

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE APRIL 11, 2012

**SENATE BILL**

**No. 1090**

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**Introduced by Committee on Governance and Finance (Senators  
Wolk (Chair), Dutton, DeSaulnier, Fuller, Hancock, Hernandez,  
Huff, Kehoe, La Malfa, and Liu)**

February 15, 2012

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An act to amend Sections 12463, 23110, 23124, 34460, 40471, 51191, 51191.3, 51192.1, 51192.2, 53243.4, 53892.1, 65302.10, 66442, and 66450 of, and to add Section 54712 to, the Government Code, to amend Sections 5473.8, 5473.11, and 5474.6 of the Health and Safety Code, to amend Sections 36622, 36623, 36629, and 36671 of the Streets and Highways Code, to amend Section 37212 of the Water Code, and to amend Sections 5, 8, 21, and 24 of, to add Sections 3.1 and 3.2 to, to repeal Sections 19, 20, and 22 of, and to repeal and add Section 3 of, Chapter 931 of the Statutes of 1951, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1090, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law requires the Controller to compile and publish reports of the financial transactions of each county, city, and special district within this state, together with any other matter he or she deems of public interest. Existing law requires the Controller to annually publish reports of the financial transactions of each school district within this state, together with any other matter he or she deems of public interest.

This bill would require the Controller to publish the annual reports of the financial transactions of each school district on the Internet Web site of the Controller.

(2) Existing law sets forth the boundary descriptions of every county in the state, including the Counties of Fresno and Merced.

This bill would revise the boundary descriptions for the Counties of Fresno and Merced.

(3) Existing law requires 3 copies of the complete text of a charter proposal or of any amended or repealed section ratified by the voters of a city or city and county to be certified and authenticated by the chairperson and the clerk of the governing body and attested by the city clerk, setting forth the submission of the charter to the voters of the city, and its ratification by them.

This bill would clarify that the copies filed with the county recorder are recorded, and that the copies with the city archives are filed.

(4) Existing law authorizes the legislative body of a general law city to impose a sidewalk installation charge, as specified, upon an affirmative vote of a majority of all of the electors of the city voting on the proposition at an election called for that purpose. The California Constitution conditions the imposition of a special tax on a city, county, or special district upon the approval of  $\frac{2}{3}$  of the voters of the city, county, or special district voting on that tax. Existing law implements this provision of the Constitution.

This bill would require the legislative body of a general law city to submit a sidewalk installation charge to the voters and receive a  $\frac{2}{3}$  vote to approve the charge prior to imposing the charge, thereby conforming these provisions to existing law.

(5) Existing law authorizes the parties to a Williamson Act contract, after approval by the Department of Conservation, in consultation with the Department of Food and Agriculture, to mutually agree to rescind the contract entered into under the Williamson Act in order to simultaneously enter into a solar-use easement that would require that the land be used for solar photovoltaic facilities for a term no less than 20 years, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

(6) Existing law, commencing January 1, 2012, requires any contract executed or renewed between a local agency and an officer or employee of the local agency to include a provision that requires an officer or employee of a local agency who is convicted of a crime involving an

abuse of his or her office or position, as defined, to fully reimburse the local agency for specified payments made by that local agency to the officer or employee, as specified. Existing law defines the term “abuse of office or position” to include, among other things, a crime against public justice, including, but not limited to, specified crimes related to bribery or corruption of any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy.

This bill would additionally include within that definition, specified crimes related to bribery or corruption of any executive officer in this state.

(7) Existing law requires the Superintendent of Public Instruction to make available to the Controller, on an as-needed basis, data and other matters required by the Controller pursuant to existing law.

This bill would authorize the Controller to prescribe the time, manner, and format in which the ~~superintendent~~ *Superintendent* is required to provide that data.

(8) The Benefit Assessment Act of 1982 authorizes local agencies, as defined, to impose benefit assessments to finance the maintenance and operation costs of drainage, flood control, street lighting, and streets, roads, or highways, if that local agency is authorized to provide those services.

This bill would authorize a local agency that has imposed an assessment pursuant to these provisions to bring an action in superior court to determine the validity of the assessment, as specified.

(9) On or before the due date for the next adoption of its housing element, existing law requires each city or county to review and update the land use element of its general plan to include, if a city, an identification of each unincorporated island or fringe community within the city’s sphere of influence, or, if a county, an identification of each legacy community within the boundaries of the county.

This bill would instead require the update of the land use element to include, if a city, an identification of each island or fringe community within the city’s sphere of influence that is a disadvantaged unincorporated community, or, if a county, an identification of each legacy community within the boundaries of the county that is a disadvantaged unincorporated community. The bill would require the update to be based on certain available data, as specified.

(10) The Subdivision Map Act requires a certificate or statement by the city engineer or surveyor, or county surveyor, for specified maps,

and requires the official to provide, among other things, his or her registration or license number with expiration date, as specified.

This bill would eliminate the requirement that the official provide the expiration date of his or her registration number or license.

(11) Existing law authorizes various local public entities to prescribe fees or other charges for services and facilities furnished by them in connection with their water, sanitation, storm drainage, or sewerage system, as well as for the privilege of connecting to these sanitation or sewerage facilities. These charges, under specified circumstances, may be collected on the tax roll in the same manner as property taxes and the amount of the charges constitutes a lien against the lot or parcel against which the charge has been imposed, unless the real property has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attached prior to the date upon which the first installment of the property taxes would become delinquent.

This bill would instead require the transfer, conveyance, or attachment to occur during the year prior to the date on which the first installment of property taxes that evidence the charges appears on the tax roll, in order to preclude the local public entity's lien from attaching to the real property of the bona fide purchaser or encumbrancer for value.

(12) Existing law requires the charges for the above-described services and facilities to remain delinquent for 60 days and the imposing entity to provide the assessee with notice of the delinquency, in order for the charges to constitute a lien against the lot or parcel of land for which the service was provided.

This bill would delete the 60-day delinquency and notice requirements and, instead, authorize the amount of unpaid charges to be secured at any time by filing a specified certificate in the office of the county recorder. This bill would provide that the amount required to be paid, with interest and a penalty, constitutes a lien on all real property owned by the person or afterwards acquired by him or her before the lien expires.

(13) Existing law provides procedures for the collection of unpaid charges by a water district for water or other services. These unpaid charges become a lien on the parcel of land upon which the water and other services were used, unless the real property has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attached prior to the date of which the first installment of taxes would become delinquent.

This bill would require the transfer, conveyance, or attachment to occur during the year prior to the date on which the first installment of real property taxes that evidence the charges appears on the tax roll, in order for the water district's lien to not attach to the real property of the bona fide purchaser or encumbrancer for value.

(14) Existing law provides procedures to a city council that proposes to levy a new or increased property assessment or a new or increased business assessment.

This bill would set forth procedures to apply to a city council that proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, as specified.

(15) The Property and Business Improvement District Law of 1994, requires a management district plan for a district to include, among other things, the improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

This bill would specify that, if the improvements and activities proposed for each year of operation of the district are the same, this requirement may be satisfied if the management plan includes a description of the first year's proposed improvements and activities and a statement that the same improvements and activities are proposed for subsequent years.

The Property and Business Improvement District Law of 1994 also requires a management district plan for a district to include, among other things, the total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

The bill would provide that if the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years may satisfy this requirement. This bill would also authorize this amount to be based upon the assessment rate if the assessment is levied on businesses.

The bill would also correct an erroneous reference within the Property and Business Improvement District Law of 1994.

(16) The Property and Business Improvement District Law of 1994 provides that a city council may adopt a resolution for the disestablishment of a district under specified circumstances. Existing law requires, upon the disestablishment of a district, any specified remaining revenues to be refunded to the owners of the property or

businesses then located and operating within the district in which assessments were levied, as specified.

