

Senate Bill No. 1090

Passed the Senate August 27, 2012

Secretary of the Senate

Passed the Assembly August 23, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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(3) Existing law requires 3 copies of the complete text of a charter proposal or of any amended or repealed section ratified by the voters of a city or city and county to be certified and authenticated by the chairperson and the clerk of the governing body and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

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

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

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

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

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

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

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

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

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

(2) “Special district” means any of the following:

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

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

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

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

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

(iii) Is wholly owned by a public agency.

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

23110. The boundaries of Fresno County are as follows:

Beginning on the south line of Merced at a point where said line crosses the San Joaquin River; thence south, 45 degrees west, and on the line of Merced, to the centerline of a drain in the Southwest Quarter of the Southwest Quarter of Section 6, T. 11 S., R. 13 E., M.D.B.&M; thence along said centerline southeasterly to the centerline of Colony East Ditch Canal; thence southerly along said centerline to the south line of the north half of the Southeast Quarter of Section 7, said Township and Range; thence westerly along said south line to the northeast corner of the west half of the Southwest Quarter of the Southeast Quarter of said section; thence southerly along the east line of said west half to the south line of said Section; thence westerly along said line to the North Quarter corner of Section 18, said Township and Range; thence southerly along the north-south centerline of Section 18 and Section 19 to the south line of Section 19; thence westerly along said south line and the south line of Sections 24 & 23 & 22 & 21 in T. 11 S., R. 12 E. to a point that is south 45 degrees west from said line of Merced; thence south 45 degrees west to the eastern boundary line of San Benito; thence southeasterly along said boundary line to

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

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

23124. The boundaries of Merced County are as follows:

Beginning at the northwest corner, being the southwest corner of Stanislaus as shown on the survey map of A. J. Stakes, 1868; thence northeasterly, on southern line of Stanislaus to common corner of Tuolumne, Mariposa, Merced, and Stanislaus; thence southeasterly, by direct line, being western line of Mariposa, to Phillips' ferry, on Merced River; thence southeasterly, on line of Mariposa, being line shown on "map of Mariposa County," to Newton's crossing on Chowchilla Creek, forming the southeast corner; thence down the northern side and on high water mark, being on line of Madera to the lower clump of cottonwood timber at the sink of said creek; thence south, 45 degrees west, to the centerline of a drain in the Southwest Quarter of the Southwest Quarter of Section 6, Township 11 South, Range 13 east, M.D.B.&M; thence along said centerline southeasterly to the centerline of Colony East Ditch Canal; thence southerly along said centerline to the south line of the north half of the Southeast Quarter of Section 7, said Township and Range; thence westerly along said south line to the northeast corner of the west half of the Southwest Quarter of the Southeast Quarter of said section; thence southerly along the east line of said west half to the south line of said Section; thence westerly along said line to the North Quarter corner of Section 18, said Township and Range; thence southerly along the north-south centerline of said Section and Section 19 to the south line of Section 19; thence westerly along said south line and the south line of Sections 24 & 23 & 22 & 21 in Township 11 south, Range 12 East to a point that is south 45 degrees west from said clump of cottonwood timber; thence south 45 degrees west to the eastern line of San Benito, forming the southwest corner; thence northwesterly, by said line of San Benito and Santa Clara, to the place of beginning.

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

34460. Three 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 shall 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. One copy shall be recorded with the recorder of the county in which the city is located, and one filed in the archives of the city. In the case of a

city and county, one copy shall be recorded with the recorder thereof, and one filed in the archives of the city and county. The third copy shall be filed with the Secretary of State. Each copy recorded with the recorder of the county or city and county and filed in the archives of the city or city and county shall be filed with the following:

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

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

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

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

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

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

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

(1) The land meets either of the following:

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

(B) The land has severely adverse soil conditions that are detrimental to continued agricultural activities and production. Severely adverse soil conditions may include, but are not limited

to, contamination by salts or selenium, or other naturally occurring contaminants.

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

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

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

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

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

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

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

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

implementation of the management plan, which shall include any recommendations provided by the Department of Conservation, as part of any project approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) He or she has examined the map.

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

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

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

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

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

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

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

(1) He or she examined the map.

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

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

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

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

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

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

5473.8. All laws applicable to the levy, collection, and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to the charges authorized pursuant to this article, except that if any real property to which these charges relate 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 attaches thereon during the year prior to the date on which the first installment of the general taxes that include the charges appears on the assessment roll, then the lien which would otherwise be imposed by Section 5473.5 shall not attach to the real property and the charges relating to that property shall be transferred to the unsecured roll of collection.

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

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

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

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

5474.6. (a) The tax collector shall include the amounts of the installments of fees or charges and the interest on bills for taxes levied against the respective lots and parcels of land. Thereafter, all laws applicable to the levy, collection and enforcement of taxes of the entity, including penalties and interest thereon and cancellation or refund thereof, shall be applicable to those installments of fees or charges and interest, except that, if any real property to which the fees or charges relate 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 attaches thereon during the year prior to the date on which the first installment of the general taxes that include the fees or charges appears on the assessment roll, then the lien which would otherwise be imposed by Section 5474.5 shall not attach to the real property and the fees or charges and interest shall be transferred to the unsecured roll for collection.

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

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

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

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements and activities proposed for each year of operation are the same, 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 shall satisfy the requirements of this subdivision.

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

assessment rate. 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 shall satisfy the requirements of this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upon receipt by the county auditor of the list and a certified copy of the resolution, the amount of the unpaid charges attributed to each parcel mentioned in the list shall constitute a special assessment against the parcel, and shall be a lien on that property for that amount. The lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of the district board accompanied by a certified copy of the list specifically describing the real property by a legal description or reference to an assessor's parcel number and specifying the amount applicable to each parcel. The assessment shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties, and the same procedure and sale in case of delinquency as provided for those taxes. All laws applicable to the levy, collection, and enforcement of municipal ad valorem taxes shall be applicable to the assessment, except that, if any real property to which the lien would attach 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 thereon during the year prior to the date on which the first installment of the taxes that include the assessment appears on the assessment roll, then the lien which would otherwise be imposed by this section shall not attach to the real property and the delinquent and unpaid charges, as certified, relating to the property shall be transferred to the unsecured roll for collection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) “District” means Kings River Conservation District.
- (b) “Board” means the board of directors of the district.
- (c) “President” means the president of the board.
- (d) “Secretary” means the secretary of the board.
- (e) “General district election” means the election required to be held in the district on the first Tuesday after the first Monday in November in each even-numbered year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FORM OF APPOINTMENT

The undersigned hereby appoint _____ the following voters of Kings River Conservation District as verification deputies to obtain signatures to a certificate of nomination nominating _____ as a candidate for the office of director of said district at an election to be held in said district on the _____ day of _____, 20 ____.

Name	Address
_____	_____
_____	_____
_____	_____

Dated this _____ day of _____, 20 ____.

_____	_____
Residence	Signature

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

CERTIFICATE OF NOMINATION

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

Signatures	Residence	Occupation	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Verification Deputy's Affidavit

State of California }
County of _____ } SS.

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

Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public (or other officer)

The certificate of nomination of which this section forms a part shall, if found insufficient, be returned to the verification deputy at _____(address), California.

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

Approved _____, 2012

Governor