

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 184**

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**Introduced by Committee on Governance and Finance (Senators Wolk (Chair), Beall, DeSaulnier, Emmerson, Hernandez, Knight, and Liu)**

February 6, 2013

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An act to amend Section 11010.4 of the Business and Professions Code, to amend Sections 12419.8, 12419.10, 27201, 41802, 41803, 41805, 50281, 53243.4, 53395.1, 53395.2, 53395.10, 53395.13, 53395.14, 53395.17, 53395.85, 53396, 66428, 66442.5, and 66449 of the Government Code, to amend Section 9002 of the Health and Safety Code, to amend Section 32556 of, and to repeal Sections 9973, 9974, 9975, 9976, 9977, and 9978 of, the Public Resources Code, to amend Section 36622 of the Streets and Highways Code, and to amend Sections 3.1, 23, and 29 of, and to repeal Section 24 of, the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 184, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire, as specified. Existing law exempts from this requirement a proposed offering of subdivided land

where each lot, parcel, or unit of the subdivision will be sold or offered for sale improved with a completed residential structure and with all other improvements completed that are necessary for occupancy or with financial arrangements determined to be adequate by the city to ensure completion of the improvements.

This bill would specify that a lot, parcel, or unit satisfies the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider.

(2) Existing law, the Public Cemetery District Law, defines the term “family member” for purposes of that law to include, among others, a person’s spouse.

This bill would additionally include within the definition of “family member” a person’s domestic partner, and would define the term “domestic partner,” as specified.

(3) Existing law requires specified employment contracts between a local agency and an officer or employee to include a provision that would fully reimburse the local agency for that officer’s or employee’s salary if that officer or employee is convicted of a crime involving an abuse of his or her office or position. Existing law, for purposes of these provisions, defines the term “abuse of office or position” to include, among other things, a crime against public justice, including bribery of an executive or judicial officer of the state.

This bill would revise the definition of “abuse of office or position” to include bribery of a Member of the Legislature.

(4) Existing law, the Subdivision Map Act, requires the city engineer or county surveyor, as appropriate, to sign an approved final or parcel map and indicate his or her registration number and stamp the map with his or her seal.

This bill would additionally require the city engineer or county surveyor to provide that date on which he or she signed the final or parcel map, and to include his or her seal.

(5) Existing law, the Subdivision Map Act, provides that for any conveyance of land to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a local public utility for conveyance to that public utility for rights-of-way, rights-of-way may not be considered a division of land for purposes of computing parcels.

This bill would instead provide that a parcel map is not required for land conveyed to or from a governmental agency, public entity, public

utility, or for land conveyed to a subsidiary of a local public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

(6) Existing law, the Baldwin Hills Conservancy Act, requires the board of the Baldwin Hills Conservancy to consist of 13 voting members, including, among others, the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located.

This bill would instead require one of the 13 voting members to include the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located, or his or her designee.

(7) Existing law allows the Controller, either in his or her discretion or upon local request, to offset or deduct certain amounts due from a person or entity to a city or county, *or court* against certain state claims. Existing law also requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or from winnings in the California State Lottery.

This bill would expand these provisions to apply to amounts due to special districts, in addition to amounts due to cities ~~and~~, counties, *and courts*.

(8) Existing law requires the county recorder, upon payment of proper fees and taxes, to accept for recordation any instrument, paper, or notice that is authorized or required to be recorded, as specified. Existing law requires the recorder to accept a facsimile signature on a lien recorded by a governmental agency when that facsimile signature has been officially adopted by that agency, and requires a copy of the agency's resolution or action adopting the signature for facsimile transmission purposes or a certified copy of the agency's adopted signature to be provided to the county recorder when the signature is officially adopted by the agency, or at the beginning of each calendar year.

This bill would instead require the agency to provide the officially adopted facsimile signature by letter, and would provide that the facsimile signature will continue to be valid until the agency notifies the county recorder that the facsimile signature has been revoked.

(9) Existing law authorizes the owner of a qualified historical property and the legislative body of a city, county, or city and county to contract to enforceably restrict the use of the property in exchange for a reduction in the property tax assessment on the property. Existing law requires the owner or agent of an owner to record the contract with the county in which the property is located within 6 months of entering into the contract.

This bill would repeal the requirement that the owner or agent of the owner record the contract with the county in which the property is located within 6 months of entering into the contract.

(10) Existing law requires the Ventura County Resource Conservation District to meet specified criteria, including criteria related to its subdivisions, boundaries, elections, and board of directors.

This bill would remove these provisions.

(11) The Property and Business Improvement District Law of 1994 requires, prior to the establishment of a property and business improvement district pursuant to the act, that the proponents of the district submit to the city council a management district plan. A management district plan may provide that a 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.

This bill would remove this provision.

(12) The Kings River Conservation District Act establishes the Kings River Conservation District, and sets forth the requirements for the election of members of the board of directors. Existing law requires the district to be split into electoral divisions for the election of members of the board of directors.

This bill would require that in an election, the candidate receiving the highest number of votes cast for the office of director for a specific division be declared elected.

Existing law requires all vacancies occurring in the office of director to be filled by appointment by the remaining directors, as specified.

This bill would instead require the district to fill vacancies in the board in the same manner as those vacancies on the governing board of a special district are filled.

Existing law authorizes the district to incur bonded indebtedness, and requires the district to hold a special election on the question prior to incurring indebtedness. Existing law sets forth the procedures for conducting that election.

This bill would require the district to instead comply with the Irrigation District Law in issuing bonds.

(13) This bill would also make technical, nonsubstantive, and conforming changes to provisions relating to local government.

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

*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 2013.

3 (b) The Legislature finds and declares that Californians want  
4 their governments to be 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 several minor, noncontroversial statutory changes relating  
10 to the common theme, purpose, and subject of local government  
11 into a single measure.

12 SEC. 1.5. Section 11010.4 of the Business and Professions  
13 Code is amended to read:

14 11010.4. The notice of intention specified in Section 11010 is  
15 not required for a proposed offering of subdivided land that satisfies  
16 all of the following criteria:

17 (a) The owner, subdivider, or agent has complied with Sections  
18 11013.1, 11013.2, and 11013.4, if applicable.

19 (b) The subdivided land is not a subdivision as defined in  
20 Section 11000.1 or 11004.5.

