 54984.8 of the Government Code is amended
 22 to read:

23 54984.8. After the making of a final determination pursuant
 24 to Sections ~~54984.5~~ 54984.4 and 54984.7 ~~and after any required~~
 25 ~~majority approval by the voter within affected territory~~, the local
 26 agency shall cause the charge to be collected at the same time, and
 27 in the same manner, as is available to it under applicable law.

28 SEC. 10. Section 61124 of the Government Code is amended
 29 to read:

30 61124. (a) A district may charge standby charges for water,
 31 sewer, or water and sewer services pursuant to the Uniform Standby
 32 Charge Procedures Act, Chapter 12.4 (commencing with Section
 33 54984) of Part 1 of Division 2 of Title 5.

34 (b) ~~A standby charge charged by a district pursuant to~~ *If the*
 35 *procedures set forth in* the former Chapter 1 (commencing with
 36 Section 61750) of the former Part 6 of the former Division 1 ~~shall~~
 37 ~~be exempt from subdivision (a), provided that any subsequent~~
 38 ~~increases shall be subject to subdivision (a) as it read at the time~~
 39 ~~a standby charge was established were followed, the district may,~~
 40 *by resolution, continue to collect the charge in successive years*

1 *at the same rate from parcels within the district to which water or*
2 *sewers are made available for any purpose by the district, whether*
3 *the water or sewers are actually used or not. If new, increased, or*
4 *extended assessments are proposed, the district shall comply with*
5 *the notice, protest, and hearing procedures in Section 53753.*

6 SEC. 11. Section 5471 of the Health and Safety Code is
7 amended to read:

8 5471. (a) In addition to the powers granted in the principal
9 act, any entity shall have power, by an ordinance approved by a
10 two-thirds vote of the members of the legislative body thereof, to
11 prescribe, revise and collect, fees, tolls, rates, rentals, or other
12 charges, ~~including water, sewer standby or immediate availability~~
13 ~~charges,~~ for services and facilities furnished by it, either within or
14 without its territorial limits, in connection with its water, sanitation,
15 storm drainage, or sewerage system. ~~However, the~~

16 (b) *In addition to the powers granted in the principal act, any*
17 *entity shall have power, pursuant to the notice, protest, and hearing*
18 *procedures in Section 53753 of the Government Code, to prescribe,*
19 *revise, and collect water, sewer, or water and sewer standby or*
20 *immediate availability charges for services and facilities furnished*
21 *by it, either within or without its territorial limits, in connection*
22 *with its water, sanitation, storm drainage, or sewerage system.*

23 (c) *The entity may provide that the charge for the service shall*
24 *be collected with the rates, tolls, and charges for any other utility,*
25 *and that any or all of these charges may be billed upon the same*
26 *bill. Where the charge is to be collected with the charges for any*
27 *other utility service furnished by a department or agency of the*
28 *entity and over which its legislative body does not exercise control,*
29 *the consent of the department or agency shall be obtained prior to*
30 *collecting water, sanitation, storm drainage, or sewerage charges*
31 *with the charges for any other utility. Revenues derived under the*
32 *provisions in this section, shall be used only for the acquisition,*
33 *construction, reconstruction, maintenance, and operation of water*
34 *systems and sanitation, storm drainage, or sewerage facilities, to*
35 *repay principal and interest on bonds issued for the construction*
36 *or reconstruction of these water systems and sanitary, storm*
37 *drainage, or sewerage facilities and to repay federal or state loans*
38 *or advances made to the entity for the construction or*
39 *reconstruction of water systems and sanitary, storm drainage, or*
40 *sewerage facilities. However, the revenue shall not be used for the*

1 acquisition or construction of new local street sewers or laterals
2 as distinguished from main trunk, interceptor and outfall sewers.

3 (d) *If the procedures set forth in this section as it read at the*
4 *time a standby charge was established were followed, the entity*
5 *may, by ordinance adopted by a two-thirds vote of the members*
6 *of the legislative body thereof, continue the charge pursuant to*
7 *this section in successive years at the same rate. If new, increased,*
8 *or extended assessments are proposed, the entity shall comply with*
9 *the notice, protest, and hearing procedures in Section 53753 of*
10 *the Government Code.*

11 SEC. 12. Section 13215 of the Public Resources Code is
12 amended to read:

13 13215. The district may, *pursuant to the notice, protest, and*
14 *hearing procedures in Section 53753 of the Government Code,* fix
15 by ordinance or resolution, on or before the first day of July in
16 each calendar year, water or sewer standby or immediate
17 availability charges. Each such charge shall not individually exceed
18 twelve dollars (\$12) per year for each acre of land, or eight dollars
19 (\$8) per year for each parcel of land of less than an acre within the
20 district to which water or sewerage could be made available for
21 any purpose by the district, whether the water or sewerage is
22 actually used or not, *unless the standby charge is imposed pursuant*
23 *to the Uniform Standby Charge Procedures Act (Chapter 12.4*
24 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
25 *5 of the Government Code).* The district board may establish
26 schedules varying the charges depending upon factors such as the
27 uses to which the land is put, the cost of supplying such services
28 to the land, and the amount of services used on the land. The
29 district board may restrict the imposition of such charges to lands
30 lying within one or more improvement districts within the district.

31 The limitations contained in this section shall not apply to any
32 district which levied a standby charge pursuant to the County
33 Service Area Law, ~~Chapter~~ (Chapter 2.2 (commencing with Section
34 25210.1) of Part 2, of Division 2, of Title 3 of the Government
35 Code Code) prior to January 1, 1977. Any such district shall be
36 subject to the provisions of Section 25210.77b of the Government
37 Code.

38 SEC. 13. Section 13216 of the Public Resources Code is
39 amended to read:

1 13216. ~~The ordinance or resolution fixing standby or immediate~~
 2 ~~availability charges shall be adopted only after adoption of a~~
 3 ~~resolution setting forth the particular schedule of charges proposed~~
 4 ~~to be established and after notice and hearing in the manner~~
 5 ~~prescribed by Section 54354.5 of the Government Code. If the~~
 6 ~~procedures set forth in this section as it read at the time a standby~~
 7 ~~or immediate availability charge was established were followed,~~
 8 ~~the district board may, by ordinance or resolution, continue the~~
 9 ~~charge pursuant to Section 13215 in successive years at the same~~
 10 ~~rate. If new, increased, or extended assessments are proposed, the~~
 11 ~~district board shall comply with the notice, protest, and hearing~~
 12 ~~procedures in Section 53753 of the Government Code.~~

13 SEC. 14. Section 13022 of the Public Utilities Code is amended
 14 to read:

15 13022. (a) A district which acquires, constructs, owns,
 16 operates, controls, or uses works for supplying its inhabitants and
 17 lands within the district with irrigation water, may, *pursuant to*
 18 *the notice, protest, and hearing procedures in Section 53753 of*
 19 *the Government Code*, fix by resolution on or before the first day
 20 of July of each year a water standby or immediate availability
 21 charge on all land within its boundaries to which water is made
 22 available by the district for irrigation purposes, whether the water
 23 is actually used or not. Such charge shall not apply to lands
 24 permanently dedicated exclusively to transportation of persons or
 25 property.

26 (b) The board of directors of a district which fixes such a standby
 27 charge may establish schedules varying the charges in different
 28 areas within a district. The board of directors may not, however,
 29 fix an annual standby charge at a rate in excess of ten dollars (\$10)
 30 per acre or portion thereof, *unless the standby charge is imposed*
 31 *pursuant to the Uniform Standby Charge Procedures Act (Chapter*
 32 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
 33 *Title 5 of the Government Code).*

34 (c) ~~The resolution fixing a standby charge shall be adopted by~~
 35 ~~the board of directors only after the submission of a report and~~
 36 ~~recommendation by the general manager, notice and a hearing in~~
 37 ~~the manner prescribed by Section 14401. If the procedures set forth~~
 38 ~~in this section as it read at the time a standby charge was~~
 39 ~~established were followed, the district's board may, by resolution,~~
 40 ~~continue the charge pursuant to this section in successive years~~

1 *at the same rate. If new, increased, or extended assessments are*
2 *proposed, the board shall comply with the notice, protest, and*
3 *hearing procedures in Section 53753 of the Government Code.*

4 SEC. 15. Section 16475 of the Public Utilities Code is amended
5 to read:

6 16475. (a) A public utility district which acquires, constructs,
7 owns, operates, controls or uses works for supplying its inhabitants
8 with water, may, *pursuant to the notice, protest, and hearing*
9 *procedures in Section 53753 of the Government Code, fix and*
10 ~~collect charges in the manner provided in Articles 3 and 8, Chapter~~
11 ~~4, Division 7 of the Public Utilities Code, for a water standby or~~
12 ~~immediate availability charge on all land within its boundaries to~~
13 ~~which water is made available for any purpose by the district,~~
14 ~~whether the water is actually used or not, except that such charge~~
15 ~~shall not supply to lands permanently dedicated exclusively to~~
16 ~~transportation of persons or property. *If the procedures set forth*~~
17 ~~*in this section as it read at the time a standby charge was*~~
18 ~~*established were followed, the district's board of directors may,*~~
19 ~~*by resolution, continue the charge pursuant to this section in*~~
20 ~~*successive years at the same rate. If new, increased, or extended*~~
21 ~~*assessments are proposed, the district shall comply with the notice,*~~
22 ~~*protest, and hearing procedures in Section 53753 of the*~~
23 ~~*Government Code.*~~

24 (b) The board of directors of the district which fixes such a
25 charge may establish schedules varying the charges in different
26 months and in different localities within a public utility district
27 depending upon factors such as the uses to which the land is put,
28 the cost of transporting the water to the land, the degree of
29 availability or quantity of use of such water to the affected lands.
30 The board may not, however, fix an annual charge in excess of ten
31 dollars (\$10) per acre or in excess of five dollars (\$5) for parcel
32 of less than one acre, *unless the standby charge is imposed*
33 *pursuant to the Uniform Standby Charge Procedures Act (Chapter*
34 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
35 *Title 5 of the Government Code).*

36 (c) If a person for more than one year obtains substantially all
37 of his *or her* water requirements for the contiguous parcels of land
38 which he *or she* occupies from rainfall, springs, streams, lakes,
39 rivers or wells, and if the person's primary economic activity on
40 such land is the commercial extraction or processing of minerals,

1 such land shall be exempt from any water standby or availability
2 charges.

3 (d) Any funds derived from the charges levied pursuant to this
4 section may be used by the district for all purposes which a public
5 utility district is authorized to expend funds insofar as said purposes
6 relate to the acquisition, construction, operation, control or use of
7 works for supplying its inhabitants with water.

8 SEC. 16. Section 16476 of the Public Utilities Code is repealed.

9 ~~16476. Notwithstanding subdivision (b) of Section 16475, the~~
10 ~~Board of Directors of the Tahoe City Public Utility District, the~~
11 ~~Board of Directors of the North Tahoe Public Utility District, and~~
12 ~~the Board of Directors of the South Tahoe Public Utility District~~
13 ~~shall all have the authority, until July 1, 1984, to fix, for each fiscal~~
14 ~~year, such water standby or immediate availability charges at not~~
15 ~~to exceed twenty dollars (\$20) per acre or any parcel of less than~~
16 ~~one acre; provided, that any funds derived from a charge in excess~~
17 ~~of the maximum amount authorized by subdivision (b) of Section~~
18 ~~16475 shall only be used to pay for the acquisition of nonpublic~~
19 ~~domestic water supply systems, and the maintenance and operation~~
20 ~~of domestic water supply systems owned by the respective districts~~
21 ~~on January 1, 1976, or acquired on or after such date.~~

22 ~~This section, applicable only to the Tahoe City Public Utility~~
23 ~~District, the North Tahoe Public Utility District, and the South~~
24 ~~Tahoe Public Utility District, is necessary because of the unique~~
25 ~~and special water management problems of those areas of the Lake~~
26 ~~Tahoe Basin.~~

27 SEC. 17. Section 16477 of the Public Utilities Code is amended
28 to read:

29 16477. Notwithstanding Section 16475, the Board of Directors
30 of the Fallbrook Public Utility District may, *pursuant to the notice,*
31 *protest, and hearing procedures in Section 53753 of the*
32 *Government Code*, fix and collect an annual water standby or
33 immediate availability charge. *The standby or immediate*
34 *availability charge shall not to exceed thirty dollars (\$30) per acre*
35 *or any parcel of less than one acre, unless the standby or immediate*
36 *availability charge is imposed pursuant to the Uniform Standby*
37 *Charge Procedures Act (Chapter 12.4 (commencing with Section*
38 *54984) of Part 1 of Division 2 of Title 5 of the Government Code).*

39 The Legislature hereby finds and declares that this section,
40 applicable only to the Fallbrook Public Utility District, is necessary

1 because of the unique and special water management problems
2 within that district.