This bill would additionally provide, upon the expiration without renewal of the district for the refund of any specified remaining revenues to the owners of property or businesses then located and operating within the district in which assessments were levied, as specified.

(17) The Kings River Conservation District Act establishes the Kings River Conservation District, and authorizes the board of the district to exclude specific territory within the district, as specified. The act divides the district into divisions for purposes of elections, and requires the board of the district to revise the divisions upon adding or removing territory from the district, except that the board is prohibited from revising the division of districts within the 3 months immediately following the preceding general district election. The act additionally defines the term “general district election” to mean the election required to be held in the district on the first Tuesday after the first Monday in November in each odd-numbered year.

This bill would repeal this provision, and would additionally require the district board to adopt a resolution on or before May 1, 2013, that divides the district into 7 electoral districts, as specified. The bill would also set forth the procedure by which the directors of the board may be elected, and would require the board to review the boundaries of the 7 districts before November 1 of the year following the year in which each decennial census is taken. The bill would prohibit the board from making any changes to the division of the district within the 180 days immediately ~~proceeding~~ *preceding* a general district election. The bill would revise the definition of the term “general district election” to mean the election required to be held in the district on the first Tuesday after the first Monday in November in each even-numbered year. The bill would additionally make conforming changes to the act. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) This act shall be known, and may be cited,  
2 as the Local Government Omnibus Act of 2012.

3 (b) The Legislature finds and declares that Californians want  
4 their governments to run efficiently and economically and that  
5 public officials should avoid waste and duplication whenever  
6 possible. The Legislature further finds and declares that it desires  
7 to control its own costs by reducing the number of separate bills.  
8 Therefore, it is the intent of the Legislature in enacting this act to  
9 combine into a single measure several minor, noncontroversial  
10 statutory changes relating to the common theme, purpose, and  
11 subject of local government.

12 SEC. 2. Section 12463 of the Government Code is amended  
13 to read:

14 12463. (a) The Controller shall compile and publish reports  
15 of the financial transactions of each county, city, and special  
16 district, respectively, within this state, together with any other  
17 matter he or she deems of public interest. The reports shall include  
18 the appropriations limits and the total annual appropriations subject  
19 to limitation of the counties, cities, and special districts. The reports  
20 to the Controller shall be made in the time, form, and manner  
21 prescribed by the Controller.

22 (b) Effective January 1, 2005, the Controller shall compile and  
23 publish reports of the financial transactions of each county, city,  
24 and special district pursuant to subdivision (a) on or before August  
25 1, September 1, and October 1 respectively, of each year following  
26 the end of the annual reporting period. The Controller shall make  
27 data collected pursuant to this subdivision available upon request  
28 to the Legislature and its agents, on or before April 1 of each year.

29 (c) The Controller shall annually publish, on the Internet Web  
30 site of the Controller, reports of the financial transactions of each  
31 school district within this state, together with any other matter he  
32 or she deems of public interest. The reports shall include the  
33 appropriations limit and the total annual appropriations subject to  
34 limitation of the school district. The reports to the Controller shall  
35 be made in the time, form, and manner prescribed by the Controller.

36 (d) As used in this section, the following terms have the  
37 following meanings:

1 (1) "School district" means a school district as defined in Section  
2 80 of the Education Code.

3 (2) "Special district" means any of the following:

4 (A) A special district as defined in Section 95 of the Revenue  
5 and Taxation Code.

6 (B) A commission provided for by a joint powers agreement  
7 pursuant to Chapter 5 (commencing with *Section 6500*) of Division  
8 7 of Title 1.

9 (C) A nonprofit corporation that is any of the following:

10 (i) Was formed in accordance with the provisions of a joint  
11 powers agreement to carry out functions specified in the agreement.

12 (ii) Issued bonds, the interest on which is exempt from federal  
13 income taxes, for the purpose of purchasing land as a site for, or  
14 purchasing or constructing, a building, stadium, or other facility,  
15 that is subject to a lease or agreement with a local public entity.

16 (iii) Is wholly owned by a public agency.

17 SEC. 3. Section 23110 of the Government Code is amended  
18 to read:

19 23110. The boundaries of Fresno County are as follows:

20 Beginning on the south line of Merced at a point where said line  
21 crosses the San Joaquin River; thence south, 45 degrees west, and  
22 on the line of Merced, to the centerline of a drain in the Southwest  
23 Quarter of the Southwest Quarter of Section 6, T. 11 S., R. 13 E.,  
24 M.D.B.&M; thence along said centerline southeasterly to the  
25 centerline of Colony East Ditch Canal; thence southerly along said  
26 centerline to the south line of the north half of the Southeast  
27 Quarter of Section 7, said Township and Range; thence westerly  
28 along said south line to the northeast corner of the west half of the  
29 Southwest Quarter of the Southeast Quarter of said section; thence  
30 southerly along the east line of said west half to the south line of  
31 said Section; thence westerly along said line to the North Quarter  
32 corner of Section 18, said Township and Range; thence southerly  
33 along the north-south centerline of Section 18 and Section 19 to  
34 the south line of Section 19; thence westerly along said south line  
35 and the south line of Sections 24 & 23 & 22 & 21 in T. 11 S., R.  
36 12 E. to a point that is south 45 degrees west from said line of  
37 Merced; thence south 45 degrees west to the eastern boundary line  
38 of San Benito; thence southeasterly along said boundary line to  
39 the southeast corner of T. 16 S. R. 12 E.; thence easterly along the  
40 south line of T. 16 S. to the northeast corner of T. 17 S., R. 12 east;

1 thence southerly along the east line of R. 12 E. to the point where  
2 the summit line of the Coast Range Mountains crosses the east  
3 line of R. 12 east and continuing along said San Benito boundary  
4 along the summit line to Monterey; thence continuing along the  
5 Monterey boundary and said summit line in a southerly and  
6 southeasterly direction, to a point in that boundary, which point is  
7 south 45 degrees west from the point on Kings River where the  
8 northern line of T. 16 S. crosses the Kings River; said point being  
9 the common corner of Fresno, Monterey, and Kings; said corner  
10 point defined by survey recorded in Book 42 of Record of Surveys  
11 at Pages 57 and 58, Fresno County Records; thence along the  
12 Fresno-Kings boundary, as defined by said survey north 47° 12'  
13 09" east, to the northwest corner of Section 19, T. 20 S., R. 19 E.;  
14 thence north along the west line of R. 19 E. to the north line of T.  
15 18 S.; thence east along the north line of T. 18 S. to the centerline  
16 of Kings River; thence easterly along the centerline of Kings River  
17 to the point that intersects the south 45 degrees west boundary,  
18 said boundary is south 45 degrees west from the point on Kings  
19 River where the northern line of T. 16 S. crosses the Kings River;  
20 thence north 45 degrees east to the point on the Kings River where  
21 the northern line of T. 16 S. crosses the Kings River; thence east  
22 along the northern line of T. 16 S. and continuing on said line to  
23 the northwest corner of T. 16 S., R. 25 E.; thence north to the  
24 northwest corner of T. 15 S., R. 25 E.; thence east to the northeast  
25 corner of T. 15 S., R. 27 E.; thence north to the northeast corner  
26 of T. 14 S. of R. 27 E.; thence east on the line between T. 13 and  
27 14 S. to the summit of the Sierra Nevada Mountains, being the  
28 western line of Inyo; thence northwesterly, on the summit line and  
29 lines of Inyo and Mono, to the common corner of Mono, Madera,  
30 and Fresno; thence southwesterly along the boundary of Madera  
31 to the point where the San Joaquin River crosses the south  
32 boundary line of T. 6 S., R. 24 E.; thence southwesterly and  
33 northwesterly following the meanderings of said river to a point  
34 on the southerly boundary of Merced, said point being the common  
35 corner of Fresno, Madera, and Merced and the place of beginning.