21 (c) Each lot, parcel or unit of the subdivision is located entirely  
22 within the boundaries of a city.

23 (d) Each lot, parcel, or unit of the subdivision will be sold or  
24 offered for sale improved with a completed residential structure  
25 and with all other improvements completed that are necessary to  
26 occupancy or with financial arrangements determined to be  
27 adequate by the city to ensure completion of the improvements.  
28 A lot, parcel, or unit shall satisfy the requirement that it be  
29 improved with a completed residential structure if it is improved  
30 with a completed residential structure at the time it is conveyed  
31 by the subdivider.

1 SEC. 2. Section 12419.8 of the Government Code is amended  
2 to read:

3 12419.8. (a) The Controller may, in his or her discretion, offset  
4 any amount due a city, county, or special district from a person or  
5 entity pursuant to paragraph (1), (2), or (4) of subdivision (c), and  
6 shall, at the request of the city, county, or special district, offset  
7 any amount due a city, county, or special district from a person or  
8 entity pursuant to paragraph (3) of subdivision (c), against any  
9 amount owing the person or entity by a state agency on a claim  
10 for a refund from the Franchise Tax Board under the Personal  
11 Income Tax Law or the Bank and Corporation Tax Law, a claim  
12 for refund from the State Board of Equalization under the Sales  
13 and Use Tax Law, from winnings in the California State Lottery,  
14 or a claim filed by the owner, as described in subdivision (d) of  
15 Section 1540 of the Code of Civil Procedure, for payment of money  
16 from unclaimed property held by the state. Standards and  
17 procedures for submission of requests for offsets shall be as  
18 prescribed by the Controller. Whenever insufficient funds are  
19 available to satisfy an offset request, the Controller, after first  
20 applying the amounts available to any amount due a state agency,  
21 may allocate the balance among any other requests for offset.

22 (b) The Controller shall deduct and retain from any amount  
23 offset in favor of a city, county, or special district an amount  
24 sufficient to reimburse the Controller, the Franchise Tax Board,  
25 the State Board of Equalization, or the California State Lottery for  
26 their administrative costs of processing the offset payment.

27 (c) This section shall apply only to any of the following  
28 situations:

- 29 (1) Where the amount has been reduced to a judgment.
- 30 (2) Where the amount is contained in an order of a court.
- 31 (3) Where the amount is from a bench warrant for payment of  
32 any fine, penalty, or assessment.
- 33 (4) Where the amount is delinquent unsecured property taxes  
34 on which a certificate lien has been filed for record in the office  
35 of the county recorder pursuant to Section 2191.3 of the Revenue  
36 and Taxation Code.

37 (d) For purposes of paragraph (4) of subdivision (c):

- 38 (1) Upon the tax collector’s request for taxpayer identification  
39 numbers required by the Controller’s procedures, the tax collector  
40 shall immediately notify the appropriate assessee, by registered or

1 certified mail, that the request has been made for the purpose of  
2 intercepting refunds from the state government due the taxpayer,  
3 in order to offset the delinquent property tax obligation. The letter  
4 shall state that if the assessee does not pay the outstanding tax  
5 amount to the tax collector within 20 days, the required taxpayer  
6 identification number will be so provided.

7 (2) The tax collector shall not be named in any action that may  
8 be brought as a result of compliance with this subdivision.

9 ~~SEC. 3. Section 12419.10 of the Government Code is amended~~  
10 ~~to read:~~

11 ~~12419.10. (a) (1) The Controller shall, to the extent feasible,~~  
12 ~~offset any amount overdue and unpaid for a fine, penalty,~~  
13 ~~assessment, bail, vehicle parking penalty, or court-ordered~~  
14 ~~reimbursement for court-related services, from a person or entity,~~  
15 ~~against any amount owing the person or entity by a state agency~~  
16 ~~on a claim for a refund from the Franchise Tax Board under the~~  
17 ~~Personal Income Tax Law or the Bank and Corporation Tax Law,~~  
18 ~~from winnings in the California State Lottery, or a cash payment~~  
19 ~~of a claim for unclaimed property held by the state. Standards and~~  
20 ~~procedures for submission of requests for offsets shall be as~~  
21 ~~prescribed by the Controller. Whenever insufficient funds are~~  
22 ~~available to satisfy an offset request, the Controller, after first~~  
23 ~~applying the amounts available to any amount due a state agency,~~  
24 ~~may allocate the balance among any other requests for offset.~~

25 ~~(2) Any request for an offset for a vehicle parking penalty shall~~  
26 ~~be submitted within three years of the date the penalty was~~  
27 ~~incurred. This three year maximum term for refund offsets for~~  
28 ~~parking tickets applies to requests submitted to the Controller on~~  
29 ~~or after January 1, 2004.~~

30 ~~(b) Once an offset request for a vehicle parking penalty is made,~~  
31 ~~a local agency may not accrue additional interest charges, collection~~  
32 ~~charges, penalties, or other charges on or after the date that the~~  
33 ~~offset request is made. Payment of an offset request for a vehicle~~  
34 ~~parking penalty shall be made on the condition that it constitutes~~  
35 ~~full and final payment of that offset.~~

36 ~~(c) The Controller shall deduct and retain from any amount~~  
37 ~~offset in favor of a city, county, or special district an amount~~  
38 ~~sufficient to reimburse the Controller, the Franchise Tax Board,~~  
39 ~~the California State Lottery, and the Department of Motor Vehicles~~  
40 ~~for their administrative costs of processing the offset payment.~~

1 ~~(d) Notwithstanding Chapter 3.5 (commencing with Section~~  
2 ~~6250) of Division 7 of Title 1, or any other provision of law, the~~  
3 ~~social security number of any person obtained pursuant to Section~~  
4 ~~4150, 4150.2, or 12800 of the Vehicle Code is not a public record~~  
5 ~~and shall only be provided by the Department of Motor Vehicles~~  
6 ~~to an authorized agency for the sole purpose of making an offset~~  
7 ~~pursuant to this section for any unpaid vehicle parking penalty or~~  
8 ~~any unpaid fine, penalty, assessment, or bail of which the~~  
9 ~~Department of Motor Vehicles has been notified pursuant to~~  
10 ~~subdivision (a) of Section 40509 of the Vehicle Code or Section~~  
11 ~~1803 of the Vehicle Code, responding to information requests from~~  
12 ~~the Franchise Tax Board for the purpose of tax administration, and~~  
13 ~~responding to requests for information from an agency, operating~~  
14 ~~pursuant to and carrying out the provisions of Part A (Block Grants~~  
15 ~~to States for Temporary Assistance for Needy Families) or Part D~~  
16 ~~(Child Support and Establishment of Paternity) of Subchapter IV~~  
17 ~~of Chapter 7 of Title 42 of the United States Code. As used in this~~  
18 ~~section, “authorized agency” means the Controller, the Franchise~~  
19 ~~Tax Board, or the California State Lottery Commission.~~