3 SEC. 18. Section 16478 of the Public Utilities Code is amended
4 to read:

5 16478. The Board of Directors of the Tahoe City Public Utility
6 District, the Board of Directors of the South Tahoe Public Utility
7 District, and the Board of Directors of the North Tahoe Public
8 Utility District shall each have the authority to fix and collect an
9 annual standby charge for sewage service on all lands within the
10 district under its jurisdiction, in such amount as the board shall
11 specify, provided that such standby charge for sewage service shall
12 not exceed ten dollars (\$10) per acre for parcels in excess of one
13 acre or twenty dollars (\$20) per parcel for parcels less than one
14 acre, *unless the standby charge is imposed pursuant to the Uniform
15 Standby Charge Procedures Act (Chapter 12.4 (commencing with
16 Section 54984) of Part 1 of Division 2 of Title 5 of the Government
17 Code).*

18 The standby charge authorized by this section shall be imposed
19 ~~initially only after a public hearing thereon. In the event that the~~
20 ~~board of directors proposes to impose such a standby charge, they~~
21 ~~shall call a public hearing on the proposal and shall give notice~~
22 ~~thereof as provided in Government Code Section 6062a. Such a~~
23 *only pursuant to the notice, protest, and hearing procedures in*
24 *Section 53753 of the Government Code. If the procedures set forth*
25 *in this section as it read at the time a standby charge was*
26 *established were followed, that charge pursuant to this section*
27 *may be levied at the same rate in subsequent years without the*
28 *requirement of a hearing, provided that a hearing shall be required*
29 *in any year in which the board of directors proposes to alter the*
30 *rate of such charge if new, increased, or extended assessments are*
31 *proposed, the board of directors shall comply with the notice,*
32 *protest, and hearing procedures in Section 53753 of the*
33 *Government Code.*

34 The Legislature hereby finds and declares that this section,
35 applicable only to the Tahoe City Public Utility District, the South
36 Tahoe Public Utility District, and the North Tahoe Public Utility
37 District is necessary because of the unique and special water
38 management, pollution, and sewage disposal problems of the Lake
39 Tahoe Basin.

40 SEC. 19. Section 22280 of the Water Code is amended to read:

1 22280. Any district may in lieu in whole or in part of levying
2 assessments fix and collect charges for any service furnished by
3 the district, including, but not limited to, all of the following:

4 (a) (1) Use, sale, or lease of water, which may include, *pursuant*
5 *to the notice, protest, and hearing procedures in Section 53753 of*
6 *the Government Code, a stand-by standby charge whether the water*
7 *is actually used or not.*

8 (2) *If the procedures set forth in this section as it read at the*
9 *time a standby charge was established were followed, the district*
10 *may, by resolution, continue the charge pursuant to this section*
11 *in successive years at the same rate. If new, increased, or extended*
12 *assessments are proposed, the district shall comply with the notice,*
13 *protest, and hearing procedures in Section 53753 of the*
14 *Government Code.*

15 (b) Delivery of water for irrigation in excess of a specified
16 quantity per unit of land.

17 (c) Water and the service thereof required by law or provisions
18 of agreements under which all or part of the water supply of the
19 district was acquired to be furnished outside its boundaries to
20 consumers whose rights to service were at the time the supply of
21 water was acquired by the district enforceable by reason of their
22 status as persons of the class for whose benefit the water was
23 appropriated or dedicated.

24 (d) Use of water for power purposes.

25 (e) Sale of electric power.

26 (f) Connections to new pipelines or extensions of existing
27 pipelines required to serve water to lands in the district not adjacent
28 to existing distribution works and which have been constructed in
29 whole or in part at the expense of the district.

30 (g) Services performed under contracts made pursuant to Section
31 22234.

32 (h) Use of water for groundwater recharge.

33 SEC. 20. Section 31031 of the Water Code is amended to read:

34 31031. A district may, *pursuant to the notice, protest, and*
35 *hearing procedures in Section 53753 of the Government Code,*
36 *fix, on or before the first day of July in each calendar year, a water*
37 *standby or availability charge ~~of not to~~. The water standby or*
38 *availability charge shall not exceed ten dollars (\$10) per acre per*
39 *year for each acre of land, or ten dollars (\$10) per year for each*
40 *parcel of land less than an acre within the district to which water*

1 is made available for any purpose by the district, whether the water
 2 is actually used or not, *unless the standby charge is imposed*
 3 *pursuant to the Uniform Standby Charge Procedures Act (Chapter*
 4 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
 5 *Title 5 of the Government Code).* The board of directors of a district
 6 which fixes such a charge may establish schedules varying such
 7 charge according to the land uses and the degree of availability or
 8 quantity of use of such water to the affected lands, and may restrict
 9 such charge to lands lying within one or more improvement
 10 districts within such district. *If the procedures set forth in this*
 11 *section as it read at the time a standby or immediate availability*
 12 *charge was established were followed, the board of directors may,*
 13 *by resolution, continue the charge in successive years at the same*
 14 *rate. If new, increased, or extended assessments are proposed, the*
 15 *board shall comply with the notice, protest, and hearing procedures*
 16 *in Section 53753 of the Government Code.*

17 SEC. 21. Section 31031.8 of the Water Code is amended to
 18 read:

19 31031.8. Notwithstanding any other provision of this division,
 20 the Tuolumne Regional Water District, ~~by a four-fifths vote of the~~
 21 ~~members of the board of directors,~~ *may, pursuant to the notice,*
 22 *protest, and hearing procedures in Section 53753 of the*
 23 *Government Code, fix, levy, and collect a water standby or*
 24 *availability charge—of not more than. The water standby or*
 25 *availability charge shall not exceed thirty dollars (\$30) per acre*
 26 *per year for each acre of land, or thirty dollars (\$30) per year for*
 27 *each parcel of land less than an acre, to which water is made*
 28 *available for any purpose by the district, by using any of the*
 29 ~~*alternate methods and in the same manner and under the same*~~
 30 ~~*terms and conditions as are provided in Sections 31031 and 31032*~~
 31 ~~*and Sections 31032.1 to 31032.9, inclusive unless the standby*~~
 32 *charge is imposed pursuant to the Uniform Standby Charge*
 33 *Procedures Act (Chapter 12.4 (commencing with Section 54984)*
 34 *of Part 1 of Division 2 of Title 5 of the Government Code).* *If the*
 35 *procedures set forth in this section as it read at the time a standby*
 36 *charge was established were followed, the Tuolumne Regional*
 37 *Water District may, by a four-fifths vote of the members of the*
 38 *board of directors, continue the charge pursuant to this section in*
 39 *successive years at the same rate. If new, increased, or extended*
 40 *assessments are proposed, the board shall comply with the notice,*

1 *protest, and hearing procedures in Section 53753 of the*
2 *Government Code.*

3 SEC. 22. Section 31032.1 of the Water Code is amended to
4 read:

5 31032.1. A district may, *pursuant to the notice, protest, and*
6 *hearing procedures in Section 53753 of the Government Code,*
7 fix, as an alternative to the charge prescribed by Section 31031,
8 in each fiscal year, water standby or availability assessments of
9 not to exceed thirty dollars (\$30) per acre per year for each acre
10 of land, or thirty dollars (\$30) per year for each parcel of land less
11 than an acre within the district to which water is made available
12 for any purpose by the district, whether the water is actually used
13 or not, *unless the standby charge is imposed pursuant to the*
14 *Uniform Standby Charge Procedures Act (Chapter 12.4*
15 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
16 *5 of the Government Code).* The board of directors of a district
17 that fixes the assessment may establish schedules varying the
18 assessment according to the land uses and the degree of availability
19 or quantity of use of water to the affected lands, and may restrict
20 the assessment to lands lying within one or more improvement
21 districts within the district. *If the procedures set forth in this section*
22 *as it read at the time a standby charge was established were*
23 *followed, the board of directors may, by resolution, continue the*
24 *charge pursuant to this section in successive years at the same*
25 *rate. If new, increased, or extended assessments are proposed, the*
26 *board shall comply with the notice, protest, and hearing procedures*
27 *in Section 53753 of the Government Code.*

28 A district may elect to have the assessments for the fiscal year
29 collected on the tax roll in the same manner, by the same persons
30 and at the same time as, together with and not separately from, its
31 general taxes. In that event, it shall cause a written report to be
32 prepared and filed with the secretary which report shall contain a
33 description of each parcel of real property and the amount of the
34 assessment for each parcel for the year.

35 SEC. 23. Section 31032.10 of the Water Code is amended to
36 read:

37 31032.10. (a) Notwithstanding any other provision of this
38 division, the Yorba Linda County Water District may, *pursuant*
39 *to the notice, protest, and hearing procedures in Section 53753 of*
40 *the Government Code,* fix, in each fiscal year, within Improvement

1 District No. 2 of the district, water standby or availability
 2 assessments of not to exceed two hundred fifty dollars (\$250) per
 3 year for (1) each acre or portion thereof or, in the alternative, (2)
 4 each residential unit, or the equivalent thereof as to property
 5 designated for other than residential purposes, not to exceed the
 6 maximum number of residential units or the equivalent thereof
 7 established in the General Plan for the property within
 8 Improvement District No. 2 adopted by the City of Yorba Linda
 9 on June 1, 1981, regardless of any amendment or revision of the
 10 General Plan, whether or not residential unit or the equivalent
 11 thereof is actually constructed and whether the water is actually
 12 used or not. The Board of Directors of the Yorba Linda County
 13 Water District shall establish schedules varying the assessment
 14 according to the land uses and the degree of availability or quantity
 15 of use of the water to the affected lands within Improvement
 16 District No. 2. If the assessment is to be collected on the basis of
 17 units, the written consent of the owner of the property to be
 18 assessed on the basis of units shall be obtained.

19 (b) The Yorba Linda County Water District may elect to have
 20 the assessments authorized by subdivision (a) for the fiscal year
 21 collected on the tax roll in the same manner, by the same persons,
 22 and at the same time as, and together with and not separately from,
 23 county taxes. In that event, the district shall prepare a written report
 24 which shall be filed with the secretary. The report shall contain a
 25 description of each parcel of real property and the amount of the
 26 assessment for each parcel for the year. If the assessment is to be
 27 assessed on a residential unit or equivalent basis as described in
 28 subdivision (a), the assessment for each assessor's parcel shall be
 29 determined by multiplying the estimated number of residential
 30 units or the equivalent thereof proposed at that time for the
 31 assessor's parcel by the proposed amount per residential unit as
 32 shown in the assessor's parcels in Improvement District No. 2 for
 33 the particular fiscal year.

34 (c) The water standby or availability assessment authorized by
 35 this section shall not be imposed on any subdivided parcel upon
 36 which there exists a residential unit which has been connected to
 37 domestic water facilities of the Yorba Linda County Water District.

38 ~~(d) The procedures set forth in Sections 31032.2 to 31032.9,~~
 39 ~~inclusive, shall apply to any assessments imposed pursuant to~~
 40 ~~subdivision (a) If the procedures set forth in this section as it read~~

1 *at the time a standby or availability assessment was established*
2 *were followed, the district may, by resolution, continue the charge*
3 *pursuant to this section in successive years at the same rate. If*
4 *new, increased, or extended assessments are proposed, the district*
5 *shall comply with the notice, protest, and hearing procedures in*
6 *Section 53753 of the Government Code.*

7 (e) This section shall have no force or effect after January 1,
8 1989, except to the extent necessary to raise funds for interest or
9 principal payments on bonds of Improvement District No. 2 issued
10 prior to such date.