36 SEC. 4. Section 23124 of the Government Code is amended  
37 to read:

38 23124. The boundaries of Merced County are as follows:

39 Beginning at the northwest corner, being the southwest corner  
40 of Stanislaus as shown on the survey map of A. J. Stakes, 1868;

1 thence northeasterly, on southern line of Stanislaus to common  
2 corner of Tuolumne, Mariposa, Merced, and Stanislaus; thence  
3 southeasterly, by direct line, being western line of Mariposa, to  
4 Phillips' ferry, on Merced River; thence southeasterly, on line of  
5 Mariposa, being line shown on "map of Mariposa County," to  
6 Newton's crossing on Chowchilla Creek, forming the southeast  
7 corner; thence down the northern side and on high water mark,  
8 being on line of Madera to the lower clump of cottonwood timber  
9 at the sink of said creek; thence south, 45 degrees west, to the  
10 centerline of a drain in the Southwest Quarter of the Southwest  
11 Quarter of Section 6, Township 11 South, Range 13 east,  
12 M.D.B.&M; thence along said centerline southeasterly to the  
13 centerline of Colony East Ditch Canal; thence southerly along said  
14 centerline to the south line of the north half of the Southeast  
15 Quarter of Section 7, said Township and Range; thence westerly  
16 along said south line to the northeast corner of the west half of the  
17 Southwest Quarter of the Southeast Quarter of said section; thence  
18 southerly along the east line of said west half to the south line of  
19 said Section; thence westerly along said line to the North Quarter  
20 corner of Section 18, said Township and Range; thence southerly  
21 along the north-south centerline of said Section and Section 19 to  
22 the south line of Section 19; thence westerly along said south line  
23 and the south line of Sections 24 & 23 & 22 & 21 in Township 11  
24 south, Range 12 East to a point that is south 45 degrees west from  
25 said clump of cottonwood timber; thence south 45 degrees west  
26 to the eastern line of San Benito, forming the southwest corner;  
27 thence northwesterly, by said line of San Benito and Santa Clara,  
28 to the place of beginning.

29 SEC. 5. Section 34460 of the Government Code is amended  
30 to read:

31 34460. Three copies of the complete text of a charter proposal  
32 or of any amended or repealed section ratified by the voters of a  
33 city or city and county shall be certified and authenticated by the  
34 chairperson and the clerk of the governing body and attested by  
35 the city clerk, setting forth the submission of the charter to the  
36 voters of the city, and its ratification by them. One copy shall be  
37 recorded with the recorder of the county in which the city is  
38 located, and one filed in the archives of the city. In the case of a  
39 city and county, one copy shall be recorded with the recorder  
40 thereof, and one filed in the archives of the city and county. The

1 third copy shall be filed with the Secretary of State. Each copy  
2 recorded with the recorder of the county or city and county and  
3 filed in the archives of the city or city and county shall be filed  
4 with the following:

5 (a) Certified copies of all publications and notices required of  
6 the city by this chapter or by the laws of this state in connection  
7 with the calling of an election to propose, amend, or repeal a city  
8 charter.

9 (b) Certified copies of any arguments for or against the charter  
10 proposal, amendment, or repeal that were mailed to voters pursuant  
11 to Sections 9281 and 13303 of the Elections Code.

12 (c) A certified abstract of the vote at the election at which the  
13 charter proposal, amendment, or repeal was approved by the voters.

14 SEC. 6. Section 40471 of the Government Code is amended  
15 to read:

16 40471. The special charge described in Section 40470 shall  
17 only be imposed pursuant to Article 3.5 (commencing with Section  
18 50075) of Chapter 1 of Part 1 of Division 1 of Title 5. The charge  
19 shall be in an amount and for a period not to exceed five years  
20 which shall be stated on the ballot.

21 SEC. 7. Section 51191 of the Government Code is amended  
22 to read:

23 51191. (a) For purposes of this chapter, and for purposes of  
24 Chapter 7 (commencing with Section 51200), the Department of  
25 Conservation, in consultation with the Department of Food and  
26 Agriculture, upon a request from a city or county, may determine,  
27 based on substantial evidence, that a parcel or parcels is eligible  
28 for rescission under Section 51255.1 for placement into a solar-use  
29 easement if the following criteria are met:

30 (1) The land meets either of the following:

31 (A) The land consists predominately of soils with significantly  
32 reduced agricultural productivity for agricultural activities due to  
33 chemical or physical limitations, topography, drainage, flooding,  
34 adverse soil conditions, or other physical reasons.

35 (B) The land has severely adverse soil conditions that are  
36 detrimental to continued agricultural activities and production.  
37 Severely adverse soil conditions may include, but are not limited  
38 to, contamination by salts or selenium, or other naturally occurring  
39 contaminants.

1 (2) The parcel or parcels are not located on lands designated as  
2 prime farmland, unique farmland, or farmland of statewide  
3 importance, as shown on the maps prepared pursuant to the  
4 Farmland Mapping and Monitoring Program of the California  
5 Natural Resources Agency, unless the Department of Conservation,  
6 in consultation with the Department of Food and Agriculture,  
7 determines that a parcel or parcels are eligible to be placed in a  
8 solar-use easement based on the information provided in  
9 subdivision (b) that demonstrates that circumstances exist that  
10 limit the use of the parcel for agricultural activities. For purposes  
11 of this section, the important farmland designations shall not be  
12 changed solely due to irrigation status.

13 (b) To assist in the determination described in this section, the  
14 city or county shall require the landowner to provide to the  
15 Department of Conservation the following information to the extent  
16 applicable:

17 (1) A written narrative demonstrating that even under the best  
18 currently available management practices, continued agricultural  
19 practices would be substantially limited due to the soil's reduced  
20 agricultural productivity from chemical or physical limitations.

21 (2) A recent soil test demonstrating that the characteristics of  
22 the soil significantly reduce its agricultural productivity.

23 (3) An analysis of water availability demonstrating the  
24 insufficiency of water supplies for continued agricultural  
25 production.

26 (4) An analysis of water quality demonstrating that continued  
27 agricultural production would, under the best currently available  
28 management practices, be significantly reduced.

29 (5) Crop and yield information for the past six years.

30 (c) The landowner shall provide the Department of Conservation  
31 with a proposed management plan describing how the soil will be  
32 managed during the life of the easement, how impacts to adjacent  
33 agricultural operations will be minimized, how the land will be  
34 restored to its previous general condition, as it existed at the time  
35 of project approval, upon the termination of the easement. If the  
36 Department of Conservation determines, in consultation with the  
37 Department of Food and Agriculture, pursuant to subdivision (a),  
38 that lands are subject to this section, the city or county shall require  
39 implementation of the management plan, which shall include any

1 recommendations provided by the Department of Conservation,  
2 as part of any project approval.

3 (d) A determination by the Department of Conservation pursuant  
4 to this section related to a project described in Section ~~21080.43~~  
5 *21080* of the Public Resources Code shall not be subject to  
6 Division 13 (*commencing with Section 21000*) of the Public  
7 Resources Code.

8 (e) The Department of Conservation may establish a fee to be  
9 paid by the landowner to recover the estimated costs incurred by  
10 the department in participating in the consultation described in  
11 this section.

12 SEC. 8. Section 51191.3 of the Government Code is amended  
13 to read:

14 51191.3. (a) A county or city may require a deed or other  
15 instrument described in subdivision (c) of Section 51190 to contain  
16 any restrictions, conditions, or covenants as are necessary or  
17 desirable to restrict the use of the land to photovoltaic solar  
18 facilities.

19 (b) The restrictions, conditions, or covenants may include, but  
20 are not limited to, the following:

21 (1) Mitigation measures on the land that is subject to the  
22 solar-use easement.