20 *SEC. 3. Section 12419.10 of the Government Code is amended*  
21 *to read:*

22 12419.10. (a) (1) The Controller shall, to the extent feasible,  
23 offset any amount overdue and unpaid for a fine, penalty,  
24 assessment, bail, vehicle parking penalty, or court-ordered  
25 reimbursement for court-related services, from a person or entity,  
26 against any amount owing the person or entity by a state agency  
27 on a claim for a refund from the Franchise Tax Board under the  
28 Personal Income Tax Law or the Bank and Corporation Tax Law,  
29 from winnings in the California State Lottery, or a cash payment  
30 of a claim for unclaimed property held by the state. Standards and  
31 procedures for submission of requests for offsets shall be as  
32 prescribed by the Controller. Neither the Controller nor the  
33 Franchise Tax Board shall condition a request for offset on the  
34 submission of a person’s social security number. If sufficient funds  
35 are not available to satisfy an offset request, the Controller, after  
36 first applying the amounts available to any amount due a state  
37 agency, may allocate the balance among any other requests for  
38 offset.

39 (2) Any request for an offset for a vehicle parking penalty shall  
40 be submitted within three years of the date the penalty was

1 incurred. This three year maximum term for refund offsets for  
2 parking tickets applies to requests submitted to the Controller on  
3 or after January 1, 2004.

4 (b) Once an offset request for a vehicle parking penalty is made,  
5 a local agency may not accrue additional interest charges, collection  
6 charges, penalties, or other charges on or after the date that the  
7 offset request is made. Payment of an offset request for a vehicle  
8 parking penalty shall be made on the condition that it constitutes  
9 full and final payment of that offset.

10 (c) The Controller shall deduct and retain from any amount  
11 offset in favor of a city, county, ~~or city and county~~, court, *or special*  
12 *district* an amount sufficient to reimburse the Controller, the  
13 Franchise Tax Board, the California State Lottery, and the  
14 Department of Motor Vehicles for their administrative costs of  
15 processing the offset payment.

16 (d) If necessary to confirm the identity of a person before  
17 making an offset, the Franchise Tax Board may, upon paying any  
18 necessary fees, obtain a social security number from the  
19 Department of Motor Vehicles, as authorized by subdivision (f)  
20 of Section 1653.5 of the Vehicle Code.

21 (e) Notwithstanding Chapter 3.5 (commencing with Section  
22 6250) of Division 7 of Title 1, or any other law, the social security  
23 number of a person obtained pursuant to Section 4150, 4150.2, or  
24 12800 of the Vehicle Code is not a public record and shall only  
25 be provided by the Department of Motor Vehicles to an authorized  
26 agency for the sole purpose of making an offset pursuant to this  
27 section for an unpaid vehicle parking penalty or an unpaid fine,  
28 penalty, assessment, or bail of which the Department of Motor  
29 Vehicles has been notified pursuant to subdivision (a) of Section  
30 40509 of the Vehicle Code or Section 1803 of the Vehicle Code,  
31 responding to information requests from the Franchise Tax Board  
32 for the purpose of tax administration, and responding to requests  
33 for information from an agency, operating pursuant to and carrying  
34 out the provisions ~~of, of Part A (Aid to Families with Dependent~~  
35 ~~Children)~~ (*Block Grants to States for Temporary Assistance for*  
36 *Needy Families*), or Part D (Child Support and Establishment of  
37 Paternity) of Subchapter IV of Chapter 7 of Title 42 of the United  
38 States Code. As used in this section, “authorized agency” means  
39 the Controller, the Franchise Tax Board, or the California State  
40 Lottery Commission.

1 SEC. 3.5. Section 27201 of the Government Code is amended  
2 to read:

3 27201. (a) The recorder shall, upon payment of proper fees  
4 and taxes, accept for recordation any instrument, paper, or notice  
5 that is authorized or required by statute, or court order to be  
6 recorded, or authorized or required to be recorded by a local  
7 ordinance that relates to the recordation of any instrument, paper,  
8 or notice that relates to real property, if the instrument, paper, or  
9 notice contains sufficient information to be indexed as provided  
10 by statute, meets recording requirements of state statutes and local  
11 ordinances, and is photographically reproducible. The county  
12 recorder shall not refuse to record any instrument, paper, or notice  
13 that is authorized or required by statute, court order, or local  
14 ordinance that relates to the recordation of any instrument, paper,  
15 or notice that relates to real property to be recorded on the basis  
16 of its lack of legal sufficiency.

17 “Photographically reproducible,” for purposes of this division,  
18 means all instruments, papers, or notices that comply with  
19 standards as recommended by the American National Standards  
20 Institute or the Association for Information and Image Management  
21 for recording of records.

22 (b) (1) Each instrument, paper, or notice shall contain an  
23 original signature or signatures, except as otherwise provided by  
24 law, or be a certified copy of the original.

25 (2) A facsimile signature shall be accepted on a lien recorded  
26 by a governmental agency when that facsimile signature has been  
27 officially adopted by that agency. The lien shall have noted on its  
28 face a statement to that effect. The officially adopted facsimile  
29 signature shall be provided to the county recorder by a letter from  
30 the agency. A facsimile signature shall continue to be valid until  
31 the agency notifies the county recorder that the facsimile signature  
32 has been revoked.

33 SEC. 4. Section 41802 of the Government Code is amended  
34 to read:

35 41802. The city attorney shall frame an ordinance or resolution  
36 required by the legislative body.

37 SEC. 5. Section 41803 of the Government Code is amended  
38 to read:

39 41803. The city attorney shall perform other legal services  
40 required from time to time by the legislative body.