11 SEC. 24. Section 31032.12 of the Water Code is amended to
12 read:

13 31032.12. (a) Notwithstanding any other provision of this
14 division, the Yorba Linda County Water District may, *pursuant*
15 *to the notice, protest, and hearing procedures in Section 53753 of*
16 *the Government Code*, fix, in each fiscal year, within Improvement
17 District No. 1 of the district, water standby or availability
18 assessments of not to exceed ninety dollars (\$90) per year for each
19 acre or portion thereof, *unless the standby charge is imposed*
20 *pursuant to the Uniform Standby Charge Procedures Act Chapter*
21 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
22 *Title 5 of the Government Code*). The Board of Directors of the
23 Yorba Linda County Water District may vary the assessment
24 according to the land uses and the degree of availability or quantity
25 of use of water upon the affected lands within Improvement District
26 No. 1.

27 (b) The Yorba Linda County Water District may elect to have
28 the assessments authorized by subdivision (a) for the fiscal year
29 collected on the tax roll in the same manner, by the same persons,
30 and at the same time, as, and together with and not separately from,
31 county taxes. In that event, the district shall prepare a written report
32 which shall be filed with the secretary. The report shall contain a
33 description of each parcel of real property and the amount of the
34 assessment for each parcel for the year.

35 (c) The water standby or availability assessment authorized by
36 this section shall not be imposed on any subdivided parcel with
37 respect to which building permits have been issued prior to March
38 1 of each year or which has been connected to domestic water
39 facilities of the Yorba Linda County Water District prior to July
40 1 of each year.

1 (d) ~~The procedures set forth in Sections 31032.2 to 31032.9,~~
 2 ~~inclusive, shall apply to any assessments imposed pursuant to~~
 3 ~~subdivision (a).~~ *If the procedures set forth in this section as it read*
 4 *at the time a standby charge was established were followed, the*
 5 *board of directors may, by resolution, continue the charge pursuant*
 6 *to this section in successive years at the same rate. If new,*
 7 *increased, or extended assessments are proposed, the board shall*
 8 *comply with the notice, protest, and hearing procedures in Section*
 9 *53753 of the Government Code.*

10 (e) The purpose of this section is to provide a method whereby
 11 the Yorba Linda County Water District may more fairly allocate
 12 the cost of providing capital water facilities among the lands and
 13 present and future inhabitants of Improvement District No. 1
 14 according to the benefit received. Accordingly, the proceeds of
 15 the assessment authorized by subdivision (a) shall be used only:
 16 (1) to supplement the proceeds of the ad valorem property tax
 17 levied by the Yorba Linda County Water District within
 18 Improvement District No. 1 to pay debt service on the Series A
 19 and Series B 1978 Water Bonds and additional general obligation
 20 bonded indebtedness, not to exceed the amount of five million
 21 dollars (\$5,000,000), of the Improvement District No. 1; and (2)
 22 to pay the cost of the proceedings incurred pursuant to this section.

23 SEC. 25. Section 31104 of the Water Code is amended to read:
 24 31104. A district may, *pursuant to the notice, protest, and*
 25 *hearing procedures in Section 53753 of the Government Code,*
 26 *fix, levy and collect a sewage and waste service standby or*
 27 *availability charge* ~~in any of the alternate methods and in the same~~
 28 ~~manner and under the same terms and conditions as are provided~~
 29 ~~for a water standby or availability charge in Sections 31031, 31032~~
 30 ~~and 31032.1 to 31032.9, inclusive.~~ *If the procedures set forth in*
 31 *this section as it read at the time a standby charge was established*
 32 *were followed, the county board of supervisors may, by resolution,*
 33 *continue the charge pursuant to this section in successive years*
 34 *at the same rate. If new, increased, or extended assessments are*
 35 *proposed, the board shall comply with the notice, protest, and*
 36 *hearing procedures in Section 53753 of the Government Code.*

37 SEC. 26. Section 31104.5 of the Water Code is amended to
 38 read:

39 31104.5. In lieu of the standby or availability charge authorized
 40 to be levied and collected pursuant to Section 31104, the Crescenta

1 Valley County Water District, ~~by an ordinance approved by a~~
2 ~~two-thirds vote of the members of the legislative body thereof,~~
3 ~~may, pursuant to the notice, protest, and hearing procedures in~~
4 ~~Section 53753 of the Government Code, fix, levy, and collect a~~
5 ~~sewage and waste service standby or availability charge not to~~
6 ~~exceed sixty dollars (\$60) per available sewer connection per year~~
7 ~~in any of the alternate methods and in the same manner and under~~
8 ~~the same terms and conditions as are provided for a water standby~~
9 ~~or availability charge in Sections 31031, 31032, and 31032.1 to~~
10 ~~31032.9, inclusive, unless the standby or availability charge is~~
11 ~~imposed pursuant to the Uniform Standby Charge Procedures Act~~
12 ~~(Chapter 12.4 (commencing with Section 54984) of Part 1 of~~
13 ~~Division 2 of Title 5 of the Government Code). If the procedures~~
14 ~~set forth in this section as it read at the time a standby charge was~~
15 ~~established were followed, the Crescenta Valley County Water~~
16 ~~District may, by an ordinance approved by a two-thirds vote of~~
17 ~~the members of the legislative body thereof, continue the charge~~
18 ~~pursuant to this section in successive years at the same rate. If~~
19 ~~new, increased, or extended assessments are proposed, the district~~
20 ~~shall comply with the notice, protest, and hearing procedures in~~
21 ~~Section 53753 of the Government Code.~~

22 SEC. 27. Section 31104.7 of the Water Code is amended to
23 read:

24 31104.7. Notwithstanding any other provision of this division,
25 the Tuolumne Regional Water District, ~~by a four-fifths vote of the~~
26 ~~members of the board of directors, may, pursuant to the notice,~~
27 ~~protest, and hearing procedures in Section 53753 of the~~
28 ~~Government Code, fix, levy, and collect a sewage and waste service~~
29 ~~standby or availability charge of not more than thirty dollars (\$30)~~
30 ~~per acre per year for each acre of land, or thirty dollars (\$30) per~~
31 ~~year for each parcel of land less than an acre, to which sewer~~
32 ~~service is made available by the district, by using any of the~~
33 ~~alternate methods and in the same manner and under the same~~
34 ~~terms and conditions as are provided in Sections 31031 and 31032~~
35 ~~and Sections 31032.1 to 31032.9, inclusive unless the standby or~~
36 ~~availability charge is imposed pursuant to the Uniform Standby~~
37 ~~Charge Procedures Act (Chapter 12.4 (commencing with Section~~
38 ~~54984) of Part 1 of Division 2 of Title 5 of the Government Code).~~
39 ~~If the procedures set forth in this section as it read at the time a~~
40 ~~standby or availability charge was established were followed, the~~

1 *Tuolumne Regional Water District may, by a four-fifths vote of*
 2 *the members of the board of directors, continue the charge*
 3 *pursuant to this section in successive years at the same rate. If*
 4 *new, increased, or extended assessments are proposed, the district*
 5 *shall comply with the notice, protest, and hearing procedures in*
 6 *Section 53753 of the Government Code.*

7 SEC. 28. Section 31104.8 of the Water Code is amended to
 8 read:

9 31104.8. (a) Notwithstanding any other provision of this
 10 division, the Santa Ana Mountains County Water District may,
 11 *pursuant to the notice, protest, and hearing procedures in Section*
 12 *53753 of the Government Code*, fix, in each fiscal year, within
 13 Community Facilities District No. 2 of the district, sewage and
 14 waste service standby or availability assessments of not more than
 15 two hundred fifty dollars (\$250) per year for each acre or portion
 16 thereof to which sewage and waste service is immediately
 17 available, *unless the standby or availability assessment is imposed*
 18 *pursuant to the Uniform Standby Charge Procedures Act Chapter*
 19 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
 20 *Title 5 of the Government Code). The Board of Directors of the*
 21 Santa Ana Mountains County Water District may establish
 22 schedules varying the assessment according to the land uses and
 23 the degree of availability or quantity of use of the sewer capacity
 24 to the affected lands.

25 (b) The Santa Ana Mountains County Water District may elect
 26 to have the assessments authorized by subdivision (a) for the fiscal
 27 year collected on the tax roll in the same manner, by the same
 28 persons, and at the same time, as, and together with and not
 29 separately from, county taxes. In that event, the district shall
 30 prepare a written report which shall be filed with the secretary.
 31 The report shall contain a description of each parcel of real property
 32 and the amount of the assessment for each parcel for the year.

33 (c) The sewage and waste service standby or availability
 34 assessment authorized by this section shall not be imposed on any
 35 subdivided parcel upon which there exists a residential unit which
 36 has been connected to domestic sewer facilities of the Santa Ana
 37 Mountains County Water District.

38 ~~(d) The procedures set forth in Sections 31032.2 to 31032.9,~~
 39 ~~inclusive, apply to any assessments imposed pursuant to~~
 40 ~~subdivision (a).~~ *If the procedures set forth in this section as it read*

1 *at the time a standby or availability assessment was established*
2 *were followed, the Santa Ana Mountains County Water District*
3 *may, by resolution, continue the charge pursuant to this section*
4 *in successive years at the same rate. If new, increased, or extended*
5 *assessments are proposed, the board shall comply with the notice,*
6 *protest, and hearing procedures in Section 53753 of the*
7 *Government Code.*

8 SEC. 29. Section 35470 of the Water Code is amended to read:

9 35470. Any district formed on or after July 30, 1917, may, in
10 lieu in whole or in part of raising money for district purposes by
11 assessment, make water available to the holders of title to land or
12 the occupants thereon, and may fix and collect charges therefor.
13 ~~The Pursuant to the notice, protest, and hearing procedures in~~
14 ~~Section 53753 of the Government Code, the charges may include~~
15 ~~standby charges to holders of title to land to which water may be~~
16 ~~made available, whether the water is actually used or not. The~~
17 ~~charges may vary in different months and in different localities of~~
18 ~~the district to correspond to the cost and value of the service, and~~
19 ~~the district may use so much of the proceeds of the charges as may~~
20 ~~be necessary to defray the ordinary operation or maintenance~~
21 ~~expenses of the district and for any other lawful district purpose.~~

22 SEC. 30. Section 35470.1 is added to the Water Code, to read:

23 35470.1. If the procedures set forth in this article as it read at
24 the time a standby charge was established were followed, the
25 district may, by resolution, continue the charge pursuant to this
26 article in successive years at the same rate. If new, increased, or
27 extended assessments are proposed, the board shall comply with
28 the notice, protest, and hearing procedures in Section 53753 of the
29 Government Code.

30 SEC. 31. Section 37210.1 is added to the Water Code, to read:

31 37210.1. In levying a standby charge, the board of any district
32 which has elected, pursuant to Section 37203, to proceed under
33 this part shall comply with the notice, protest, and hearing
34 procedures in Section 53753 of the Government Code.

35 SEC. 32. Section 37210.2 is added to the Water Code, to read:

36 37210.2. If the procedures set forth in this part as it read at the
37 time a standby charge was established were followed, the board
38 may, by resolution, continue the charge pursuant to this part in
39 successive years at the same rate. If new, increased, or extended
40 assessments are proposed, the board shall comply with the notice,

1 protest, and hearing procedures in Section 53753 of the
2 Government Code.

3 SEC. 33. Section 50902 of the Water Code is amended to read:

4 50902. (a) In addition to its other powers, a district may, by
5 a resolution of the board at a noticed public hearing, fix and collect
6 charges and fees, including minimum and standby charges, for the
7 provision of benefits and services.

8 (b) Notice of the public hearing shall be given by publication
9 once a week for two successive weeks in a newspaper of general
10 circulation published in the principal county.