23 (2) Mitigation measures beyond the land that is subject to the  
24 solar-use easement.

25 (3) If deemed necessary by the city or county to ensure that  
26 decommissioning requirements are met, the provision for financial  
27 assurances, such as performance bonds, letters of credit, a corporate  
28 guarantee, or other securities to fund, upon the cessation of the  
29 solar photovoltaic use, the restoration of the land that is subject to  
30 the easement to the conditions that existed before the approval or  
31 acceptance of that easement by the time that the easement  
32 terminates.

33 (4) Provision for necessary amendments by the parties provided  
34 that the amendments are consistent with the provisions of this  
35 chapter.

36 (c) For term easements or self-renewing easements, the  
37 restrictions, conditions, or covenants shall include a requirement  
38 for the landowner to post a performance bond or other securities  
39 to fund the restoration of the land that is subject to the easement  
40 to the conditions that existed before the approval or acceptance of

1 the easement by the time the easement is extinguished. The  
2 Department of Conservation may adopt regulations pursuant to  
3 the Administrative Procedure Act (Chapter 3.5 (commencing with  
4 Section 11340) of Division 3 of Title 2) to implement this  
5 subdivision.

6 SEC. 9. Section 51192.1 of the Government Code is amended  
7 to read:

8 51192.1. In the case of a solar-use easement that is extinguished  
9 because of a notice of nonrenewal by the landowner or due to  
10 termination, the landowner shall restore the land that is subject to  
11 the easement to the conditions that existed before the approval of  
12 the easement by the time the easement is extinguished.

13 SEC. 10. Section 51192.2 of the Government Code is amended  
14 to read:

15 51192.2. (a) If all or a portion of the parcel held in a solar-use  
16 easement will no longer be used for the purposes outlined in the  
17 easement the landowner may petition the county or city to approve  
18 termination of the easement.

19 (b) Prior to any action by the county or city giving tentative  
20 approval to the termination of any easement, the county assessor  
21 of the county in which the land is located shall determine the  
22 current fair market value of the parcel or parcels to be terminated  
23 as though the parcel or parcels were free of the easement restriction.  
24 The assessor shall certify to the county or city the termination  
25 valuation of the parcel or parcels for the purpose of determining  
26 the termination fee. At the same time, the assessor shall send a  
27 notice to the landowner and the Department of Conservation  
28 indicating the current fair market value of the parcel or parcels as  
29 though the parcel or parcels were free of the easement restriction  
30 and advise the parties, that upon their request, the assessor shall  
31 provide all information relevant to the valuation, excluding  
32 third-party information. If any information is confidential or  
33 otherwise protected from release, the department and the landowner  
34 shall hold it as confidential and return or destroy any protected  
35 information upon completion of all actions relating to valuation  
36 or termination of the easement on the property. The notice shall  
37 also advise the landowner and the department of the opportunity  
38 to request formal review from the assessor.

39 (c) Prior to giving tentative approval to the termination of any  
40 easement, the county or city shall determine and certify to the

1 county auditor the amount of the termination fee that the landowner  
2 shall pay the county treasurer upon termination. That fee shall be  
3 an amount equal to 12½ percent of the termination valuation of  
4 the property.

5 (d) If it finds that it is in the public interest to do so, the county  
6 or city may waive any payment or any portion of a payment by  
7 the landowner, or may extend the time for making the payment or  
8 a portion of the payment contingent upon the future use made of  
9 the parcel or parcels and the parcel or parcels economic return to  
10 the landowner for a period of time not to exceed the unexpired  
11 period of the easement, had it not been terminated, if both of the  
12 following occur:

13 (1) The termination is caused by an involuntary transfer or  
14 change in the use which may be made of the land and the land is  
15 not immediately suitable, nor will be immediately used, for a  
16 purpose which produces a greater economic return to the owner.

17 (2) The waiver or extension of time is approved by the Secretary  
18 of the Natural Resources Agency. The secretary shall approve a  
19 waiver or extension of time if the secretary finds that the granting  
20 of the waiver or extension of time by the county or city is consistent  
21 with the policies of this chapter and that the county or city complied  
22 with this article. In evaluating a request for a waiver or extension  
23 of time, the secretary shall review the findings of the county or  
24 city, the evidence in the record of the county or city, and any other  
25 evidence the secretary may receive concerning the termination,  
26 waiver, or extension of time.

27 (e) When termination fees required by this section are collected,  
28 they shall be transmitted by the county treasurer to the Controller  
29 and deposited in the General Fund, except as provided in  
30 subdivision (b) of Section 51203 or subdivision (d) of Section  
31 51283.

32 (f) It is the intent of the Legislature that fees paid to terminate  
33 a contract do not constitute taxes but are payments that, when  
34 made, provide a private benefit that tends to increase the value of  
35 the property.

36 SEC. 11. Section 53243.4 of the Government Code is amended  
37 to read:

38 53243.4. For purposes of this article, “abuse of office or  
39 position” means either of the following:

1 (a) An abuse of public authority, including, but not limited to,  
2 waste, fraud, and violation of the law under color of authority.

3 (b) A crime against public justice, including, but not limited to,  
4 a crime described in Title 5 (commencing with Section 67) or Title  
5 7 (commencing with Section 92) of Part 1 of the Penal Code.

6 SEC. 12. Section 53892.1 of the Government Code is amended  
7 to read:

8 53892.1. For the purpose of permitting the compilation of the  
9 financial transactions of school districts by the Controller as  
10 required by Section 12463, the Superintendent of Public Instruction  
11 shall make available to the Controller, on an as-needed basis and  
12 in the time, manner, and format as prescribed by the Controller,  
13 data and other matters required by this article by the Controller.  
14 The Superintendent shall derive the data and other matters required  
15 for purposes of this article by the Controller from reports furnished  
16 by school districts or by county officials to the Superintendent as  
17 provided by law. No school district or county superintendent of  
18 schools shall be required to furnish separate reports to the  
19 Controller by the provisions of this article. The Superintendent  
20 shall furnish average daily attendance or enrollment data in lieu  
21 of the general population data required of counties and other  
22 municipal corporations by this article. The Superintendent shall  
23 add to the report forms furnished by him or her items or other  
24 matters as may be agreed by the Superintendent and the Controller  
25 to be needed for the purposes of this article.

26 SEC. 13. Section 54712 is added to the Government Code, to  
27 read:

28 54712. Any local agency levying a benefit assessment pursuant  
29 to this chapter may bring an action to determine the validity of the  
30 assessment pursuant to Chapter 9 (commencing with Section 860)  
31 of Title 10 of Part 2 of the Code of Civil Procedure upon adoption  
32 of the assessment and for 60 days thereafter. If the agency does  
33 not bring its own action under Chapter 9 (commencing with Section  
34 860) of Title 10 of Part 2 of the Code of Civil Procedure, then  
35 Sections 863 and 869 of the Code of Civil Procedure shall not  
36 apply.

37 SEC. 14. Section 65302.10 of the Government Code is amended  
38 to read:

39 65302.10. (a) As used in this section, the following terms shall  
40 have the following meanings:

1 (1) “Community” means an inhabited area within a city or  
2 county that is comprised of no less than 10 dwellings adjacent or  
3 in close proximity to one another.

4 (2) “Disadvantaged unincorporated community” means a fringe,  
5 island, or legacy community in which the median household  
6 income is 80 percent or less than the statewide median household  
7 income.

8 (3) “Fringe community” means any inhabited and  
9 unincorporated territory that is within a city’s sphere of influence.

10 (4) “Island community” means any inhabited and unincorporated  
11 territory that is surrounded or substantially surrounded by one or  
12 more cities or by one or more cities and a county boundary or the  
13 Pacific Ocean.

14 (5) “Legacy community” means a geographically isolated  
15 community that is inhabited and has existed for at least 50 years.