1 SEC. 6. Section 41805 of the Government Code is amended  
2 to read:

3 41805. (a) A city attorney who does not, in fact, exercise  
4 prosecutorial responsibilities on behalf of the city or cities by which  
5 he or she is employed shall not be precluded from defending or  
6 assisting in the defense of, or acting as counsel for, any person  
7 accused of any crime except for violation of any ordinance of the  
8 city or cities by which he or she is employed, provided that:

9 (1) The city or cities by which the city attorney is employed  
10 expressly relieve the city attorney of any and all prosecutorial  
11 responsibilities on its or their behalf; and

12 (2) The accused has been informed of and expressly waives any  
13 rights created as a result of any potential conflict created by his or  
14 her attorney's position as a city attorney.

15 (b) Where the above provisions are met, partner or associate of  
16 a city attorney shall not be prevented from defending or assisting  
17 in the defense of, or acting as counsel for, any person accused of  
18 any crime except for violations of any ordinance of the city or  
19 cities by which his or her partner or associate is employed as a city  
20 attorney.

21 This section shall not preclude any city from limiting or  
22 prohibiting the private practice of any attorney it retains or  
23 employs.

24 SEC. 6.5. Section 50281 of the Government Code is amended  
25 to read:

26 50281. Any contract entered into under this article shall contain  
27 the following provisions:

28 (a) The term of the contract shall be for a minimum period of  
29 10 years.

30 (b) Where applicable, the contract shall provide the following:

31 (1) For the preservation of the qualified historical property and,  
32 when necessary, to restore and rehabilitate the property to conform  
33 to the rules and regulations of the Office of Historic Preservation  
34 of the Department of Parks and Recreation, the United States  
35 Secretary of the Interior's Standards for Rehabilitation, and the  
36 State Historical Building Code.

37 (2) For an inspection of the interior and exterior of the premises  
38 by the city, county, or city and county, prior to a new agreement,  
39 and every five years thereafter, to determine the owner's  
40 compliance with the contract.

1 (3) For it to be binding upon, and inure to the benefit of, all  
2 successors in interest of the owner. A successor in interest shall  
3 have the same rights and obligations under the contract as the  
4 original owner who entered into the contract.

5 SEC. 7. Section 53243.4 of the Government Code is amended  
6 to read:

7 53243.4. For purposes of this article, “abuse of office or  
8 position” means either of the following:

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

11 (b) A crime against public justice, including, but not limited to,  
12 a crime described in Title 5 (commencing with Section 67), Title  
13 6 (commencing with Section 85), or Title 7 (commencing with  
14 Section 92) of Part 1 of the Penal Code.

15 SEC. 8. Section 53395.1 of the Government Code is amended  
16 to read:

17 53395.1. Unless the context otherwise requires, the definitions  
18 contained in this article shall govern the construction of this  
19 chapter.

20 (a) “Affected taxing entity” means any governmental taxing  
21 agency which levied or had levied on its behalf a property tax on  
22 all or a portion of the property located in the proposed district in  
23 the fiscal year prior to the designation of the district, but not  
24 including any county office of education, school district, or  
25 community college district.

26 (b) “City” means a city or a city and county.

27 (c) “Debt” means any binding obligation to repay a sum of  
28 money, including obligations in the form of bonds, certificates of  
29 participation, long-term leases, loans from government agencies,  
30 or loans from banks, other financial institutions, private businesses,  
31 or individuals.

32 (d) “Designated official” means the city or county engineer or  
33 other appropriate official designated pursuant to Section 53395.13.

34 (e) (1) “District” means an infrastructure financing district.

35 (2) An infrastructure financing district is a “district” within the  
36 meaning of Section 1 of Article XIII A of the California  
37 Constitution.

38 (f) “Infrastructure financing district” means a legally constituted  
39 governmental entity established pursuant to this chapter for the  
40 sole purpose of financing public facilities.

1 (g) “Landowner” or “owner of land” means any person shown  
2 as the owner of land on the last equalized assessment roll or  
3 otherwise known to be the owner of the land by the legislative  
4 body. The legislative body has no obligation to obtain other  
5 information as to the ownership of land, and its determination of  
6 ownership shall be final and conclusive for the purposes of this  
7 chapter. A public agency is not a landowner or owner of land for  
8 purposes of this chapter, unless the public agency owns all of the  
9 land to be included within the proposed district.

10 (h) “Legislative body” means the city council or board of  
11 supervisors.

12 SEC. 9. Section 53395.2 of the Government Code is amended  
13 to read:

14 53395.2. (a) The revenues available pursuant to Article 3  
15 (commencing with Section 53396) may be used directly for work  
16 allowed pursuant to Section 53395.3, may be accumulated for a  
17 period not to exceed five years to provide a fund for that work,  
18 may be pledged to pay the principal of, and interest on, bonds  
19 issued pursuant to Article 4 (commencing with Section 53397.1),  
20 or may be pledged to pay the principal of, and interest on, bonds  
21 issued pursuant to the Improvement Bond Act of 1915 (Division  
22 10 (commencing with Section 8500) of the Streets and Highways  
23 Code) or the Mello-Roos Community Facilities Act of 1982  
24 (Chapter 2.5 (commencing with Section 53311)), the proceeds of  
25 which have been or will be used entirely for allowable purposes  
26 of the district. The revenue of the district may also be advanced  
27 for allowable purposes of the district to an Integrated Financing  
28 District established pursuant to Chapter 1.5 (commencing with  
29 Section 53175), in which case the district may be party to a  
30 reimbursement agreement established pursuant to that chapter.  
31 The revenues of the district may also be committed to paying for  
32 any completed public facility acquired pursuant to Section 53395.3  
33 over a period of time, including the payment of a rate of interest  
34 not to exceed the bond buyer index rate on the day that the  
35 agreement to repay is entered into by the city or county.

36 (b) The legislative body may enter into an agreement with any  
37 affected taxing entity providing for the construction of, or  
38 assistance in, financing public facilities.

39 SEC. 10. Section 53395.10 of the Government Code is amended  
40 to read:

1 53395.10. A legislative body of a city or county may designate  
2 one or more proposed infrastructure financing districts pursuant  
3 to this chapter. Proceedings for the establishment of a district shall  
4 be instituted by the adoption of a resolution of intention to establish  
5 the proposed district and shall do all of the following:

6 (a) State that an infrastructure financing district is proposed to  
7 be established under the terms of this chapter and describe the  
8 boundaries of the proposed district, which may be accomplished  
9 by reference to a map on file in the office of the clerk of the city.