11 (c) The board, in fixing the charges and fees, may establish the
12 dates of delinquency and may impose penalties for delinquency
13 not exceeding 10 percent of the amount of the charge or fee and
14 may, in addition, collect interest at a rate not to exceed 1.5 percent
15 per month from the date of delinquency on all delinquent charges
16 and fees. The district may sue for the recovery of unpaid charges
17 and fees or the unpaid charges or fees may be added to the
18 operation and maintenance assessment in the same manner as
19 unpaid water charges pursuant to Section 51440.

20 (d) The revenue obtained from charges and fees may be in lieu
21 of, or supplemental to, revenue obtained in any other manner and
22 may be used for any district purpose and the payment of any district
23 obligation.

24 (e) After a charge or fee is initially fixed by the board at a
25 noticed public hearing, the board may subsequently reduce that
26 amount of that charge or fee without notice or a public hearing.

27 (f) *If the procedures set forth in this section as it read at the*
28 *time a standby charge was established were followed, the board*
29 *may, by resolution, continue the charge pursuant to this section*
30 *in successive years at the same rate. If new, increased, or extended*
31 *assessments are proposed, the board shall comply with the notice,*
32 *protest, and hearing procedures in Section 53753 of the*
33 *Government Code.*

34 SEC. 34. Section 50911 of the Water Code is amended to read:

35 50911. When a district has adopted plans for the irrigation of
36 district lands it may:

37 (a) Adopt rules and regulations for the distribution of water.

38 (b) Adopt a schedule of rates to be charged by the district for
39 furnishing water for the irrigation of district lands. The schedule
40 of rates may include standby charges to holders of title to land to

1 which water may be made available, whether the water is actually
2 used or not. The standby charge shall not exceed twenty dollars
3 (\$20) per year for each acre of land or for a parcel less than one
4 acre, *unless the standby charge is imposed pursuant to the Uniform*
5 *Standby Charge Procedures Act (Chapter 12.4 (commencing with*
6 *Section 54984) of Part 1 of Division 2 of Title 5 of the Government*
7 *Code).*

8 *(c) If the procedures set forth in this section as it read at the*
9 *time a standby charge was established were followed, the district*
10 *may, by resolution, continue the charge pursuant to this section*
11 *in successive years at the same rate. If new, increased, or extended*
12 *assessments are proposed, the district shall comply with the notice,*
13 *protest, and hearing procedures in Section 53753 of the*
14 *Government Code.*

15 ~~(e)~~

16 *(d) Collect the charges from the persons to or for whom the*
17 *water was furnished and from the holders of title to land to which*
18 *water has been made available, whether used or not.*

19 ~~(d)~~

20 *(e) Sue for the recovery of the unpaid charges.*

21 SEC. 35. Section 52402 of the Water Code is amended to read:

22 52402. A district may, by resolution or indenture, prescribe
23 and revise charges for the services of its properties, works, and
24 facilities, singly or as a whole, or for the providing of such
25 properties, works, or facilities, or for their availability, including
26 minimum and standby charges. *If new, increased, or extended*
27 *assessments are proposed, the district shall comply with the notice,*
28 *protest, and hearing procedures in Section 53753 of the*
29 *Government Code.*

30 SEC. 36. Section 55501.5 of the Water Code is amended to
31 read:

32 55501.5. A district may, *pursuant to the notice, protest, and*
33 *hearing procedures in Section 53753 of the Government Code,* fix
34 a water service standby or immediate availability charge to be
35 applied on an area or frontage or parcel basis, or a combination
36 thereof, within the district to be charged to areas to which water
37 service is made available for any purpose by the district, whether
38 the water service is actually used or not. The district may establish
39 schedules varying the charge according to the land uses and the
40 degree of availability or quantity of use of the water service to the

1 affected lands, and may restrict the charge to lands lying within
2 one or more zones or areas of benefits established within the
3 district. The district may not, however, except as is otherwise
4 provided in this section, fix a charge in excess of thirty dollars
5 (\$30) per acre or for a parcel of less than one acre, *unless the*
6 *standby charge is imposed pursuant to the Uniform Standby*
7 *Charge Procedures Act (Chapter 12.4 (commencing with Section*
8 *54984) of Part 1 of Division 2 of Title 5 of the Government Code).*

9 *If the procedures set forth in this section as it read at the time*
10 *a standby or availability charge was established were followed,*
11 *the district may, by resolution, continue the charge pursuant to*
12 *this section in successive years at the same rate. If new, increased,*
13 *or extended assessments are proposed, the district shall comply*
14 *with the notice, protest, and hearing procedures in Section 53753*
15 *of the Government Code.*

16 The maximum charge which may be fixed by the district may
17 be increased from one fiscal year to the next by the same
18 percentage increase as reflected by the Consumer Price Index, as
19 issued by the United States Bureau of Labor Statistics, relative to
20 the immediately preceding fiscal year.

21 If a person for more than one year obtains substantially all of
22 his *or her* water requirements for the contiguous parcels of land
23 which the person occupies from rainfall, springs, streams, lakes,
24 rivers or wells, and if the person's primary economic activity on
25 the land is the commercial extraction or processing of minerals,
26 the land is exempt from any water standby or availability charges.

27 The district may collect the standby or availability charge by
28 billing the charged lands on a fiscal year basis or by other means
29 available.

30 The district may collect the standby or availability charge as a
31 part of the annual general county tax bill if the district furnishes
32 in writing to the board of supervisors and to the county auditor the
33 description of each parcel for which a charge is to be billed,
34 together with the amount of the charge applicable to each parcel,
35 in sufficient time to meet the schedule established by the county
36 for inclusion of those items on the county general tax bill. The
37 parcel description may be the parcel number assigned by the county
38 assessor to the parcel. In that case, the standby or availability
39 charge is a lien against the parcel of land to which it is charged in
40 the same manner as the county general taxes. Penalties may be

1 collected for late payment of the standby or availability charge, or
2 the amount thereof unpaid, in the manner and at the same rates as
3 that applicable for late payment or the amount thereof unpaid of
4 county general taxes. All laws applicable to the levy, collection,
5 and enforcement of municipal ad valorem taxes are applicable to
6 those charges, except that, if any real property to which the lien
7 would attach has been transferred or conveyed to a bona fide
8 purchaser for value, or if a lien of a bona fide encumbrancer for
9 value has been created and attaches thereon, prior to the date on
10 which the first installment of the taxes would become delinquent,
11 then the lien which would otherwise be imposed by this section
12 shall not attach to the real property and the charge relating to the
13 property shall be transferred to the unsecured roll for collection.

14 If the district collects standby charges through the county general
15 tax bill, the amount of the standby charge and any applicable
16 penalty shall be stated on the tax bill separately from all other
17 taxes, if practicable.

18 SEC. 37. Section 55507 of the Water Code is amended to read:

19 55507. A district may, *pursuant to the notice, protest, and*
20 *hearing procedures in Section 53753 of the Government Code*, fix
21 a sewer service standby or immediate availability charge to be
22 applied on a parcel basis within the district to be charged to the
23 parcels to which sewer service is made available by the district,
24 whether the sewer service is actually used or not. The district may
25 establish schedules for the charge, and may restrict the charge to
26 lands lying within one or more zones or areas of benefits
27 established within the district. The district may not, ~~however,~~
28 ~~except as is otherwise provided in this section,~~ *unless the standby*
29 *charge is imposed pursuant to the Uniform Standby Charge*
30 *Procedures Act (Chapter 12.4 (commencing with Section 54984)*
31 *of Part 1 of Division 2 of Title 5 of the Government Code)*, fix a
32 charge in excess of thirty dollars (\$30) a year for a residential
33 parcel. Commercial or other parcels shall be charged according to
34 equivalent residential parcels, but shall not exceed thirty dollars
35 (\$30) per acre per year, *unless the standby charge is imposed*
36 *pursuant to the Uniform Standby Charge Procedures Act, Chapter*
37 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
38 *Title 5 of the Government Code.*

39 ~~The maximum charge which may be fixed by the district may~~
40 ~~be increased from one fiscal year to the next by the same~~

1 ~~percentage increase as reflected by the Consumer Price Index, as~~
2 ~~issued by the United States Bureau of Labor Statistics, relative to~~
3 ~~the immediately preceding fiscal year.~~

4 *If the procedures set forth in this section as it read at the time*
5 *a standby or availability charge was established were followed,*
6 *the district may, by resolution, continue the charge pursuant to*
7 *this section in successive years at the same rate. If new, increased,*
8 *or extended assessments are proposed, the district shall comply*
9 *with the notice, protest, and hearing procedures in Section 53753*
10 *of the Government Code.*

11 The district may collect the standby or availability charge by
12 billing the charged lands on a fiscal year basis or by other means
13 available.

14 The district may collect the standby or availability charge as a
15 part of the annual general county tax bill if the district furnishes
16 in writing to the board of supervisors and to the county auditor the
17 description of each parcel for which a charge is to be billed,
18 together with the amount of the charge applicable to each parcel,
19 in sufficient time to meet the schedule established by the county
20 for inclusion of those items on the county general tax bill. The
21 parcel description may be the parcel number assigned by the county
22 assessor to the parcel. In that case, the standby or availability
23 charge shall become a lien against the parcel of land to which it
24 is charged in the same manner as the county general taxes. Penalties
25 may be collected for late payment of the standby or availability
26 charge, or the amount thereof unpaid, in the manner and at the
27 same rates as that applicable for late payment or the amount thereof
28 unpaid of county general taxes. All laws applicable to the levy,
29 collection, and enforcement of municipal ad valorem taxes are
30 applicable to those charges, except that, if any real property to
31 which the lien would attach has been transferred or conveyed to
32 a bona fide purchaser for value, or if a lien of a bona fide
33 encumbrancer for value has been created and attaches thereon,
34 prior to the date on which the first installment of the taxes would
35 become delinquent, then the lien which would otherwise be
36 imposed by this section shall not attach to the real property and
37 the charge relating to the property shall be transferred to the
38 unsecured roll for collection.

39 If the district collects standby charges through the county general
40 tax bill, the amount of the standby charge and any applicable

1 penalty shall be stated on the tax bill separately from all other
2 taxes, if practicable.

3 SEC. 38. Section 71630 of the Water Code is amended to read:

4 71630. The district by ordinance may, *pursuant to the notice,*
5 *protest, and hearing procedures in Section 53753 of the*
6 *Government Code*, fix on or before the third Monday of August,
7 in each fiscal year, a water standby assessment or availability
8 charge in the district, in any portion thereof, or in any improvement
9 district, to which water is made available by the district, whether
10 the water is actually used or not.