16 (b) On or before the due date for the next adoption of its housing  
17 element pursuant to Section 65588, each city or county shall review  
18 and update the land use element of its general plan, based on  
19 available data, including, but not limited to, the data and analysis  
20 developed pursuant to Section 56430, of unincorporated island,  
21 fringe, or legacy communities inside or near its boundaries. The  
22 updated land use element shall include all of the following:

23 (1) In the case of a city, an identification of each island or fringe  
24 community within the city’s sphere of influence that is a  
25 disadvantaged unincorporated community. In the case of a county,  
26 an identification of each legacy community within the boundaries  
27 of the county that is a disadvantaged unincorporated community,  
28 but not including any area within the sphere of influence of any  
29 city. This identification shall include a description of the  
30 community and a map designating its location.

31 (2) For each identified community, an analysis of water,  
32 wastewater, stormwater drainage, and structural fire protection  
33 needs or deficiencies.

34 (3) An analysis, based on then existing available data, of benefit  
35 assessment districts or other financing alternatives that could make  
36 the extension of services to identified communities financially  
37 feasible.

38 (c) On or before the due date for each subsequent revision of  
39 its housing element pursuant to Section 65588, each city and county

1 shall review, and if necessary amend, its general plan to update  
2 the analysis required by this section.

3 SEC. 15. Section 66442 of the Government Code is amended  
4 to read:

5 66442. (a) If a subdivision for which a final map is required  
6 lies within an unincorporated area, a certificate or statement by  
7 the county surveyor is required. If a subdivision lies within a city,  
8 a certificate or statement by the city engineer or city surveyor is  
9 required. The appropriate official shall sign, date, and, below or  
10 immediately adjacent to the signature, indicate his or her  
11 registration or license number and the stamp of his or her seal,  
12 state that:

13 (1) He or she has examined the map.

14 (2) The subdivision as shown is substantially the same as it  
15 appeared on the tentative map, and any approved alterations  
16 thereof.

17 (3) All provisions of this chapter and of any local ordinances  
18 applicable at the time of approval of the tentative map have been  
19 complied with.

20 (4) He or she is satisfied that the map is technically correct.

21 (b) City or county engineers registered as civil engineers after  
22 January 1, 1982, shall only be qualified to certify the statements  
23 of paragraphs (1), (2), and (3) of subdivision (a). The statement  
24 specified in paragraph (4) shall only be certified by a person  
25 authorized to practice land surveying pursuant to the Professional  
26 Land Surveyors' Act (Chapter 15 (commencing with Section 8700)  
27 of Division 3 of the Business and Professions Code) or a person  
28 registered as a civil engineer prior to January 1, 1982, pursuant to  
29 the Professional Engineers' Act (Chapter 7 (commencing with  
30 Section 6700) of Division 3 of the Business and Professions Code).  
31 The county surveyor, the city surveyor, or the city engineer, as the  
32 case may be, or other public official or employee qualified and  
33 authorized to perform the functions of one of those officials, shall  
34 complete and file with his or her legislative body his or her  
35 certificate or statement, as required by this section, within 20 days  
36 from the time the final map is submitted to him or her by the  
37 subdivider for approval.

38 (c) As used in this section, "certificate," "certify," and "certified"  
39 shall have the same meaning as provided in Sections 6735.5 and  
40 8770.6 of the Business and Professions Code.

1 SEC. 16. Section 66450 of the Government Code is amended  
2 to read:

3 66450. (a) If a subdivision for which a parcel map is required  
4 lies within an unincorporated area, a certificate or statement by  
5 the county surveyor is required. If a subdivision lies within a city,  
6 a certificate or statement by the city engineer or city surveyor is  
7 required. The appropriate official shall sign, date, and, below or  
8 immediately adjacent to the signature, indicate his or her  
9 registration or license number and the stamp of his or her seal and  
10 state that:

11 (1) He or she examined the map.

12 (2) The subdivision as shown is substantially the same as it  
13 appeared on the tentative map, if required, and any approved  
14 alterations thereof.

15 (3) All provisions of this chapter and of any local ordinances  
16 applicable at the time of approval of the tentative map, if required,  
17 have been complied with.

18 (4) He or she is satisfied that the map is technically correct.

19 (b) City or county engineers registered as civil engineers after  
20 January 1, 1982, shall only be qualified to certify the statements  
21 of paragraphs (1), (2), and (3) of subdivision (a). The statement  
22 specified in paragraph (4) of subdivision (a) shall only be certified  
23 by a person authorized to practice land surveying pursuant to the  
24 Professional Land Surveyors' Act (Chapter 15 (commencing with  
25 Section 8700) of Division 3 of the Business and Professions Code)  
26 or a person registered as a civil engineer prior to January 1, 1982,  
27 pursuant to the Professional Engineers' Act (Chapter 7  
28 (commencing with Section 6700) of Division 3 of the Business  
29 and Professions Code).

30 (c) The county surveyor, city engineer, or city surveyor, as the  
31 case may be, or other public official or employee qualified and  
32 authorized to perform the functions of one of those officials, shall  
33 complete his or her certificate or statement, as required by this  
34 section, within 20 days from the time the parcel map is submitted  
35 to him or her by the subdivider for approval. The completed parcel  
36 map shall be delivered to the county recorder or, if required by  
37 local ordinance, filed with the legislative body prior to delivery to  
38 the county recorder, within the same 20-day period.

39 SEC. 17. Section 5473.8 of the Health and Safety Code is  
40 amended to read:

1 5473.8. All laws applicable to the levy, collection, and  
2 enforcement of general taxes of the entity, including, but not  
3 limited to, those pertaining to the matters of delinquency,  
4 correction, cancellation, refund, and redemption, are applicable to  
5 the charges authorized pursuant to this article, except that if any  
6 real property to which these charges relate has been transferred or  
7 conveyed to a bona fide purchaser for value or a lien of a bona  
8 fide encumbrancer for value has been created and attaches thereon  
9 during the year prior to the date on which the first installment of  
10 the general taxes that include the charges appears on the assessment  
11 roll, then the lien which would otherwise be imposed by Section  
12 5473.5 shall not attach to the real property and the charges relating  
13 to that property shall be transferred to the unsecured roll of  
14 collection.

15 SEC. 18. Section 5473.11 of the Health and Safety Code is  
16 amended to read:

17 5473.11. (a) An entity shall notify the assessee shown on the  
18 latest equalized assessment roll whenever delinquent and unpaid  
19 charges for services which would become a lien on the property  
20 pursuant to subdivision (b) remain delinquent and unpaid for 60  
21 days.

22 (b) The amount of the unpaid charges may, in the discretion of  
23 the entity, be secured at any time by filing for record in the office  
24 of the county recorder of any county, a certificate specifying the  
25 amount of the unpaid charges and the name and address of the  
26 person liable for those unpaid charges. From the time of recordation  
27 of the certificate, the amount required to be paid together with  
28 interest and penalty constitutes a lien upon all real property in the  
29 county owned by the person or afterwards, and before the lien  
30 expires, acquired by him or her. The lien shall have the force,  
31 priority, and effect of a judgment lien and shall continue for 10  
32 years from the date of the filing of the certificate unless sooner  
33 released or otherwise discharged. The lien may, within 10 years  
34 from the filing of the certificate or within 10 years from the date  
35 of the last extension of the lien in the manner herein provided, be  
36 extended by filing for record a new certificate in the office of the  
37 county recorder of any county and from the time of this filing the  
38 lien shall be extended to the real property in this county for 10  
39 years unless sooner released or otherwise discharged.