10 (b) State the type of public facilities proposed to be financed  
11 by the district. The district may only finance public facilities  
12 authorized by Section 53395.3.

13 (c) State that incremental property tax revenue from the city or  
14 county and some or all affected taxing entities within the district  
15 may be used to finance these public facilities.

16 (d) Fix a time and place for a public hearing on the proposal.

17 SEC. 11. Section 53395.13 of the Government Code is amended  
18 to read:

19 53395.13. After adopting the resolution pursuant to Section  
20 53395.10, the legislative body shall designate and direct the city  
21 or county engineer or other appropriate official to prepare an  
22 infrastructure plan pursuant to Section 53395.14.

23 SEC. 12. Section 53395.14 of the Government Code is amended  
24 to read:

25 53395.14. After receipt of a copy of the resolution of intention  
26 to establish a district, the official designated pursuant to Section  
27 53395.13 shall prepare a proposed infrastructure financing plan.  
28 The infrastructure financing plan shall be consistent with the  
29 general plan of the city or county within which the district is  
30 located and shall include all of the following:

31 (a) A map and legal description of the proposed district, which  
32 may include all or a portion of the district designated by the  
33 legislative body in its resolution of intention.

34 (b) A description of the public facilities required to serve the  
35 development proposed in the area of the district including those  
36 to be provided by the private sector, those to be provided by  
37 governmental entities without assistance under this chapter, those  
38 public improvements and facilities to be financed with assistance  
39 from the proposed district, and those to be provided jointly. The

1 description shall include the proposed location, timing, and costs  
2 of the public improvements and facilities.

3 (c) A finding that the public facilities are of communitywide  
4 significance and provide significant benefits to an area larger than  
5 the area of the district.

6 (d) A financing section, which shall contain all of the following  
7 information:

8 (1) A specification of the maximum portion of the incremental  
9 tax revenue of the city or county and of each affected taxing entity  
10 proposed to be committed to the district for each year during which  
11 the district will receive incremental tax revenue. The portion need  
12 not be the same for all affected taxing entities. The portion may  
13 change over time.

14 (2) A projection of the amount of tax revenues expected to be  
15 received by the district in each year during which the district will  
16 receive tax revenues, including an estimate of the amount of tax  
17 revenues attributable to each affected taxing entity for each year.

18 (3) A plan for financing the public facilities to be assisted by  
19 the district, including a detailed description of any intention to  
20 incur debt.

21 (4) A limit on the total number of dollars of taxes which may  
22 be allocated to the district pursuant to the plan.

23 (5) A date on which the district will cease to exist, by which  
24 time all tax allocation to the district will end. The date shall not  
25 be more than 30 years from the date on which the ordinance  
26 forming the district is adopted pursuant to Section 53395.23.

27 (6) An analysis of the costs to the city or county of providing  
28 facilities and services to the area of the district while the area is  
29 being developed and after the area is developed. The plan shall  
30 also include an analysis of the tax, fee, charge, and other revenues  
31 expected to be received by the city or county as a result of expected  
32 development in the area of the district.

33 (7) An analysis of the projected fiscal impact of the district and  
34 the associated development upon each affected taxing entity.

35 (8) A plan for financing any potential costs that may be incurred  
36 by reimbursing a developer of a project that is both located entirely  
37 within the boundaries of that district and qualifies for the Transit  
38 Priority Project Program, pursuant to Section 65470, including  
39 any permit and affordable housing expenses related to the project.

1 (e) If any dwelling units occupied by persons or families of low  
2 or moderate income are proposed to be removed or destroyed in  
3 the course of private development or public works construction  
4 within the area of the district, a plan providing for replacement of  
5 those units and relocation of those persons or families consistent  
6 with the requirements of Section 53395.5.

7 SEC. 13. Section 53395.17 of the Government Code is amended  
8 to read:

9 53395.17. The legislative body shall conduct a public hearing  
10 prior to adopting the proposed infrastructure financing plan. The  
11 public hearing shall be called no sooner than 60 days after the plan  
12 has been sent to each affected taxing entity. In addition to the  
13 notice given to landowners and affected taxing entities pursuant  
14 to Sections 53395.11 and 53395.12, notice of the public hearing  
15 shall be given by publication not less than once a week for four  
16 successive weeks in a newspaper of general circulation published  
17 in the city or county in which the proposed district is located. The  
18 notice shall state that the district will be used to finance public  
19 works, briefly describe the public works, briefly describe the  
20 proposed financial arrangements, including the proposed  
21 commitment of incremental tax revenue, describe the boundaries  
22 of the proposed district and state the day, hour, and place when  
23 and where any persons having any objections to the proposed  
24 infrastructure financing plan, or the regularity of any of the prior  
25 proceedings, may appear before the legislative body and object to  
26 the adoption of the proposed plan by the legislative body.

27 SEC. 14. Section 53395.85 of the Government Code is amended  
28 to read:

29 53395.85. If a city or county that is a member of the Orangeline  
30 Development Authority establishes an infrastructure financing  
31 district pursuant to this chapter for the purpose of providing funding  
32 for public transit facilities, that city or county may provide some  
33 or all of this funding to the Orangeline Development Authority  
34 for the purposes of furthering public transit facilities within the  
35 jurisdiction of the authority, including facilities related to magnetic  
36 levitation.

37 SEC. 15. Section 53396 of the Government Code is amended  
38 to read:

39 53396. Any infrastructure financing plan may contain a  
40 provision that taxes, if any, levied upon taxable property in the

1 area included within the infrastructure financing district each year  
2 by or for the benefit of the State of California, or any affected  
3 taxing entity after the effective date of the ordinance adopted  
4 pursuant to Section 53395.23 to create the district, shall be divided  
5 as follows:

6 (a) That portion of the taxes which would be produced by the  
7 rate upon which the tax is levied each year by or for each of the  
8 affected taxing entities upon the total sum of the assessed value  
9 of the taxable property in the district as shown upon the assessment  
10 roll used in connection with the taxation of the property by the  
11 affected taxing entity, last equalized prior to the effective date of  
12 the ordinance adopted pursuant to Section 53395.23 to create the  
13 district, shall be allocated to, and when collected shall be paid to,  
14 the respective affected taxing entities as taxes by or for the affected  
15 taxing entities on all other property are paid.