11 SEC. 39. Section 71632 of the Water Code is amended to read:

12 71632. The ordinance fixing a standby assessment or
13 availability charge shall be adopted by the board *pursuant to the*
14 *notice, protest, and hearing procedures in Section 53753 of the*
15 *Government Code and only after adoption of a resolution setting*
16 *forth the particular schedule or schedules of charges or assessments*
17 *proposed to be established by ordinance and after a hearing on*
18 *said resolution. The secretary shall cause notice of a time and place*
19 *of hearing thereon to be published, pursuant to Section 6066 of*
20 *the Government Code, prior to the date set for hearing, in a*
21 *newspaper of general circulation printed and published within the*
22 *district, if there is one, and if not, then in such paper printed and*
23 *published in the county, and shall cause a notice in writing to be*
24 *mailed, prior to the date set for hearing, to each person to whom*
25 *a parcel of real property described in such proposed assessment*
26 *or charge is assessed on the last equalized assessment roll. Such*
27 *notice shall be mailed to the address shown on the last equalized*
28 *assessment roll or known to the secretary.*

29 ~~At the time, stated in the notice, the board shall hear and consider~~
30 ~~all objections or protests, if any, to the resolution referred to in the~~
31 ~~notice and may continue the hearing from time to time. Upon the~~
32 ~~conclusion of the hearing the board may adopt, revise, change,~~
33 ~~reduce or modify an assessment or charge or overrule any or all~~
34 ~~objections. The board shall make its determination upon each~~
35 ~~assessment or charge as described in the resolution which~~
36 ~~determination shall be final.~~

37 *If the procedures set forth in this section as it read at the time*
38 *a standby assessment or availability charge was established were*
39 *followed, the board may, by ordinance, continue the charge*
40 *pursuant to this article in successive years at the same rate. If new,*

1 *increased, or extended assessments are proposed, the board shall*
 2 *comply with the notice, protest, and hearing procedures in Section*
 3 *53753 of the Government Code.*

4 SEC. 40. Section 71638 of the Water Code is amended to read:

5 71638. ~~This alternative procedure may be utilized by a district~~
 6 ~~or for an improvement district therein if the procedure set forth in~~
 7 ~~Article 2 (commencing with Section 71630) of this chapter has~~
 8 ~~been used for the preceding three consecutive years in such district~~
 9 ~~or for such improvement district.~~ *If the procedures set forth in this*
 10 *article as it read at the time a standby charge was established*
 11 *were followed, the district or improvement district may, by*
 12 *resolution, continue the charge pursuant to this article in*
 13 *successive years at the same rate. If new, increased, or extended*
 14 *assessments are proposed, the district or improvement district*
 15 *shall comply with the notice, protest, and hearing procedures in*
 16 *Section 53753 of the Government Code.*

17 SEC. 41. Section 71638.3 of the Water Code is repealed.

18 ~~71638.3.—The secretary shall cause written notice to be mailed~~
 19 ~~to the owner of any affected property which has changed ownership~~
 20 ~~since the last standby assessment or availability charge was fixed~~
 21 ~~and to all persons affected by a proposed increase in the standby~~
 22 ~~assessment or availability charge above the amount set for the~~
 23 ~~preceding year. The notice shall also be published as provided in~~
 24 ~~Section 71632. The notice shall be mailed to the person shown as~~
 25 ~~the owner of the property on the last equalized assessment roll or~~
 26 ~~known to the secretary and shall set forth the time and place the~~
 27 ~~board will consider the matter, together with the schedule of~~
 28 ~~charges proposed to be established. At the time stated in the notice,~~
 29 ~~the board shall hear and consider all objections or protests, if any,~~
 30 ~~to the proposed charges. Upon the conclusion of the hearing, the~~
 31 ~~board may adopt, revise, change, reduce, or modify an assessment~~
 32 ~~or charge, or overrule any or all objections.~~

33 SEC. 42. Section 5.2 of the County Water Authority Act
 34 (Chapter 545 of the Statutes of 1943) is amended to read:

35 Sec. 5.2. (a) Any authority may, *pursuant to the notice, protest,*
 36 *and hearing procedures in Section 53753 of the Government Code,*
 37 *by ordinance, fix on or before the third Monday of August, in each*
 38 *fiscal year, a water standby availability charge on land within the*
 39 *boundaries of the authority, to which water is made available by*
 40 *the authority, whether the water is actually used or not.*

1 (b) The standby availability charge shall not exceed ten dollars
2 (\$10) per acre per year for each acre of land within the authority
3 or ten dollars (\$10) per year for a parcel less than one acre, *unless*
4 *the standby charge is imposed pursuant to the Uniform Standby*
5 *Charge Procedures Act (Chapter 12.4 (commencing with Section*
6 *54984) of Part 1 of Division 2 of Title 5 of the Government Code).*

7 ~~(c) The availability charge shall be adopted by the board of~~
8 ~~directors only after adoption of a resolution setting forth the~~
9 ~~particular schedule or schedules of charges proposed to be~~
10 ~~established by ordinance and after a public hearing on the~~
11 ~~resolution. The secretary shall cause notice of a time and place of~~
12 ~~the hearing to be published pursuant to Section 6066 of the~~
13 ~~Government Code, prior to the date set for hearing, in a newspaper~~
14 ~~of general circulation printed and published within the authority.~~
15 ~~At the time stated in the notice, the board of directors shall hear~~
16 ~~and consider all objections or protests, if any, to the resolution~~
17 ~~referred to in the notice and may continue the hearing from time~~
18 ~~to time. Upon the conclusion of the hearing, the board of directors~~
19 ~~may adopt, revise, charge, reduce, or modify an assessment of~~
20 ~~charge or overrule any or all objections. The board of directors~~
21 ~~shall make its determination upon each charge as described in the~~
22 ~~resolution, which determination shall be final~~ *If the procedures*
23 *set forth in this section as it read at the time an availability charge*
24 *was established were followed, the authority may, by ordinance,*
25 *continue the charge pursuant to this section in successive years*
26 *at the same rate. If new, increased, or extended assessments are*
27 *proposed, the authority shall comply with the notice, protest, and*
28 *hearing procedures in Section 53753 of the Government Code.*

29 (d) On or before the third Monday in August, the board of
30 directors shall furnish in writing to the board of supervisors and
31 the county auditor of each affected county a description of that
32 parcel of land within the authority upon which an availability
33 charge is to be levied and collected for the current fiscal year,
34 together with the amount of availability charge fixed by the
35 authority on each parcel of land which is to be added to the
36 assessment roll.

37 (e) The authority shall direct that, at the time and in the manner
38 required by law for the levying of taxes for county purposes, the
39 board of supervisors shall levy, in addition to any other taxes

1 levied, the availability charge in the amounts for the respective
2 parcels fixed by the authority.

3 (f) All county officers charged with the duties of collecting taxes
4 shall collect the authority's availability charges with the regular
5 tax payments to the county. The availability charges shall be
6 collected in the same form and manner as county taxes are
7 collected, including procedures in the event of delinquency. Upon
8 collection of the availability charges by the tax collector, the
9 collections shall be paid to the authority. The county may deduct
10 the reasonable administrative costs incurred in levying and
11 collecting the water standby availability charge.

12 SEC. 43. Section 27.6 of the Yolo County Flood Control and
13 Water Conservation District Act (Chapter 1657 of the Statutes of
14 1951) is amended to read:

15 Sec. 27.6. (a) The board may, *pursuant to the notice, protests,*
16 *and hearing procedures in Section 53753 of the Government Code,*
17 *fix a water standby or availability charge for land within the district*
18 *to which water is made available for any purpose by the district,*
19 *whether the water is actually used or not. The charges may be*
20 *restricted to lands lying within one or more improvement districts*
21 *or zones or any portion thereof within the district. The charge shall*
22 *not exceed ten dollars (\$10) per acre per year for each acre of land*
23 *within the district or any improvement district or zone thereof or*
24 *ten dollars (\$10) per year for any parcel of less than one acre,*
25 *unless the standby charge is imposed pursuant to the Uniform*
26 *Standby Charge Procedures Act (Chapter 12.4 (commencing with*
27 *Section 54984) of Part 1 of Division 2 of Title 5 of the Government*
28 *Code). The board may establish schedules varying the charges*
29 *depending upon, but not limited to, factors such as land uses, water*
30 *uses, the cost of transporting the water to the land, and the degree*
31 *of water availability.*

32 (b) In order to fix the charges, the board shall ~~first~~ adopt a
33 resolution ~~initiating proceedings, which resolution shall include~~
34 ~~the following information:~~ *pursuant to the notice, protest, and*
35 *hearing procedures in Section 53753 of the Government Code. If*
36 *the procedures set forth in this section as it read at the time a*
37 *standby charge was established were followed, the agency may,*
38 *by resolution, continue the charge pursuant to this section in*
39 *successive years at the same rate. If new, increased, or extended*
40 *assessments are proposed, the agency shall comply with the notice,*

1 *protest, and hearing procedures in Section 53753 of the*
2 *Government Code.*

3 ~~(1) A description of the area to be subject to the charges.~~

4 ~~(2) Whether the area is inhabited, in that there are 12 or more~~
5 ~~persons who reside and have been registered to vote within the~~
6 ~~area for at least 54 days prior to the date of adoption of the~~
7 ~~resolution, or uninhabited, in that there are less than 12 persons~~
8 ~~who reside and have been registered to vote within the area for at~~
9 ~~least 54 days prior to the date of adoption of the resolution.~~

10 ~~(3) The proposed charges.~~

11 ~~(4) A time, date, and place of hearing.~~

12 ~~(5) That any interested person desiring to make written protest~~
13 ~~shall do so by written communication filed with the district not~~
14 ~~later than the hour set for the hearing. A written protest by a~~
15 ~~landowner shall contain a description sufficient to identify the land~~
16 ~~owned by him. A written protest by a voter shall contain the~~
17 ~~residential address of the voter.~~

18 ~~(e) The secretary shall give notice of any hearing by the~~
19 ~~following:~~

20 ~~(1) Publication of the resolution initiating proceedings pursuant~~
21 ~~to Section 6066 of the Government Code in a newspaper of general~~
22 ~~circulation within the area, or if none, within the district.~~

23 ~~(2) Posting of the resolution initiating proceedings on or near~~
24 ~~the doors of the meeting place of the board or on any official~~
25 ~~bulletin board customarily used for the purpose of posting of public~~
26 ~~notices.~~

27 ~~Publication and posting shall be completed at least seven days~~
28 ~~prior to the date set for hearing.~~

29 ~~(d) The hearing on the proposed charges shall be held by the~~
30 ~~board upon the date and time specified in the resolution initiating~~
31 ~~proceedings. The hearing may be continued from time to time. At~~
32 ~~the hearing, the board shall hear and receive any oral or written~~
33 ~~protests, objections, or evidence which shall be made, presented,~~
34 ~~or filed. Any person who filed a written protest may withdraw the~~
35 ~~protest at any time prior to the conclusion of the hearing.~~

36 ~~(e) A majority protest shall be deemed to exist and the proposed~~
37 ~~charges shall not be adopted if the board finds and declares by~~
38 ~~resolution that written protests filed not later than the hour set for~~
39 ~~the hearing, and not withdrawn prior to the conclusion of the~~
40 ~~hearing, represent the following:~~

1 ~~(1) In the case of an inhabited area, more than 50 percent of the~~
2 ~~registered voters residing within the area.~~

3 ~~(2) In the case of an uninhabited area, more than 50 percent of~~
4 ~~the assessed value of land therein.~~

5 ~~A written protest by a resident voter shall contain his signature~~
6 ~~and a street and number of designation sufficient to enable the~~
7 ~~place of residence to be readily ascertained. A protest by a~~
8 ~~landowner shall contain his signature and a description of the land~~
9 ~~owned by him sufficient to identify the same. A public agency~~
10 ~~owning land shall be deemed a landowner for the purpose of~~
11 ~~making a written protest and determining the existence of a~~
12 ~~majority protest.~~

13 ~~(f) The board shall determine the sufficiency of written protests~~
14 ~~as follows:~~

15 ~~(1) If the protests are signed by resident voters, the secretary~~
16 ~~shall compare the names of the signers on the protests against the~~
17 ~~voters' register in the office of the county clerk or registrar of~~
18 ~~voters and ascertain therefrom the number of qualified signers~~
19 ~~appearing upon the protests.~~

20 ~~(2) If the protests are signed by landowners, the secretary shall~~
21 ~~compare the names of the signers on the protests against the names~~
22 ~~of the persons shown as owners of land on the last equalized~~
23 ~~assessment roll of the county and ascertain therefrom:~~

24 ~~(A) The total number of landowners owning land within the~~
25 ~~area which is the subject of the proposed charges and the total~~
26 ~~assessed valuation of all land within the area.~~

27 ~~(B) The total number of landowners represented by qualified~~
28 ~~signers and the total assessed valuation of land owned by qualified~~
29 ~~signers.~~

30 ~~(3) If a protest is signed by a landowner which is a public agency~~
31 ~~owning land within the area which is the subject of the proposed~~
32 ~~charges, the public agency shall be deemed a landowner for the~~
33 ~~purpose of the signing and certification of the protest. Any such~~
34 ~~public agency may authorize the protest to be signed for and on~~
35 ~~its behalf by any duly authorized officer or employee.~~

36 ~~(4) In examining any petition signed by a landowner, the~~
37 ~~secretary shall disregard the signature of any person not shown as~~
38 ~~owner on the last equalized assessment roll unless, prior to~~
39 ~~certification, the secretary is furnished with written evidence,~~
40 ~~satisfactory to the secretary, that the signer is a legal representative~~

1 of the owner, is entitled to be shown as owner of land on the next
2 assessment roll, is a purchaser of land under a recorded written
3 agreement of sale, or is authorized to sign for and on behalf of any
4 public agency owning land.