1 SEC. 19. Section 5474.6 of the Health and Safety Code is  
2 amended to read:

3 5474.6. (a) The tax collector shall include the amounts of the  
4 installments of fees or charges and the interest on bills for taxes  
5 levied against the respective lots and parcels of land. Thereafter,  
6 all laws applicable to the levy, collection and enforcement of taxes  
7 of the entity, including penalties and interest thereon and  
8 cancellation or refund thereof, shall be applicable to those  
9 installments of fees or charges and interest, except that, if any real  
10 property to which the fees or charges relate has been transferred  
11 or conveyed to a bona fide purchaser for value or a lien of a bona  
12 fide encumbrancer for value has been created and attaches thereon  
13 during the year prior to the date on which the first installment of  
14 the general taxes that include the fees or charges appears on the  
15 assessment roll, then the lien which would otherwise be imposed  
16 by Section 5474.5 shall not attach to the real property and the fees  
17 or charges and interest shall be transferred to the unsecured roll  
18 for collection.

19 (b) The amount of the unpaid installments of fees or charges  
20 and interest may, in the discretion of the entity, be secured at any  
21 time by filing for record in the office of the county recorder of any  
22 county, a certificate specifying the amount of the fees or charges  
23 and interest and the name and address of the person liable therefor.  
24 From the time of recordation of the certificate, the amount required  
25 to be paid together with interest and penalty constitutes a lien upon  
26 all real property in the county owned by the person or afterwards,  
27 and before the lien expires, acquired by him or her. The lien shall  
28 have the force, priority, and effect of a judgment lien and shall  
29 continue for 10 years from the date of the filing of the certificate  
30 unless sooner released or otherwise discharged. The lien may,  
31 within 10 years from the filing of the certificate or within 10 years  
32 from the date of the last extension of the lien in the manner herein  
33 provided, be extended by filing for record a new certificate in the  
34 office of the county recorder of any county and from the time of  
35 this filing the lien shall be extended to the real property in this  
36 county for 10 years unless sooner released or otherwise discharged.

37 SEC. 20. Section 36622 of the Streets and Highways Code is  
38 amended to read:

39 36622. The management district plan shall contain all of the  
40 following:

1 (a) If the assessment will be levied on property, a map of the  
2 district in sufficient detail to locate each parcel of property and, if  
3 businesses are to be assessed, each business within the district. If  
4 the assessment will be levied on businesses, a map that identifies  
5 the district boundaries in sufficient detail to allow a business owner  
6 to reasonably determine whether a business is located within the  
7 district boundaries. If the assessment will be levied on property  
8 and businesses, a map of the district in sufficient detail to locate  
9 each parcel of property and to allow a business owner to reasonably  
10 determine whether a business is located within the district  
11 boundaries.

12 (b) The name of the proposed district.

13 (c) A description of the boundaries of the district, including the  
14 boundaries of benefit zones, proposed for establishment or  
15 extension in a manner sufficient to identify the affected lands and  
16 businesses included. The boundaries of a proposed property  
17 assessment district shall not overlap with the boundaries of another  
18 existing property assessment district created pursuant to this part.  
19 This part does not prohibit the boundaries of a district created  
20 pursuant to this part to overlap with other assessment districts  
21 established pursuant to other provisions of law, including, but not  
22 limited to, the Parking and Business Improvement Area Law of  
23 1989 (Part 6 (commencing with Section 36500)). This part does  
24 not prohibit the boundaries of a business assessment district created  
25 pursuant to this part to overlap with another business assessment  
26 district created pursuant to this part. This part does not prohibit  
27 the boundaries of a business assessment district created pursuant  
28 to this part to overlap with a property assessment district created  
29 pursuant to this part.

30 (d) The improvements and activities proposed for each year of  
31 operation of the district and the maximum cost thereof. If the  
32 improvements and activities proposed for each year of operation  
33 are the same, a description of the first year's proposed  
34 improvements and activities and a statement that the same  
35 improvements and activities are proposed for subsequent years  
36 shall satisfy the requirements of this subdivision.

37 (e) The total annual amount proposed to be expended for  
38 improvements, maintenance and operations, and debt service in  
39 each year of operation of the district. If the assessment is levied  
40 on businesses, this amount may be estimated based upon the

1 assessment rate. If the total annual amount proposed to be expended  
2 in each year of operation of the district is not significantly different,  
3 the amount proposed to be expended in the initial year and a  
4 statement that a similar amount applies to subsequent years shall  
5 satisfy the requirements of this subdivision.

6 (f) The proposed source or sources of financing, including the  
7 proposed method and basis of levying the assessment in sufficient  
8 detail to allow each property or business owner to calculate the  
9 amount of the assessment to be levied against his or her property  
10 or business. The plan also shall state whether bonds will be issued  
11 to finance improvements.

12 (g) The time and manner of collecting the assessments.

13 (h) The specific number of years in which assessments will be  
14 levied. In a new district, the maximum number of years shall be  
15 five. Upon renewal, a district shall have a term not to exceed 10  
16 years. Notwithstanding these limitations, a district created pursuant  
17 to this part to finance capital improvements with bonds may levy  
18 assessments until the maximum maturity of the bonds. The  
19 management district plan may set forth specific increases in  
20 assessments for each year of operation of the district.

21 (i) The proposed time for implementation and completion of  
22 the management district plan.

23 (j) Any proposed rules and regulations to be applicable to the  
24 district.

25 (k) A list of the properties or businesses to be assessed, including  
26 the assessor's parcel numbers for properties to be assessed, and a  
27 statement of the method or methods by which the expenses of a  
28 district will be imposed upon benefited real property or businesses,  
29 in proportion to the benefit received by the property or business,  
30 to defray the cost thereof, including operation and maintenance.  
31 The plan may provide that all or any class or category of real  
32 property which is exempt by law from real property taxation may  
33 nevertheless be included within the boundaries of the district but  
34 shall not be subject to assessment on real property.

35 (l) Any other item or matter required to be incorporated therein  
36 by the city council.

37 SEC. 21. Section 36623 of the Streets and Highways Code is  
38 amended to read:

1 36623. (a) If a city council proposes to levy a new or increased  
2 property assessment, the notice and protest and hearing procedure  
3 shall comply with Section 53753 of the Government Code.

4 (b) If a city council proposes to levy a new or increased business  
5 assessment, the notice and protest and hearing procedure shall  
6 comply with Section 54954.6 of the Government Code, except  
7 that notice shall be mailed to the owners of the businesses proposed  
8 to be assessed. A protest may be made orally or in writing by any  
9 interested person. Every written protest shall be filed with the clerk  
10 at or before the time fixed for the public hearing. The city council  
11 may waive any irregularity in the form or content of any written  
12 protest. A written protest may be withdrawn in writing at any time  
13 before the conclusion of the public hearing. Each written protest  
14 shall contain a description of the business in which the person  
15 subscribing the protest is interested sufficient to identify the  
16 business and, if a person subscribing is not shown on the official  
17 records of the city as the owner of the business, the protest shall  
18 contain or be accompanied by written evidence that the person  
19 subscribing is the owner of the business or the authorized  
20 representative. A written protest that does not comply with this  
21 section shall not be counted in determining a majority protest. If  
22 written protests are received from the owners or authorized  
23 representatives of businesses in the proposed district that will pay  
24 50 percent or more of the assessments proposed to be levied and  
25 protests are not withdrawn so as to reduce the protests to less than  
26 50 percent, no further proceedings to levy the proposed assessment  
27 against such businesses, as contained in the resolution of intention,  
28 shall be taken for a period of one year from the date of the finding  
29 of a majority protest by the city council.

30 (c) If a city council proposes to conduct a single proceeding to  
31 levy both a new or increased property assessment and a new or  
32 increased business assessment, the notice and protest and hearing  
33 procedure for the property assessment shall comply with  
34 subdivision (a), and the notice and protest and hearing procedure  
35 for the business assessment shall comply with subdivision (b). If  
36 a majority protest is received from either the property or business  
37 owners, that respective portion of the assessment shall not be  
38 levied. The remaining portion of the assessment may be levied  
39 unless the improvement or other special benefit was proposed to  
40 be funded by assessing both property and business owners.