16 (b) That portion of the levied taxes each year specified in the  
17 adopted infrastructure financing plan for the city or county and  
18 each affected taxing entity which has agreed to participate pursuant  
19 to Section 53395.19 in excess of the amount specified in  
20 subdivision (a) shall be allocated to, and when collected shall be  
21 paid into a special fund of, the district for all lawful purposes of  
22 the district. Unless and until the total assessed valuation of the  
23 taxable property in a district exceeds the total assessed value of  
24 the taxable property in the district as shown by the last equalized  
25 assessment roll referred to in subdivision (a), all of the taxes levied  
26 and collected upon the taxable property in the district shall be paid  
27 to the respective affected taxing entities. When the district ceases  
28 to exist pursuant to the adopted infrastructure financing plan, all  
29 moneys thereafter received from taxes upon the taxable property  
30 in the district shall be paid to the respective affected taxing entities  
31 as taxes on all other property are paid.

32 SEC. 16. Section 66428 of the Government Code is amended  
33 to read:

34 66428. (a) Local ordinances may require a tentative map where  
35 a parcel map is required by this chapter. A parcel map shall be  
36 required for subdivisions as to which a final or parcel map is not  
37 otherwise required by this chapter, unless the preparation of the  
38 parcel map is waived by local ordinance as provided in this section.  
39 A parcel map shall not be required for either of the following:

1 (1) Subdivisions of a portion of the operating right-of-way of  
2 a railroad corporation, as defined by Section 230 of the Public  
3 Utilities Code, that are created by short-term leases (terminable  
4 by either party on not more than 30 days' notice in writing).

5 (2) Land conveyed to or from a governmental agency, public  
6 entity, public utility, or for land conveyed to a subsidiary of a  
7 public utility for conveyance to that public utility for rights-of-way,  
8 unless a showing is made in individual cases, upon substantial  
9 evidence, that public policy necessitates a parcel map. For purposes  
10 of this subdivision, land conveyed to or from a governmental  
11 agency shall include a fee interest, a leasehold interest, an  
12 easement, or a license.

13 (b) A local agency shall, by ordinance, provide a procedure for  
14 waiving the requirement for a parcel map, imposed by this division,  
15 including the requirements for a parcel map imposed by Section  
16 66426. The procedure may include provisions for waiving the  
17 requirement for a tentative and final map for the construction of  
18 a condominium project on a single parcel. The ordinance shall  
19 require a finding by the legislative body or advisory agency, that  
20 the proposed division of land complies with requirements  
21 established by this division or local ordinance enacted pursuant  
22 thereto as to area, improvement and design, floodwater drainage  
23 control, appropriate improved public roads, sanitary disposal  
24 facilities, water supply availability, environmental protection, and  
25 other requirements of this division or local ordinance enacted  
26 pursuant thereto. In any case, where the requirement for a parcel  
27 map is waived by local ordinance pursuant to this section, a  
28 tentative map may be required by local ordinance.

29 (c) If a local ordinance does not require a tentative map where  
30 a parcel map is required by this division, the subdivider shall have  
31 the option of submitting a tentative map, or if he or she desires to  
32 obtain the rights conferred by Chapter 4.5 (commencing with  
33 Section 66498.1), a vesting tentative map.

34 SEC. 17. Section 66442.5 of the Government Code is amended  
35 to read:

36 66442.5. The following statements shall appear on a final map:  
37

38 Engineer's or Surveyor's statement:

39 This map was prepared by me or under my direction and is based  
40 upon a field survey in conformance with the requirements of the

1 Subdivision Map Act and local ordinance at the request of (name  
2 of person authorizing map) on (date). I hereby state that all the  
3 monuments are of the character and occupy the positions indicated  
4 or that they will be set in those positions before (date), and that  
5 the monuments are, or will be, sufficient to enable the survey to  
6 be retraced, and that this final map substantially conforms to the  
7 conditionally approved tentative map.

8  
9 (Signed) \_\_\_\_\_ (Date Signed) \_\_\_\_\_  
10 L.S. or R.C.E. No. \_\_\_\_\_ (Seal)

11 Recorder's certificate or statement.

12 Filed this \_\_\_ day of \_\_\_, 20\_\_\_, at \_\_\_m. in Book \_\_\_ of \_\_\_, at page  
13 \_\_\_, at the request of \_\_\_\_\_.

14 Signed \_\_\_\_\_  
15 \_\_\_\_\_  
16 County Recorder

17  
18 SEC. 18. Section 66449 of the Government Code is amended  
19 to read:

20 66449. The following statements shall appear on a parcel map:  
21 Engineer's or Surveyor's statement:

22 This map was prepared by me or under my direction (and was  
23 compiled from record data) (and is based upon a field survey) in  
24 conformance with the requirements of the Subdivision Map Act  
25 and local ordinance at the request of (name of person authorizing  
26 map) on (date). I hereby state that this parcel map substantially  
27 conforms to the approved or conditionally approved tentative map,  
28 if any.

29  
30 (Signed) \_\_\_\_\_ (Date Signed) \_\_\_\_\_  
31 L.S. or R.C.E. No. \_\_\_\_\_(Seal)

32 Recorder's certificate or statement.

33 Filed this \_\_\_ day of \_\_\_, 20\_\_\_, at \_\_\_m. in Book \_\_\_ of \_\_\_, at page  
34 \_\_\_, at the request of \_\_\_\_\_.

35 Signed \_\_\_\_\_  
36 \_\_\_\_\_  
37 County Recorder

38  
39 SEC. 19. Section 9002 of the Health and Safety Code is  
40 amended to read:

1 9002. The definitions in Chapter 1 (commencing with Section  
2 7000) of Part 1 of Division 7 apply to this part. Further, as used  
3 in this part, the following terms have the following meanings:

4 (a) “Active militia” means the active militia as defined by  
5 Section 120 of the Military and Veterans Code.

6 (b) “Armed services” means the armed services as defined by  
7 Section 18540 of the Government Code.

8 (c) “Board of trustees” means the legislative body of a district.

9 (d) “District” means a public cemetery district created pursuant  
10 to this part or any of its statutory predecessors.

11 (e) “Domestic partner” means two adults who have chosen to  
12 share one another’s lives in an intimate and committed relationship  
13 of mutual caring, and are qualified and registered with the Secretary  
14 of State as domestic partners in accordance with Division 2.5 of  
15 the Family Code.