5 (5) If any person signing a protest as a landowner shall appear
6 as owner on the last equalized assessment roll but be shown thereon
7 as a partner, joint tenant, tenant in common, or husband or wife,
8 the signature of the person shall be counted as if all the owners
9 shown on the roll had signed.

10 (g) If a majority protest shall not have been filed, the board, not
11 later than 30 days after the conclusion of the hearing, shall adopt
12 a resolution and make one of the following determinations:

13 (1) Disapproving the proposed charges.

14 (2) Fixing the proposed charges in the area described.

15 SEC. 44. Section 3.8 of the Mariposa County Water Agency
16 Act (Chapter 2036 of the Statutes of 1959) is amended to read:

17 Sec. 3.8. The agency may, *pursuant to the notice, protest, and*
18 *hearing procedures in Section 53753 of the Government Code*, fix
19 standby charges to be applied on an area, frontage, or parcel basis,
20 or a combination thereof, to ~~such~~ *those* areas within the agency to
21 which service is made available, whether the service is actually
22 used or not, for the purpose of financing or maintaining and
23 operating projects which the agency is authorized to undertake.
24 The agency may establish schedules varying ~~such~~ *the* charges
25 according to the land uses and the degree of availability or quantity
26 of use of ~~such~~ *the* service to the affected lands, and may restrict
27 ~~such~~ *the* charge to lands lying within one or more zones established
28 within the agency; ~~provided, however, that.~~ *However*, the agency
29 may not: (1) fix an annual charge in excess of ten dollars (\$10) for
30 each acre or for each parcel of less than one acre, *unless the standby*
31 *charge is imposed pursuant to the Uniform Standby Charge*
32 *Procedures Act (Chapter 12.4 (commencing with Section 54984)*
33 *of Part 1 of Division 2 of Title 5 of the Government Code)*; (2)
34 apply standby charges to parcels that are being used for the
35 production of plant crops, including timber, or livestock for market;
36 or (3) apply standby charges to lands situated more than one-quarter
37 of a mile from an available main or service connection. The agency
38 may collect the standby charges as a part of the annual general
39 county tax bill, provided the agency furnishes in writing to the
40 board of supervisors and to the county auditor the description of

1 each parcel for which a charge is to be billed together with the
2 amount of the charge applicable to each parcel in sufficient time
3 to meet the schedule established by the county for inclusion of
4 ~~such~~ *those* items on the county general tax bill. The parcel
5 description may be the parcel number assigned by the county
6 assessor to the parcel. In ~~such~~ *those* cases, the standby charge shall
7 become a lien against the parcel of land to which it is charged in
8 the same manner as the county general taxes. Penalties may be
9 collected for late payment of the standby charge or the amount
10 thereof unpaid in the manner and at the same rates as that
11 applicable for late payment or the amount thereof unpaid of county
12 general taxes. If the agency collects standby charges through the
13 county general tax bill, the amount of the standby charge and any
14 applicable penalty shall be stated on the tax bill separately from
15 all other taxes, if practicable.

16 *If the procedures set forth in this section as it read at the time*
17 *a standby charge was established were followed, the agency may,*
18 *by resolution, continue the charge pursuant to this section in*
19 *successive years at the same rate. If new, increased, or extended*
20 *assessments are proposed, the agency shall comply with the notice,*
21 *protest, and hearing procedures in Section 53753 of the*
22 *Government Code.*

23 SEC. 45. Section 3.9 of the Amador County Water Agency
24 Act (Chapter 2137 of the Statutes of 1959) is amended to read:

25 Sec. 3.9. The agency may, *pursuant to the notice, protest, and*
26 *hearing procedures in Section 53753 of the Government Code,* fix
27 standby charges to be applied on an area, or frontage, or parcel
28 basis, or a combination thereof, to such areas within the agency
29 to which service is made available, whether the service is actually
30 used or not, for the purpose of financing or maintaining and
31 operating projects which the agency is authorized to undertake.
32 The agency may establish schedules varying ~~such~~ *those* charges
33 according to the land uses and the degree of availability or quantity
34 of use of such service to the affected lands, and may restrict ~~such~~
35 *that* charge to lands lying within one or more improvement districts
36 or areas of benefits established within ~~such~~ *the* agency; provided,
37 however, that the agency may not: (1) fix an annual charge in
38 excess of ten dollars (\$10) for each acre or for each parcel of less
39 than one acre, *unless the standby charge is imposed pursuant to*
40 *the Uniform Standby Charge Procedures Act (Chapter 12.4*

1 (*commencing with Section 54984*) of Part 1 of Division 2 of Title
2 5 of the Government Code); (2) apply standby charges to parcels
3 that are being used for the production of plant crops, including
4 timber, or livestock for market; or (3) apply standby charges to
5 lands situated more than one-quarter of a mile from an available
6 main or service connection. The agency may collect the standby
7 charges as a part of the annual general county tax bill, provided
8 the agency furnishes in writing to the board of supervisors and to
9 the county auditor the description of each parcel for which a charge
10 is to be billed together with the amount of the charge applicable
11 to each parcel in sufficient time to meet the schedule established
12 by the county for inclusion of such items on the county general
13 tax bill. The parcel description may be the parcel number assigned
14 by the county assessor to the parcel. In such cases, the standby
15 charge shall become a lien against the parcel of land to which it
16 is charged in the same manner as the county general taxes. Penalties
17 may be collected for late payment of the standby charge or the
18 amount thereof unpaid in the manner and at the same rates as that
19 applicable for late payment or the amount thereof unpaid of county
20 general taxes. If the agency collects standby charges through the
21 county general tax bill, the amount of the standby charge and any
22 applicable penalty shall be stated on the tax bill separately from
23 all other taxes, if practicable.

24 *If the procedures set forth in this section as it read at the time*
25 *a standby charge was established were followed, the agency may,*
26 *by resolution, continue the charge pursuant to this section in*
27 *successive years at the same rate. If new, increased, or extended*
28 *assessments are proposed, the agency shall comply with the notice,*
29 *protest, and hearing procedures in Section 53753 of the*
30 *Government Code.*

31 SEC. 46. Section 76 of the Antelope Valley-East Kern Water
32 Agency Law (Chapter 2146 of the Statutes of 1959) is amended
33 to read:

34 Sec. 76. The agency, by ordinance, may, *pursuant to the notice,*
35 *protest, and hearing procedures in Section 53753 of the*
36 *Government Code*, fix, on or before the first day of July in any
37 calendar year, a water standby or availability charge within the
38 agency or in any improvement district thereof to which water is
39 made available by the agency through underground or by surface
40 facilities, whether the water is actually used or not. The standby

1 charge shall not exceed ten dollars (\$10) per acre per year for each
2 acre of land within the agency or any improvement district thereof
3 or ten dollars (\$10) per year for any parcel of less than one acre,
4 *unless the standby charge is imposed pursuant to the Uniform*
5 *Standby Charge Procedures Act (Chapter 12.4 (commencing with*
6 *Section 54984) of Part 1 of Division 2 of Title 5 of the Government*
7 *Code).* ~~The ordinance fixing a standby charge shall be adopted by~~
8 ~~the board only after adoption of a resolution setting forth the~~
9 ~~particular schedule or schedules of charges proposed to be~~
10 ~~established by ordinance and after notice and hearing in the manner~~
11 ~~prescribed in the District Reorganization Act of 1965 (commencing~~
12 ~~with Section 56000 of the Government Code).~~ The ordinance fixing
13 a standby charge may establish schedules varying the charges
14 according to land uses, water uses, and degree of water availability.
15 On or before the third Monday in August, the board shall furnish
16 in writing to the board of supervisors and the county auditor of
17 each affected county a description of each parcel of land within
18 the agency upon which a standby charge is to be levied and
19 collected for the current fiscal year, together with the amount of
20 standby charge fixed by the district on each parcel of land. The
21 board shall direct that, at the time and in the manner required by
22 law for the levying of taxes for county purposes, the board of
23 supervisors shall levy, in addition to any other tax it levies, a
24 standby charge in the amounts for the respective parcels fixed by
25 the board. All county officers charged with the duty of collecting
26 taxes shall collect agency standby charges with the regular tax
27 payments to the county. Such charges shall be collected in the
28 same form and manner as county taxes are collected and shall be
29 paid to the agency. Charges fixed by the agency shall constitute a
30 lien on the property benefited thereby as of the same time and in
31 the same manner as does the tax lien securing such annual taxes.
32 All laws applicable to the levy, collection and enforcement of
33 municipal ad valorem taxes shall be applicable to such assessment,
34 except that if any real property to which such lien would attach
35 has been transferred or conveyed to a bona fide purchaser for value,
36 or if a lien of a bona fide encumbrancer for value has been created
37 and attached thereon, prior to the date on which the first installment
38 of such taxes would become delinquent, then the lien which would
39 otherwise be imposed by this section shall not attach to such real

1 property and the delinquent and unpaid charges relating to such
2 property shall be transferred to the unsecured roll for collection.

3 *If the procedures set forth in this section as it read at the time*
4 *a standby charge was established were followed, the board may,*
5 *by ordinance, continue the charge pursuant to this section in*
6 *successive years at the same rate. If new, increased, or extended*
7 *assessments are proposed, the board shall comply with the notice,*
8 *protest, and hearing procedures in Section 53753 of the*
9 *Government Code.*

10 SEC. 47. Section 11.5 of the Crestline-Lake Arrowhead Water
11 Agency Act (Chapter 40 of the Statutes of the First Extraordinary
12 Session of 1962) is amended to read:

13 Sec. 11.5. The agency, by ordinance, may, *pursuant to the*
14 *notice, protest, and hearing procedures in Section 53753 of the*
15 *Government Code*, fix, on or before the first day of July in each
16 calendar year, a water standby or availability charge in any area
17 within the agency boundaries to which wholesale or retail water
18 is made available by the agency, whether the water is actually used
19 or not. The standby charge shall not exceed ten dollars (\$10) per
20 acre per year for each acre of land or parcel less than one acre
21 within the agency boundaries, *unless the standby charge is imposed*
22 *pursuant to the Uniform Standby Charge Procedures Act (Chapter*
23 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
24 *Title 5 of the Government Code)*. The ordinance fixing a standby
25 charge may establish schedules varying the charges according to
26 land uses, water uses, and degree of water availability. If any
27 standby charge remains unpaid on the first day of the month before
28 the month in which the board of supervisors of each affected county
29 is required by law to levy the amount of taxes required for county
30 purposes, the amount of the unpaid standby charge shall be added
31 to and become part of the annual tax levied upon the land to which
32 water for which the standby charge is unpaid was available. The
33 amount of the unpaid standby charge shall constitute a lien on that
34 land as of the same time and in the same manner as does the tax
35 lien securing the annual taxes. All laws applicable to the levy,
36 collection, and enforcement of municipal ad valorem taxes shall
37 be applicable to the assessment, except that if any real property to
38 which the lien would attach has been transferred or conveyed to
39 a bona fide purchaser for value, or if a lien of a bona fide
40 encumbrancer for value has been created and attaches thereon,

1 prior to the date on which the first installment of the taxes would
2 become delinquent, then the lien which would otherwise be
3 imposed by this section shall not attach to the real property and
4 the delinquent and unpaid charges relating to the property shall be
5 transferred to the unsecured roll for collection. At least 15 days
6 before the first day of the month in which the board of supervisors
7 of each affected county is required by law to levy the amount of
8 taxes required for county purposes, the board shall furnish in
9 writing to the board of supervisors and the county auditor of each
10 affected county a description of each parcel of land within the
11 agency upon which a standby charge remains unpaid, together
12 with the amount of the unpaid standby charge on each such parcel
13 of land.