1 SEC. 22. Section 36629 of the Streets and Highways Code is  
2 amended to read:

3 36629. All provisions of this part applicable to the  
4 establishment, modification, or disestablishment of a property and  
5 business improvement district apply to the establishment,  
6 modification, or disestablishment of benefit zones or categories  
7 of business. The city council shall, to establish, modify, or  
8 disestablish a benefit zone or category of business, follow the  
9 procedure to establish, modify, or disestablish a property and  
10 business improvement district.

11 SEC. 23. Section 36671 of the Streets and Highways Code is  
12 amended to read:

13 36671. (a) Upon the disestablishment or expiration without  
14 renewal of a district, any remaining revenues, after all outstanding  
15 debts are paid, derived from the levy of assessments, or derived  
16 from the sale of assets acquired with the revenues, or from bond  
17 reserve or construction funds, shall be refunded to the owners of  
18 the property or businesses then located and operating within the  
19 district in which assessments were levied by applying the same  
20 method and basis that was used to calculate the assessments levied  
21 in the fiscal year in which the district is disestablished or expires.  
22 All outstanding assessment revenue collected after disestablishment  
23 shall be spent on improvements and activities specified in the  
24 management district plan.

25 (b) If the disestablishment occurs before an assessment is levied  
26 for the fiscal year, the method and basis that was used to calculate  
27 the assessments levied in the immediate prior fiscal year shall be  
28 used to calculate the amount of any refund.

29 SEC. 24. Section 37212 of the Water Code is amended to read:

30 37212. In case any charges for water or other services, or either,  
31 remain unpaid:

32 (a) If unpaid for 60 days or more on July 1st, the district board  
33 may, by resolution, order the secretary to do each of the following:

34 (1) Prepare a list of the parcels of land upon which water and  
35 other services, or either, requested in writing by the owner of the  
36 property, was used, and for which the charges remain unpaid.

37 (2) Certify that the list is true and correct.

38 (3) Submit the list of unpaid charges and parcels to the county  
39 auditor no later than five days after the estimate of the district  
40 board was furnished pursuant to Section 37206.

1 Upon receipt by the county auditor of the list and a certified  
2 copy of the resolution, the amount of the unpaid charges attributed  
3 to each parcel mentioned in the list shall constitute a special  
4 assessment against the parcel, and shall be a lien on that property  
5 for that amount. The lien attaches upon recordation in the office  
6 of the county recorder of the county in which the property is  
7 situated of a certified copy of the resolution of the district board  
8 accompanied by a certified copy of the list specifically describing  
9 the real property by a legal description or reference to an assessor's  
10 parcel number and specifying the amount applicable to each parcel.  
11 The assessment shall be collected at the same time and in the same  
12 manner as ordinary municipal ad valorem taxes are collected, and  
13 shall be subject to the same penalties, and the same procedure and  
14 sale in case of delinquency as provided for those taxes. All laws  
15 applicable to the levy, collection, and enforcement of municipal  
16 ad valorem taxes shall be applicable to the assessment, except that,  
17 if any real property to which the lien would attach has been  
18 transferred or conveyed to a bona fide purchaser for value or a lien  
19 of a bona fide encumbrancer for value has been created and  
20 attached thereon during the year prior to the date on which the first  
21 installment of the taxes that include the assessment appears on the  
22 assessment roll, then the lien which would otherwise be imposed  
23 by this section shall not attach to the real property and the  
24 delinquent and unpaid charges, as certified, relating to the property  
25 shall be transferred to the unsecured roll for collection.

26 The county shall deduct from the charges collected an amount  
27 sufficient to compensate the county for costs incurred in collecting  
28 the delinquent and unpaid charges. The amount of this  
29 compensation shall be fixed by agreement between the board of  
30 supervisors and the district's board of directors.

31 (b) The amount of the unpaid charges may, in the discretion of  
32 the district, be secured at any time by filing for record in the office  
33 of the county recorder of any county, a certificate specifying the  
34 amount of the charges and the name and address of the person  
35 liable therefor.

36 From the time of recordation of the certificate, the amount  
37 required to be paid together with interest and penalty constitutes  
38 a lien upon all real property in the county owned by the person or  
39 afterwards, and before the lien expires, acquired by him or her.  
40 The lien has the force, priority, and effect of a judgment lien and

1 shall continue for 10 years from the date of the filing of the  
2 certificate unless sooner released or otherwise discharged. The  
3 lien may, within 10 years from the filing of the certificate or within  
4 10 years from the date of the last extension of the lien in the manner  
5 herein provided, be extended by filing for record a new certificate  
6 in the office of the county recorder of any county and from the  
7 time of the filing the lien shall be extended to the real property in  
8 this county for 10 years unless sooner released or otherwise  
9 discharged.

10 SEC. 25. Section 3 of the Kings River Conservation District  
11 Act (Chapter 931 of the Statutes of 1951), as amended by Section  
12 2 of Chapter 1410 of the Statutes of 1955, is repealed.

13 SEC. 26. Section 3 is added to the Kings River Conservation  
14 District Act (Chapter 931 of the Statutes of 1951), to read:

15 Sec. 3. (a) On or before May 1, 2013, the board shall adopt a  
16 resolution that divides the district into seven electoral divisions,  
17 which shall be numbered and denominated Division One, Division  
18 Two, Division Three, Division Four, Division Five, Division Six,  
19 and Division Seven.

20 (b) Using the most recent federal census data as a basis, the  
21 electoral divisions shall be as far as practicable, equal in population  
22 as required by law.

23 (c) In establishing the boundaries of the electoral divisions, the  
24 board may give consideration to the topography, geography,  
25 cohesiveness, contiguity, integrity, compactness of territory, and  
26 the community of interests of the electoral divisions.

27 (d) The establishment of seven divisions pursuant to this section  
28 shall not affect the term of office of any director holding office on  
29 January 1, 2013.

30 SEC. 27. Section 3.1 is added to the Kings River Conservation  
31 District Act (Chapter 931 of the Statutes of 1951), to read:

32 Sec. 3.1. (a) (1) One director shall be elected in accordance  
33 with this section by the voters of each electoral division.

34 (2) A candidate for the board of directors shall be a resident in  
35 the electoral division for which he or she is a candidate.

36 (3) A director shall continue to reside within the electoral  
37 division during his or her term of office, except that no change in  
38 boundaries of an electoral division shall affect the term of office  
39 of an incumbent director.

1 (b) Consistent with the requirements of Section 10404 of the  
2 Elections Code, the first elections for Division One, Division Three,  
3 and Division Five established pursuant to Section 3 shall be  
4 conducted at the November 4, 2014, general district election.

5 (c) Consistent with the requirements of Section 10404 of the  
6 Elections Code, the first elections for Division Two, Division Four,  
7 Division Six, and Division Seven established pursuant to Section  
8 3 shall be conducted at the November 8, 2016, general district  
9 election.

10 (d) Except as otherwise provided by this act, the term of office  
11 for each director elected pursuant to subdivisions (b) and (c) shall  
12 be four years and the director shall hold office until his or her  
13 successor qualifies and takes office.

14 (e) Elections pursuant to this section shall be conducted in  
15 accordance with the Uniform District Election Law (Part 4  
16 (commencing with Section 10500) of Division 10 of the Elections  
17 Code).