16 (f) “Family member” means any spouse, by marriage or  
17 otherwise, domestic partner, child or stepchild, by natural birth or  
18 adoption, parent, brother, sister, half-brother, half-sister,  
19 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt,  
20 uncle, first cousin, or any person denoted by the prefix “grand” or  
21 “great,” or the spouse of any of these persons.

22 (g) “Firefighter” means a firefighter as defined by Section  
23 1797.182.

24 (h) “Interment right” means the right to use or control the use  
25 of a plot, niche, or other space, authorized by this part, for the  
26 interment of human remains.

27 (i) “Nonresident” means a person who does not reside within a  
28 district or does not pay property taxes on property located in a  
29 district.

30 (j) “Peace officer” means a peace officer as defined by Section  
31 830 of the Penal Code.

32 (k) “Principal county” means the county having all or the greater  
33 portion of the entire assessed value, as shown on the last equalized  
34 assessment roll of the county or counties, of all taxable property  
35 within a district.

36 (l) “Voter” means a voter as defined by Section 359 of the  
37 Elections Code.

38 SEC. 20. Section 9973 of the Public Resources Code is  
39 repealed.

1 SEC. 21. Section 9974 of the Public Resources Code is  
2 repealed.

3 SEC. 22. Section 9975 of the Public Resources Code is  
4 repealed.

5 SEC. 23. Section 9976 of the Public Resources Code is  
6 repealed.

7 SEC. 24. Section 9977 of the Public Resources Code is  
8 repealed.

9 SEC. 25. Section 9978 of the Public Resources Code is  
10 repealed.

11 SEC. 26. Section 32556 of the Public Resources Code is  
12 amended to read:

13 32556. (a) The board shall consist of 13 voting members and  
14 7 nonvoting members.

15 (b) The 13 voting members of the board shall consist of the  
16 following:

17 (1) The Secretary of the Resources Agency, or his or her  
18 designee.

19 (2) The Director of Parks and Recreation, or his or her designee.

20 (3) The Director of Finance, or his or her designee.

21 (4) The Director of the Los Angeles County Department of  
22 Parks, or his or her designee.

23 (5) The member of the Los Angeles County Board of  
24 Supervisors within whose district the majority of the Baldwin Hills  
25 area is located, or his or her designee.

26 (6) Six members of the public appointed by the Governor who  
27 are residents of Los Angeles County and who represent the  
28 diversity of the community surrounding the Baldwin Hills area.

29 Of those six members, four members shall be selected as follows:

30 (A) One member shall be a resident of Culver City selected  
31 from a list of three persons nominated by the city council.

32 (B) Three members shall be residents of the adjacent  
33 communities of Blair Hills, Ladera Heights, Baldwin Hills,  
34 Windsor Hills, Inglewood, View Park, or Baldwin Vista.

35 (7) A resident of Los Angeles County appointed by the Speaker  
36 of the Assembly, and a resident of Los Angeles County appointed  
37 by the Senate Committee on Rules.

38 (c) The seven nonvoting members shall consist of the following:

39 (1) The Secretary of the California Environmental Protection  
40 Agency, or his or her designee.

1 (2) The Executive Officer of the State Coastal Conservancy, or  
2 his or her designee.

3 (3) The Executive Officer of the State Lands Commission, or  
4 his or her designee.

5 (4) An appointee of the Governor with experience in developing  
6 contaminated sites, commonly referred to as “brownfields.”

7 (5) The Executive Director of the Santa Monica Mountains  
8 Conservancy, or his or her designee.

9 (6) The Director of the Culver City Human Services Department,  
10 or his or her designee.

11 (7) The Director of the Department of Conservation, or his or  
12 her designee.

13 (d) A quorum shall consist of seven voting members of the  
14 board, and any action of the board affecting any matter before the  
15 board shall be decided by a majority vote of the voting members  
16 present, a quorum being present. However, the affirmative vote  
17 of at least four of the voting members of the board shall be required  
18 for the transaction of any business of the board.

19 (e) The board shall do both of the following:

20 (1) Study the potential environmental and recreational uses of  
21 Ballona Creek and the adjacent property described in subdivision  
22 (a) of Section 32553.

23 (2) Develop a proposed map for that area.

24 SEC. 27. Section 36622 of the Streets and Highways Code is  
25 amended to read:

26 36622. The management district plan shall contain all of the  
27 following:

28 (a) If the assessment will be levied on property, a map of the  
29 district in sufficient detail to locate each parcel of property and, if  
30 businesses are to be assessed, each business within the district. If  
31 the assessment will be levied on businesses, a map that identifies  
32 the district boundaries in sufficient detail to allow a business owner  
33 to reasonably determine whether a business is located within the  
34 district boundaries. If the assessment will be levied on property  
35 and businesses, a map of the district in sufficient detail to locate  
36 each parcel of property and to allow a business owner to reasonably  
37 determine whether a business is located within the district  
38 boundaries.

39 (b) The name of the proposed district.

1 (c) A description of the boundaries of the district, including the  
2 boundaries of benefit zones, proposed for establishment or  
3 extension in a manner sufficient to identify the affected lands and  
4 businesses included. The boundaries of a proposed property  
5 assessment district shall not overlap with the boundaries of another  
6 existing property assessment district created pursuant to this part.  
7 This part does not prohibit the boundaries of a district created  
8 pursuant to this part to overlap with other assessment districts  
9 established pursuant to other provisions of law, including, but not  
10 limited to, the Parking and Business Improvement Area Law of  
11 1989 (Part 6 (commencing with Section 36500)). This part does  
12 not prohibit the boundaries of a business assessment district created  
13 pursuant to this part to overlap with another business assessment  
14 district created pursuant to this part. This part does not prohibit  
15 the boundaries of a business assessment district created pursuant  
16 to this part to overlap with a property assessment district created  
17 pursuant to this part.

18 (d) The improvements and activities proposed for each year of  
19 operation of the district and the maximum cost thereof. If the  
20 improvements and activities proposed for each year of operation  
21 are the same, a description of the first year's proposed  
22 improvements and activities and a statement that the same  
23 improvements and activities are proposed for subsequent years  
24 shall satisfy the requirements of this subdivision.

25 (e) The total annual amount proposed to be expended for  
26 improvements, maintenance and operations, and debt service in  
27 each year of operation of the district. If the assessment is levied  
28 on businesses, this amount may be estimated based upon the  
29 assessment rate. If the total annual amount proposed to be expended  
30 in each year of operation of the district is not significantly different,  
31 the amount proposed to be expended in the initial year and a  
32 statement that a similar amount applies to subsequent years shall  
33 satisfy the requirements of this subdivision.