14 *If the procedures set forth in this section as it read at the time*
15 *a standby charge was established were followed, the agency may,*
16 *by resolution, continue the charge, pursuant to this section in*
17 *successive years at the same rate. If new, increased, or extended*
18 *assessments are proposed, the agency shall comply with the notice,*
19 *protest, and hearing procedures in Section 53753 of the*
20 *Government Code.*

21 SEC. 48. Section 24.1 of the Castaic Lake Water Agency Law
22 (Chapter 28 of the Statutes of the First Extraordinary Session of
23 1962) is amended to read:

24 Sec. 24.1. The agency, by resolution, may, *pursuant to the*
25 *notice, protest, and hearing procedures in Section 53753 of the*
26 *Government Code*, annually fix on the basis of benefit a water
27 standby charge within any water service area of the agency to
28 which water is made available. The agency may cause the water
29 standby charge to be applied on an area or parcel basis, or a
30 combination of both, to benefited lands, whether water available
31 is actually used or not. The agency may fix and establish in its
32 adopting resolution appropriate schedules varying the water
33 standby charges within its water service areas according to the
34 land uses and the degree of availability to affected lands.
35 Availability of water pursuant to this section shall include, without
36 limitation, the agency's contract interests pursuant to the State
37 Water Resources Development System and the agency's property,
38 plant, and distribution facilities. The water standby charge of the
39 agency shall not exceed forty dollars (\$40) per acre per year for
40 each acre of land, or forty dollars (\$40) per year for any parcel of

1 land less than one acre, within any water service area of the agency,
2 *unless the standby charge is imposed pursuant to the Uniform*
3 *Standby Charge Procedures Act (Chapter 12.4 (commencing with*
4 *Section 54984) of Part 1 of Division 2 of Title 5 of the Government*
5 *Code)*. The resolution fixing water standby charges shall be adopted
6 by the board of directors only at or after the annual hearing on the
7 formation of water service areas within the agency. The agency
8 may use the proceeds of the water standby charges only for the
9 annual capital budget of the agency, as described in Section 29.1.

10 *If the procedures set forth in this section as it read at the time*
11 *a standby charge was established were followed, the agency may,*
12 *by resolution, continue the charge pursuant to this section in*
13 *successive years at the same rate. If new, increased, or extended*
14 *assessments are proposed, the agency shall comply with the notice,*
15 *protest, and hearing procedures in Section 53753 of the*
16 *Government Code.*

17 On or before the second Monday in August of each year in which
18 a water standby charge is to be levied and collected for the then
19 current fiscal year, the board of directors shall furnish in writing
20 to the county auditor of each affected county the parcel number
21 of each parcel of land within any water service area within the
22 agency upon which a charge is to be levied and collected, together
23 with the amount of the water standby charge fixed by the agency
24 on each assessed parcel of land subject to the levy. The board shall
25 direct that, at the time and in the manner required by law for the
26 levying of taxes for county purposes, the board of supervisors shall
27 levy, in addition to any other tax, assessment, or charge it levies,
28 a water standby charge in the amounts and on the respective parcels
29 identified by the agency's board. All county officers charged with
30 the duty of collecting, receiving, and disbursing taxes shall collect
31 agency water standby charges with the regular tax payments to the
32 county. The charges shall be collected in the same form and manner
33 as county taxes are collected and shall be paid to the agency. The
34 agency shall reimburse the county for its necessary costs and
35 expenses. Any water service charges fixed by the agency shall be
36 liens against the parcels of land against which those charges have
37 been imposed. Liens for those charges shall be of the same force
38 and effect as liens for taxes, and their collection may be enforced
39 by the same means as provided for the enforcement of liens for
40 either state or county taxes.

1 SEC. 49. Section 134.5 of the Metropolitan Water District Act
2 (Chapter 209 of the Statutes of 1969) is amended to read:

3 Sec. 134.5. (a) The board may, from time to time, *pursuant*
4 *to the notice, protest, and hearing procedures in Section 53753 of*
5 *the Government Code*, impose a water standby or availability
6 service charge within a district. The amount of revenue to be raised
7 by the service charge shall be as determined by the board.

8 (b) Allocation of the service charge among member public
9 agencies shall be in accordance with a method established by
10 ordinance or resolution of the board. Factors that may be
11 considered include, but are not limited to, historical water deliveries
12 by a district; projected water service demands by member public
13 agencies of a district; contracted water service demands by member
14 public agencies of a district; service connection capacity; acreage;
15 property parcels; population, and assessed valuation, or a
16 combination thereof.

17 (c) The service charge may be collected from the member public
18 agencies of a district. As an alternative, a district may impose a
19 service charge as a standby charge against individual parcels within
20 the district. In implementing this alternative, a district may exercise
21 the powers of a county water district under Section 31031 of the
22 Water Code, except that, notwithstanding Section 31031 of the
23 Water Code, a district may (1) raise the standby charge rate above
24 ten dollars (\$10) per year by a majority vote of the board, and (2)
25 after taking into account the factors specified in subdivision (b),
26 fix different standby charge rates for parcels situated within
27 different member public agencies.

28 (d) Before imposing or changing any water standby or
29 availability service charge pursuant to this section, a district shall
30 give written notice to each member public agency not less than 45
31 days prior to final adoption of the imposition or change.

32 (e) As an alternative to the two methods set forth in subdivision
33 (c), a district, at the option of its board, may convert the charge to
34 a benefit assessment to be levied pursuant to Sections 134.6 to
35 134.9, inclusive.

36 SEC. 50. Section 134.6 of the Metropolitan Water District Act
37 (Chapter 209 of the Statutes of 1969) is amended to read:

38 Sec. 134.6. (a) The board may by ordinance or resolution,
39 ~~adopted after notice and public hearing~~ *pursuant to the notice,*
40 *protest, and hearing procedures in Section 53753 of the*

1 *Government Code*, determine and propose for adoption, ~~subject~~
2 ~~to the approval of the voters as provided in subdivision (e)~~; an
3 annual water standby or availability assessment on each parcel of
4 real property within the jurisdiction of each member public agency
5 of the district, except that the board shall not impose an assessment
6 upon a federal or state governmental agency or another local
7 agency.

8 (b) The board may establish zones or areas of benefit within the
9 district or within its member public agencies and may restrict the
10 imposition of the assessments to areas lying within one or more
11 of the zones or areas of benefit established within the district or
12 within its member public agencies.

13 (c) The benefit assessment shall be levied on a parcel, class of
14 improvement to property, or use of property basis, or a combination
15 thereof, within the boundaries of the district, member public
16 agency, zone, or area of benefit.

17 (d) The assessment may be levied against any parcel,
18 improvement, or use of property to which water service, through
19 a member public agency, may be made available, directly or
20 indirectly, whether or not that service is actually used.

21 ~~(e) An ordinance or resolution adopted pursuant to subdivision~~
22 ~~(a) shall be submitted to the eligible voters within the district and~~
23 ~~shall take effect upon approval of the proposition by a majority of~~
24 ~~the voters voting on the proposition. The election shall be held and~~
25 ~~conducted substantially in accordance with Article 2 (commencing~~
26 ~~with Section 210) of Chapter 1 of Part 5.~~

27 SEC. 51. Section 134.7 of the Metropolitan Water District Act
28 (Chapter 209 of the Statutes of 1969) is amended to read:

29 Sec. 134.7. ~~(a) For the first fiscal year in which a benefit~~
30 ~~assessment is proposed to be levied pursuant to this act, the board~~
31 ~~shall cause a written report to be prepared and filed with the~~
32 ~~executive secretary of the district which shall contain all of the~~
33 ~~following information: If the procedures set forth in this section~~
34 ~~as it read at the time a standby charge was established were~~
35 ~~followed, the agency may, by resolution, continue the charge~~
36 ~~pursuant to Section 134.6 in successive years at the same rate. If~~
37 ~~new, increased, or extended assessments are proposed, the agency~~
38 ~~shall comply with the notice, protest, and hearing procedures in~~
39 ~~Section 53753 of the Government Code.~~

1 (1) ~~A description of the service proposed to be financed through~~
2 ~~the revenue derived from the assessment.~~

3 (2) ~~A description of each lot or parcel of property proposed to~~
4 ~~be subject to the benefit assessment. The assessor's parcel number~~
5 ~~shall be a sufficient description of the parcel.~~

6 (3) ~~The amount of the proposed assessment for each parcel.~~

7 (4) ~~The basis and schedule of the assessment.~~

8 (b) ~~The executive secretary shall cause notice of the filing of~~
9 ~~the report and of a time, date, and place of hearing thereon to be~~
10 ~~published pursuant to Section 6066 of the Government Code and~~
11 ~~posted in at least one public place within the jurisdiction of each~~
12 ~~affected member public agency.~~

13 (e) ~~At the hearing the board shall hear and consider all protests.~~
14 ~~At the conclusion of the hearing, the board may adopt, revise,~~
15 ~~change, reduce, or modify the proposed assessment. The board~~
16 ~~shall make a determination upon the assessment, as described in~~
17 ~~the report or as determined at the hearing, and shall, by ordinance~~
18 ~~or resolution, determine the proposed assessment.~~

19 SEC. 52. Section 721 of the Monterey Peninsula Water
20 Management District Law (Chapter 527 of the Statutes of 1977)
21 is amended to read:

22 Sec. 721. The district may, *pursuant to the notice, protest, and*
23 *hearing procedures in Section 53753 of the Government Code*, fix
24 standby charges to be applied on an area, or frontage, or parcel
25 basis, or a combination thereof, to such areas within the agency
26 to which service is made available, whether the service is actually
27 used or not, for the purpose of financing or maintaining and
28 operating projects or works which the district is authorized to
29 undertake. The district may establish schedules varying ~~such the~~
30 charges according to the land uses and the degree of availability
31 or quantity of use of ~~such the~~ service to the affected lands, and
32 may restrict ~~such the~~ charge to lands lying within one or more
33 zones established within ~~such the~~ district; provided, however, that
34 the district may not: (1) fix an annual charge in excess of ten dollars
35 (\$10) for each acre or for each parcel of less than one acre, *unless*
36 *the standby charge is imposed pursuant to the Uniform Standby*
37 *Charge Procedures Act, Chapter 12.4 (commencing with Section*
38 *54984) of Part 1 of Division 2 of Title 5 of the Government Code;*
39 (2) apply standby charges to parcels that are being used for the
40 production of livestock for market or plant crops, including timber;

1 or (3) apply standby charges to lands situated more than one-quarter
2 of a mile from an available main or service connection.

3 *If the procedures set forth in this section as it read at the time*
4 *a standby charge was established were followed, the district may,*
5 *by resolution, continue the charge pursuant to this section in*
6 *successive years at the same rate. If new, increased, or extended*
7 *assessments are proposed, the district shall comply with the notice,*
8 *protest, and hearing procedures in Section 53753 of the*
9 *Government Code.*

10 SEC. 53. Section 441 of the Colusa County Flood Control and
11 Water Conservation District Act (Chapter 926 of the Statutes of
12 1983) is amended to read:

13 Sec. 441. The district shall have authority, by resolution
14 ~~following notice and public hearing pursuant to the notice, protest,~~
15 ~~and hearing procedures in Section 53753 of the Government Code,~~
16 to levy a standby or carrying charge, ~~not to exceed ten dollars (\$10)~~
17 ~~per acre or fraction of acre per year,~~ against each acre of land or
18 fraction thereof to which a service provided by the district is
19 available, irrespective of whether the service is actually used. *The*
20 *standby or carrying charge shall not exceed ten dollars (\$10) per*
21 *acre or fraction per year, unless the standby charge is imposed*
22 *pursuant to the Uniform Standby Charge Procedures Act (Chapter*
23 *12.4 (commencing with Section 54984) of Part 1 of Division 2 of*
24 *Title 5 of the Government Code).* However, no standby or carrying
25 charge for water service shall be applied to lands situated more
26 than one-quarter of a mile from an available main or service
27 connection. The resolution shall be published one time in a
28 newspaper of general circulation in the district at least seven days
29 before the effective date of the standby charge.

