

AMENDED IN ASSEMBLY JUNE 9, 2011

AMENDED IN SENATE MARCH 14, 2011

**SENATE BILL**

**No. 235**

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**Introduced by Senator Negrete McLeod**

February 9, 2011

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An act to add Section 74209 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 235, as amended, Negrete McLeod. Water conservation districts: reduction in number of directors.

The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts.

This bill would authorize a water conservation district, ~~except districts within the County of Ventura, whose~~ *with a* board of directors ~~consists consisting~~ of 7 directors, to reduce the number of directors to 5, consistent with specified requirements. *The bill would not apply to districts within the County of Ventura.*

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 74209 is added to the Water Code, to  
2 read:  
3 74209. (a) A district ~~whose board consists~~ *with a board*  
4 *consisting* of seven directors may reduce the number of directors  
5 to five pursuant to this section. A reduction in the number of

1 directors shall not be made within 180 days preceding the election  
2 of a director.

3 (b) In order to reduce the number of directors pursuant to this  
4 section, the board shall adopt, by a recorded vote of ~~a majority~~  
5 *two-thirds* of the total membership of the board, a resolution  
6 proposing to reduce the number of directors from seven to five.  
7 The resolution shall contain a map and description of the  
8 boundaries for the five divisions proposed to be established.

9 (c) The secretary of the district shall set a date for a public  
10 hearing on the proposal to reduce the number of directors, which  
11 shall be not less than 30 days and not more than 60 days after the  
12 date on which the board adopted the resolution described in  
13 subdivision (b). The secretary shall give notice of the hearing,  
14 which shall include a description of the proposal and shall contain  
15 a map and general description of the proposed boundaries of the  
16 five divisions. The secretary shall give notice of the hearing by  
17 publishing a notice pursuant to Section 6063 of the Government  
18 Code in at least one newspaper of general circulation within the  
19 jurisdiction of the district at least 10 days before the hearing. In  
20 addition, the secretary shall mail the notice to a person who has  
21 filed a written request for notice with the secretary at least 10 days  
22 before the hearing.

23 (d) At the hearing, the board shall receive and consider any  
24 written or oral comments regarding the proposed reduction in the  
25 number of directors. After receiving and considering those  
26 comments, the board, by a recorded vote of ~~a majority~~ *two-thirds*  
27 of the total membership of the board, shall do either of the  
28 following:

29 (1) Disapprove the proposal.

30 (2) Adopt a resolution that orders the reduction in the number  
31 of members of the board.

32 (e) The adoption of a resolution that orders a reduction in the  
33 number of members of the board pursuant to this section is a  
34 legislative act that is subject to referendum pursuant to Article 2  
35 (commencing with Section 9340) of Chapter 4 of Division 9 of  
36 the Elections Code.

37 (f) A reduction in the number of directors and a change in  
38 division boundaries pursuant to this section shall not affect the  
39 term of office of any director. A director of a division ~~whose~~ *for*  
40 *which* boundaries have been changed shall continue to be the

1 director of the division bearing the number of his or her division  
2 until the office becomes vacant by means of term expiration or  
3 otherwise, whether or not the director is a resident within the  
4 boundaries of the division as changed. The successor to the office  
5 of a division ~~whose~~ *for which* boundaries have been changed shall  
6 be a resident and voter of that division.

7 (g) This section does not apply to districts within the County  
8 of Ventura, which are subject to the provisions of Chapter 4  
9 (commencing with Section 74450) of Part 4.

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