

AMENDED IN ASSEMBLY MAY 29, 2013

AMENDED IN ASSEMBLY MAY 13, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1156

Introduced by Assembly Member V. Manuel Pérez

February 22, 2013

An act to amend Sections 1 and 6 of the Palo Verde Irrigation *District* Act (Chapter 452 of the Statutes of 1923), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1156, as amended, V. Manuel Pérez. Palo Verde Irrigation District Act.

Existing law establishes the Palo Verde Irrigation District Act with the purpose of, among other things, providing a unified and comprehensive method of supplying the district, as defined, with water for irrigation and domestic uses and protecting lands within the district from floodwaters of the Colorado River. Existing law requires any person, firm, or corporation which owns, or has any interest in, real property or improvements on real property, or both, whose interest or ownership is assessed on the last preceding equalized assessment roll of the district be entitled to vote at certain elections related to the district. The act entitles a property owner to one vote for every \$100 of assessed valuation on the equalized assessment roll, as specified.

This bill would entitle a person, firm, or corporation that owns land; ~~or any interest in land, whose interest is assessed on the preceding equalized assessment roll of the district to vote at the specified elections.~~ ~~This~~ *This* bill would entitle each property owner to one vote for ~~every~~ \$100 of assessed value of land, not including improvements, on the

~~equalized assessment roll~~ every one acre of land owned, as specified. This bill, by requiring the district to hold a public hearing regarding these changes to the weighted voted system, as prescribed, would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Section 1 of the Palo Verde Irrigation District
2 Act (Chapter 452 of the Statutes of 1923) is amended to read:

3 Section 1. (a) The State of California and the people of the
4 state are hereby declared to have a primary and supreme interest
5 in securing to the inhabitants and owners of the low-irrigable lands
6 within what is known as the "Palo Verde Valley," in Riverside
7 and Imperial Counties, the greatest possible use, conservation, and
8 protection of the waters of the Colorado River to the extent that
9 the same may be lawfully diverted to their lands, to the end that
10 their water system, land, structures, and other properties may be
11 protected from overflow of the floodwaters from the river, their
12 swamplands drained, and thereby the greatest productivity of the
13 largest possible area may be accomplished and safely carried on
14 within reasonable limits of economy.

15 (b) The Legislature hereby finds and declares the following:

16 (1) That as a special district, the purpose of the Palo Verde
17 Irrigation District is to secure to the district's landowners and
18 inhabitants the greatest possible use, conservation, and protection
19 of the waters of the Colorado River, to protect their water system,
20 land, structures, and other properties from overflow of the
21 floodwaters from the river, and to reclaim swamp lands and thereby
22 promote the greatest productivity of the largest possible area of
23 land within reasonable limits of safety and the economy.

1 (2) That the owners of land in the Palo Verde Irrigation District
2 enjoy distinct benefits flowing as a result of the district's declared
3 purpose, and absorb specific costs related to this purpose, in the
4 form of assessments against land and water charges, and that these
5 landowners are therefore substantially affected by, and directly
6 interested in, the district's governance.

7 (c) Investigation having shown conditions in the Palo Verde
8 Valley to be peculiar to that valley, it is hereby declared that a
9 general law cannot be applicable thereto, and the enactment of this
10 special law is therefore necessary for the proper distribution and
11 use of the waters available for the valley, the protection of the
12 valley against inundation, the reclamation of the swamplands, and
13 financing the development of the valley by the means herein
14 provided.

15 SEC. 2. Section 6 of the Palo Verde Irrigation District
16 Act(Chapter 452 of the Statutes of 1923), as amended by Section
17 1 of Chapter 583 of the Statutes of 1927, is amended to read:

18 Sec. 6. (a) Any person, firm, or corporation that owns land ~~or~~
19 ~~any interest in land whose interest or ownership, not including~~
20 ~~improvements on the land, is assessed on the last preceding~~
21 ~~equalized assessment roll of the district (and only the owners of~~
22 ~~land so assessed)~~ shall be entitled to vote at any election, special
23 or general, for the election of trustees, or for any other purpose
24 pertaining to the affairs of the district. Each property owner
25 qualified to vote shall be entitled to cast one vote for every one
26 ~~hundred dollars (\$100) or fraction thereof greater than fifty dollars~~
27 ~~(\$50) of assessed value of land, not including improvements on~~
28 ~~the land, on the equalized assessment roll of the district last~~
29 ~~preceding the holding of the election. In determining the total~~
30 ~~number of votes any voter is entitled to cast, the total assessed~~
31 ~~value of all parcels of the land owned by the voter shall be divided~~
32 ~~by 100, and the quotient shall determine the number of votes~~ *acre*
33 *owned. If a property owner owns less than one acre of land, but*
34 *at least one-half of an acre of land, the property owner shall be*
35 *entitled to cast one vote.*

36 (b) (1) The district shall hold a public hearing regarding the
37 changes to the weighted voting system pursuant to subdivision (a).

38 (2) Notice of the public hearing shall be given by placing a
39 display advertisement at least one-eighth page in a newspaper of
40 general circulation for three weeks, pursuant to Section 6063 of

1 the Government Code, and by United States first-class mail to each
2 landowner voter in the district, postage prepaid, and notice shall
3 be deemed given when deposited in the mail. The envelope or
4 cover of the mailing shall include the name of the local agency
5 and the return address of the sender and the mailed notice shall be
6 in at least 10-point type.

7 (3) The public hearing shall be held at least 45 days after mailing
8 the notice pursuant to paragraph (2).

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.