18 SEC. 28. Section 3.2 is added to the Kings River Conservation  
19 District Act (Chapter 931 of the Statutes of 1951), to read:

20 Sec. 3.2. The board shall review the boundaries of the seven  
21 electoral divisions established pursuant to Section 3 before  
22 November 1 of the year following the year in which each decennial  
23 census is taken. If necessary, the board of directors shall, by  
24 resolution, adjust the boundaries of any divisions pursuant to  
25 Chapter 8 (commencing with Section 22000) of Division 21 of the  
26 Elections Code, except as otherwise provided in this act.

27 SEC. 29. Section 5 of the Kings River Conservation District  
28 Act (Chapter 931 of the Statutes of 1951), as amended by Section  
29 174 of Chapter 2019 of the Statutes of 1965, is amended to read:

30 Sec. 5. As used in this act the following words shall have the  
31 following meanings unless by the context otherwise indicated, and  
32 the definition of a word applies to any of its variants:

33 (a) "District" means Kings River Conservation District.

34 (b) "Board" means the board of directors of the district.

35 (c) "President" means the president of the board.

36 (d) "Secretary" means the secretary of the board.

37 (e) "General district election" means the election required to be  
38 held in the district on the first Tuesday after the first Monday in  
39 November in each even-numbered year.

1 (f) “Special district election” means any district election other  
2 than a general district election.

3 (g) “Elector,” “voter,” and “precinct board” have, respectively,  
4 the same meanings as in the Elections Code, but an elector or voter  
5 shall also be a resident of the district and, when required, of a  
6 division thereof.

7 (h) “Property” embraces all real and personal property.

8 (i) “Works” includes conduits, canals, embankments, dams,  
9 reservoirs, wells, pumps, tunnels, powerhouses, power generating  
10 equipment, powerlines, and other appliances and other facilities  
11 useful in the control, conservation, drainage, diversion and  
12 transmission of waters and in the generation, control and  
13 transmission of electrical power, and all land, property, franchises,  
14 easements, rights-of-way and privileges necessary or useful to  
15 maintain any of the foregoing.

16 (j) “Conduits” includes canals, laterals, ditches, flumes, pipes  
17 and their appurtenances.

18 (k) “Operate” includes use, maintenance and repair.

19 (l) “Street” includes road, alley, avenue, highway and public  
20 way.

21 (m) “United States” includes the United States of America and  
22 all bureaus, commissions, divisions, departments, boards, agencies  
23 and officers of the United States of America.

24 (n) “State of California” includes the State of California and all  
25 bureaus, commissions, divisions, departments, agencies and officers  
26 of the State of California.

27 SEC. 30. Section 8 of the Kings River Conservation District  
28 Act (Chapter 931 of the Statutes of 1951) is amended to read:

29 Sec. 8. The powers of the district shall, except as otherwise  
30 provided, be exercised by a board of seven directors.

31 SEC. 31. Section 19 of the Kings River Conservation District  
32 Act (Chapter 931 of the Statutes of 1951) is repealed.

33 SEC. 32. Section 20 of the Kings River Conservation District  
34 Act (Chapter 931 of the Statutes of 1951) is repealed.

35 SEC. 33. Section 21 of the Kings River Conservation District  
36 Act (Chapter 931 of the Statutes of 1951) is amended to read:

37 Sec. 21. Whenever any land is added to the district, the board,  
38 by resolution, shall include it or any part thereof in such division  
39 or divisions as the board may determine, giving consideration to  
40 the location thereof and the interests of its inhabitants with respect

1 to power and water and the sources of water supply therein; and  
 2 the board shall relocate the boundary lines of the division or  
 3 divisions to which such territory is added accordingly. Whenever  
 4 any territory is excluded from the district, the board, by resolution,  
 5 shall relocate the boundary lines of the division or divisions within  
 6 which such territory lies so as to exclude it from such division or  
 7 divisions. No such change in a division or divisions may be made  
 8 within 180 days immediately preceding a general district election,  
 9 nor shall such change work a forfeiture of office of any director.  
 10 A certified copy of such resolution, together with a map or plat  
 11 showing the boundaries of such division or divisions as relocated  
 12 thereby shall be filed with the county recorder of each county  
 13 within which any portion of the district lies.

14 SEC. 34. Section 22 of the Kings River Conservation District  
 15 Act (Chapter 931 of the Statutes of 1951) is repealed.

16 SEC. 35. Section 24 of the Kings River Conservation District  
 17 Act (Chapter 931 of the Statutes of 1951) is amended to read:

18 Sec. 24. Consistent with the requirement heretofore imposed  
 19 by the District pursuant to Elections Code Section 10404, the  
 20 election of directors shall be held on the first Tuesday after the  
 21 first Monday in November in each even-numbered year, and each  
 22 director must be an elector and resident of the division for which  
 23 he *or she* is elected.

24 The candidate receiving the highest number of votes cast for the  
 25 office of director for a specific division shall be declared elected.

26  
 27 FORM OF APPOINTMENT

28 The undersigned hereby appoint \_\_\_\_\_ the following voters of Kings  
 29 River Conservation District as verification deputies to obtain signatures to a  
 30 certificate of nomination nominating \_\_\_\_\_ as a candidate for the office of  
 31 director of said district at an election to be held in said district on the \_\_\_\_\_  
 32 d a y o f \_\_\_\_\_, ~~19~~ 20 \_\_\_\_.

33 Name Address  
 34 \_\_\_\_\_  
 35 \_\_\_\_\_  
 36 \_\_\_\_\_

37 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 20 \_\_\_\_.  
 38 \_\_\_\_\_  
 39 Residence Signature

1 (2) The certificate of nomination shall be signed by not less than 25 voters  
 2 of the division from which the candidate is to be elected, or in the event any  
 3 division shall have less than 100 voters resident therein, such certificate shall  
 4 be signed by not less than 25 percent of the voters of such division. In the case  
 5 of the director at large, the certificate of nomination shall be signed by not less  
 6 than 25 voters of the district. The certificate of nomination may consist of one  
 7 or more parts and shall read substantially as follows:

8  
 9 CERTIFICATE OF NOMINATION

10  
 11 We, the undersigned, certify that we do hereby join in a certificate of  
 12 nomination of \_\_\_\_\_, whose residence is at \_\_\_\_\_, for the office of  
 13 director of Kings River Conservation District from Division \_\_\_\_\_, (or at  
 14 large) to be voted for at the election to be held in said district on the \_\_\_\_\_  
 15 day of \_\_\_\_\_, 19 20 \_\_\_\_, and each of us further certifies that he *or she* is  
 16 a voter residing within said Division \_\_\_\_\_ (or said district) and is not at  
 17 this time a signer of any other certificate nominating any other candidate for  
 18 the above-named office and that his *or her* residence and occupation are as  
 19 hereinafter stated.

20 Signatures	21 Residence	22 Occupation	23 Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

24  
 25 Verification Deputy's Affidavit

26  
 27 State of California }  
 28 County of \_\_\_\_\_ } SS.

29  
 30 I, \_\_\_\_\_, solemnly swear that I have been appointed according to the  
 31 provisions of the Kings River Conservation District Act as a verification deputy  
 32 to secure signatures to a certificate of nomination of \_\_\_\_\_ as a candidate  
 33 for election to the office of director of Kings River Conservation District; that  
 34 all the signatures on this section of the certificate were made in my presence  
 35 and that to my knowledge and belief each of the signatures is a genuine  
 36 signature of the person whose name it purports to be.

37  
 38 \_\_\_\_\_  
 Verification Deputy

39 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 20 \_\_\_\_.

1 \_\_\_\_\_  
2 Notary Public (or other officer)  
3 The certificate of nomination of which this section forms a part shall, if found  
4 insufficient, be returned to the verification deputy at \_\_\_\_\_(address),  
5 California.  
6

7 SEC. 36. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district are the result of a program for which legislative authority  
11 was requested by that local agency or school district, within the  
12 meaning of Section 17556 of the Government Code and Section  
13 6 of Article XIII B of the California Constitution.

O