30 *If the procedures set forth in this section as it read at the time*
31 *a standby charge was established were followed, the district may,*
32 *by resolution, continue the charge pursuant to this section in*
33 *successive years at the same rate. If new, increased, or extended*
34 *assessments are proposed, the district shall comply with the notice,*
35 *protest, and hearing procedures in Section 53753 of the*
36 *Government Code.*

37 SEC. 54. Section 441 of the Sutter County Flood Control and
38 Water Conservation District Act (Chapter 688 of the Statutes of
39 1984) is amended to read:

1 Sec. 441. The district shall have authority, by resolution
2 ~~following notice and public hearing, pursuant to the notice, protest,~~
3 ~~and hearing procedures in Section 53753 of the Government Code,~~
4 to levy a standby or carrying charge, ~~not to exceed ten dollars (\$10)~~
5 ~~per acre or fraction of acre per year,~~ against each acre of land or
6 fraction thereof to which a service provided by the district is
7 available, irrespective of whether the service is actually used. *The*
8 *standby or carrying charge shall not exceed ten dollars (\$10) per*
9 *acre or fraction of acre per year, unless the standby charge is*
10 *imposed pursuant to the Uniform Standby Charge Procedures Act*
11 *(Chapter 12.4 (commencing with Section 54984) of Part 1 of*
12 *Division 2 of Title 5 of the Government Code).* However, no
13 standby or carrying charge for water service shall be applied to
14 lands situated more than one-quarter of a mile from an available
15 main or service connection. The resolution shall be published one
16 time in a newspaper of general circulation in the district at least
17 seven days before the effective date of the standby charge.

18 *If the procedures set forth in this section as it read at the time*
19 *a standby charge was established were followed, the district may,*
20 *by resolution, continue the charge pursuant to this section in*
21 *successive years at the same rate. If new, increased, or extended*
22 *assessments are proposed, the district shall comply with the notice,*
23 *protest, and hearing procedures in Section 53753 of the*
24 *Government Code.*

25 SEC. 55. Section 441 of the Placer County Flood Control and
26 Water Conservation District Act (Chapter 689 of the Statutes of
27 1984) is amended to read:

28 Sec. 441. The district shall have authority, ~~by resolution~~
29 ~~following notice and public hearing, pursuant to the notice, protest,~~
30 ~~and hearing procedures in Section 53753 of the Government Code,~~
31 to levy a standby or carrying charge, ~~not to exceed ten dollars (\$10)~~
32 ~~per acre or fraction of acre per year,~~ against each acre of land or
33 fraction thereof to which a service provided by the district is
34 available, irrespective of whether the service is actually used. *The*
35 *standby or carrying charge shall not exceed ten dollars (\$10) per*
36 *acre or fraction of acre per year, unless the standby charge is*
37 *imposed pursuant to the Uniform Standby Charge Procedures Act*
38 *(Chapter 12.4 (commencing with Section 54984) of Part 1 of*
39 *Division 2 of Title 5 of the Government Code).* However, no
40 standby or carrying charge for water service shall be applied to

1 lands situated more than one-quarter of a mile from an available
2 main or service connection. The resolution shall be published one
3 time in a newspaper of general circulation in the district at least
4 seven days before the effective date of the standby charge.

5 *If the procedures set forth in this section as it read at the time*
6 *a standby charge was established were followed, the district may,*
7 *by resolution, continue the charge pursuant to this section in*
8 *successive years at the same rate. If new, increased, or extended*
9 *assessments are proposed, the district shall comply with the notice,*
10 *protest, and hearing procedures in Section 53753 of the*
11 *Government Code.*

12 SEC. 56. Section 420 of the Colusa Basin Drainage District
13 Act (Chapter 1399 of the Statutes of 1987) is amended to read:

14 Sec. 420. (a) The board may, by resolution following notice
15 and public hearing, fix rates or charges for services provided by
16 the district, ~~including standby charges not to exceed ten dollars~~
17 ~~(\$10) per year per acre or parcel less than an acre,~~ reflecting the
18 reasonable cost and value of providing that service. If the board
19 determines that rates or charges for services are an appropriate
20 means for raising the cost of those services in lieu of, or in addition
21 to, the assessment provided in Part 7 (commencing with Section
22 700), the board shall adopt a resolution determining those rates or
23 charges for services provided that are deemed to be appropriate
24 and directing that notice be given of the proposed fixing of rates
25 or charges. The resolution shall identify the nature of the rate or
26 charge proposed to be fixed, the area in which the rate or charge
27 is to be imposed, and the nature of the benefit for which the rate
28 or charge shall be collected.

29 A notice of the resolution shall be published once a week for
30 two successive weeks in a newspaper of general circulation
31 published in the county seat of each county located within the area
32 as to which the rates or charges are to be made applicable. The
33 notice shall recite the time and date of the hearing to be held by
34 the board upon the proposed rates or charges.

35 At the conclusion of the hearing, the board may adopt a
36 resolution fixing the rates or charges, setting forth the area within
37 which the rate or charge shall be applied, the amount, the charge,
38 and the nature of the service for which the rate or charge is
39 imposed. One week prior to the date on which the rate or charge
40 is made payable, a notice shall be published in the same newspaper

1 of general circulation setting forth the nature and amount of the
2 charge, the due date, the delinquency date, and the penalty and
3 interest to be imposed if not paid prior to delinquency.

4 (b) *The board may, pursuant to the notice, protest, and hearing*
5 *procedures in Section 53753 of the Government Code, fix standby*
6 *charges not to exceed ten dollars (\$10) per year per acre or parcel*
7 *less than an acre, unless the standby charge is imposed pursuant*
8 *to the Uniform Standby Charge Procedures Act (Chapter 12.4*
9 *(commencing with Section 54984) of Part 1 of Division 2 of Title*
10 *5 of the Government Code). If the procedures set forth in this*
11 *section as read at the time a standby charge was established were*
12 *followed, the board may, by resolution, continue the charge*
13 *pursuant to this section in successive years at the same rate. If*
14 *new, increased, or extended assessments are proposed, the board*
15 *shall comply with the notice, protest, and hearing procedures in*
16 *Section 53753 of the Government Code.*

17 SEC. 57. Section 12 of the Monterey County Water Resources
18 Agency Act (Chapter 1159 of the Statutes of 1990) is amended to
19 read:

20 Sec. 12. (a) The agency, by ordinance, may fix, on or before
21 August 31 in each calendar year, a water standby or availability
22 charge for any lands to which water is made available by the
23 agency, whether the water is actually used or not. The water
24 standby charge shall be used for ongoing maintenance and
25 operation of the zones of the agency upon which the charge is
26 imposed, as well as for retirement of any bonded indebtedness
27 attributable to that zone.

28 (b) The standby charge for each zone shall not exceed fifteen
29 dollars (\$15) per acre per year for each acre of land or fifteen
30 dollars (\$15) per year for a parcel less than one acre, unless the
31 standby charge is imposed pursuant to the Uniform Standby Charge
32 Procedures Act (Chapter 12.4 (commencing with Section 54984)
33 of Part 1 of Division 2 of Title 5 of the Government Code).

34 (c) ~~The ordinance fixing a standby charge shall be adopted by~~
35 ~~the board only after adoption of a resolution setting forth the~~
36 ~~particular schedule or schedules of charges proposed to be~~
37 ~~established by ordinance and after notice and hearing. The adoption~~
38 ~~of the ordinance shall be subject to referendum pursuant to Section~~
39 ~~5200 of the Elections Code pursuant to the notice, protest, and~~
40 ~~hearing procedures in Section 53753 of the Government Code.~~

1 Notice of the hearing shall be given by publication, pursuant to
2 Section 6066 of the Government Code, in a newspaper of general
3 circulation within the agency and by posting on or near the doors
4 of the meeting place of the board or on any official bulletin board
5 customarily used for the purpose of posting of public notices.
6 Publication and posting shall be completed at least seven days
7 prior to the date set for hearing.

8 *If the procedures set forth in this section as it read at the time*
9 *a standby charge was established were followed, the agency may,*
10 *by resolution, continue the charge pursuant to this section in*
11 *successive years at the same rate. If new, increased, or extended*
12 *assessments are proposed, the agency shall comply with the notice,*
13 *protest, and hearing procedures in Section 53753 of the*
14 *Government Code.*

15 (d) The ordinance fixing a standby charge may establish
16 schedules varying the charges according to land uses, water uses,
17 and degree of water availability.

18 (e) The board shall furnish in writing to the county board of
19 supervisors and the county auditor a description of each parcel of
20 land within the agency upon which a standby charge is to be levied
21 and collected for the current fiscal year, together with the amount
22 of standby charge fixed by the agency on each parcel of land.

23 (f) The board shall direct that, at the time and in the manner
24 required by law for the levying of taxes for county purposes the
25 board of supervisors shall levy, in addition to any other tax it levies,
26 the standby charge in the amounts for the respective parcels fixed
27 by the board.

28 (g) All county officers charged with the duty of collecting taxes
29 shall collect agency standby charges with the regular tax payments
30 to the county. The charges shall be collected in the same form and
31 manner as county taxes are collected, and shall be paid to the
32 agency.

33 (h) Charges fixed by the agency, including water tolls or charges,
34 shall be a lien on all property against which the charge is imposed
35 or to which the water is delivered. Liens for the charges shall be
36 of the same force and effect as other liens for taxes, and their
37 collection may be enforced by the same means as provided for the
38 enforcement of liens for state and county taxes.

1 SEC. 58. Section 603 of the San Diego Area Wastewater
2 Management District Act (Chapter 803 of the Statutes of 1992) is
3 amended to read:

4 Sec. 603. The board may, by ordinance, *pursuant to the notice,*
5 *protest, and hearing procedures in Section 53753 of the*
6 *Government Code*, fix on or before the third Monday in August
7 in each fiscal year, a sewer standby availability charge on land
8 within the boundaries of the district to which sewer services are
9 made available by the district, whether the service is actually used
10 or not.

11 SEC. 59. Section 604 of the San Diego Area Wastewater
12 Management District Act (Chapter 803 of the Statutes of 1992) is
13 amended to read:

14 Sec. 604. ~~(a)~~The sewer standby availability charge shall be
15 adopted by the board only after adoption of a resolution setting
16 forth the particular schedule or schedules of charges proposed to
17 be established by ordinance and after a public hearing on the
18 resolution. *If the procedures set forth in this section as it read at*
19 *the time a standby charge was established were followed, the board*
20 *may, by ordinance, continue the charge pursuant to Section 603*
21 *in successive years at the same rate. If new, increased, or extended*
22 *assessments are proposed, the board shall comply with the notice,*
23 *protest, and hearing procedures in Section 53753 of the*
24 *Government Code.*

25 ~~(b)~~ ~~The secretary shall cause notice of a time and place of~~
26 ~~hearing to be published pursuant to Section 6066 of the~~
27 ~~Government Code, prior to the date set for the hearing, in a~~
28 ~~newspaper of general circulation printed and published within the~~
29 ~~district.~~

30 ~~(c)~~ ~~At the time stated in the notice, the board shall hear and~~
31 ~~consider all objections or protests, if any, to the resolution referred~~
32 ~~to in the notice and may continue the hearing from time to time.~~
33 ~~Upon conclusion of the hearing, the board may adopt, revise,~~
34 ~~charge, reduce, or modify a proposed charge, or overrule any or~~
35 ~~all objections. The board shall make its determination upon each~~
36 ~~charge as described in the resolution. The determination shall be~~
37 ~~final.~~

38 SEC. 60. (a) The Legislature finds and declares all of the
39 following:

1 (1) On November 5, 1996, the voters of California adopted
2 Proposition 218, “The Right to Vote on Taxes Act,” which
3 comprises Articles XIII C and XIII D of the California Constitution.

4 (2) Numerous statutes relating to local finance that were enacted
5 prior to the passage of Proposition 218, including many relating
6 to the imposition of standby charges, are inconsistent with the
7 constitutional requirements established by Proposition 218 and
8 subsequent implementing legislation.

9 (3) The continued presence of these outdated provisions in state
10 statutes, more than a decade after Proposition 218 took effect, may
11 cause confusion and uncertainty among property owners subject
12 to standby charges or local agencies seeking to fix standby charges
13 in compliance with Proposition 218.

14 (b) It is the intent of the Legislature in enacting this act to
15 conform statutory language relating to the imposition of standby
16 charges by local agencies to the requirements of Article XIII D of
17 the California Constitution and its implementing statutes. This act
18 is intended to be declarative of existing law.