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

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

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

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

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

13 (k) A list of the properties or businesses to be assessed, including  
 14 the assessor’s parcel numbers for properties to be assessed, and a  
 15 statement of the method or methods by which the expenses of a  
 16 district will be imposed upon benefited real property or businesses,  
 17 in proportion to the benefit received by the property or business,  
 18 to defray the cost thereof, including operation and maintenance.

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

21 SEC. 28. Section 3.1 of the Kings River Conservation District  
 22 Act (~~Chapter 1931~~ 931 of the Statutes of 1951), as amended by  
 23 Chapter 330 of the Statutes of 2012, is amended to read:

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

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

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

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

36 (c) Consistent with the requirements of Section 10404 of the  
 37 Elections Code, the first elections for Division Two, Division Four,  
 38 Division Six, and Division Seven established pursuant to Section  
 39 3 shall be conducted at the November 8, 2016, general district  
 40 election.

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

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

9 (f) The candidate receiving the highest number of votes cast for  
10 the office of director for a specific division shall be declared  
11 elected.

12 SEC. 29. Section 23 of the Kings River Conservation District  
13 Act (Chapter 931 of the Statutes of 1951) is amended to read:

14 Sec. 23. All vacancies occurring in the office of director shall  
15 be filled in accordance with Section 1780 of the Government Code.  
16 Before entering upon the duties of his *or her* office, each director  
17 shall take and subscribe the official oath and file it with the  
18 secretary. The oath of office may be taken before the secretary,  
19 any member of the board, or any officer authorized by law to  
20 administer oaths.

21 SEC. 30. Section 24 of the Kings River Conservation District  
22 Act (Chapter 931 of the Statutes of 1951), as amended by Chapter  
23 330 of the Statutes of 2012, is repealed.

24 SEC. 31. Section 29 of the Kings River Conservation District  
25 Act (Chapter ~~1931~~ 931 of the Statutes of 1951) is amended to read:

26 Sec. 29. Whenever the board deems it necessary for the district  
27 to incur a bonded indebtedness, it shall by resolution so declare  
28 and state in that resolution the purpose for which the proposed  
29 debt is to be incurred, the amount thereof, and fix a time and place  
30 for a hearing by the board on the question as to whether the whole  
31 district or only a portion thereof will be benefited by the  
32 accomplishment of the purpose, and if only a portion thereof will  
33 be so benefited, what portion thereof will be so benefited. Notice  
34 of the hearing shall thereupon be given by the secretary by  
35 publication of a copy of the resolution in one newspaper of general  
36 circulation, printed and published in each county within which any  
37 portion of the district lies at least once a week for two weeks prior  
38 to the hearing. The copy of the resolution published shall be  
39 accompanied by a notice subscribed by the secretary to the effect  
40 that the hearing referred to in the resolution will be held at the time

1 and place specified in the resolution and that any person interested,  
2 including all persons owning property in the district, will be heard  
3 upon the question stated in the resolution.

4 At the time and place fixed in the resolution for the hearing or  
5 at this time and place to which the hearing may be adjourned, the  
6 board may proceed with the hearing, and any person interested,  
7 including any and all persons owning property within the district,  
8 may appear and present any and all matters material to the question  
9 as he or she may desire. Upon the conclusion of the hearing, the  
10 board shall by resolution determine whether the whole of the  
11 district will be benefited by the accomplishment of the purpose  
12 stated; and if it determines that the whole of the district will not  
13 be so benefited by the accomplishment of the purpose, it shall state  
14 what portion of the district will be so benefited; and that portion  
15 of the district so described shall thereupon constitute and be known  
16 as Improvement District No. \_\_\_\_ of Kings River Conservation  
17 District; and the proceedings thereafter, for the purpose of the bond  
18 election within the improvement district and for the purpose of  
19 taxation for the payment of the bonds and interest, shall be limited  
20 and apply only to the improvement district. The determination of  
21 the board on this question shall be final and conclusive.

22 If the board by the resolution determines that only a portion of  
23 the district will be benefited and creates an improvement district  
24 as hereinabove provided, it shall adjourn the hearing for not less  
25 than 40 nor more than 70 days. Within 10 days after the order of  
26 adjournment, the secretary shall publish once in one newspaper  
27 of general circulation, printed and published in each county within  
28 which any portion of the improvement district lies, a notice stating  
29 the time and place fixed for the adjourned hearing, and that at or  
30 prior to the hearing any person owning land in said improvement  
31 district may file written protest to the incurring of the proposed  
32 bonded indebtedness by the improvement district, and at the time  
33 and place fixed any person interested may appear and be heard on  
34 the question of whether the bonded indebtedness should be incurred  
35 by the improvement district. If at or prior to the adjourned hearing  
36 written objections to the incurring of the proposed bonded  
37 indebtedness by the improvement district, signed by the owners  
38 of the majority of the acreage of land within the improvement  
39 district are filed with the secretary, then the board, by resolution  
40 adopted at the hearing, shall abandon proceedings for the proposed

1 bond issue. The last equalized assessment roll of each county  
2 containing land within the improvement district is prima facie  
3 evidence of ownership of land in that county. If the proceedings  
4 are not abandoned as hereinabove provided, the board, if it deems  
5 it necessary to incur the bonded indebtedness, shall by a resolution  
6 so declare and state the purpose for which the proposed debt is to  
7 be incurred, whether or not the whole of the district is to be  
8 benefited thereby or only a portion thereof, and if only a portion  
9 thereof a description of the portion sufficient for identification and  
10 the designation thereof, all in accordance with the determination  
11 of the board as expressed in its previous resolution, the amount of  
12 the debt to be incurred, the maximum term the bonds to be issued  
13 shall run before maturity, which shall not exceed 40 years, and the  
14 amount or rate of interest to be paid, which shall not exceed 5  
15 percent, payable annually or semiannually, and the proposition to  
16 be submitted to the voters of the district or of the improvement  
17 district, as the case may be.

18 The board shall fix a date upon which an election shall be held  
19 for the purpose of authorizing the bonded indebtedness to be  
20 incurred, and shall provide for the holding of the special election  
21 on the date so fixed. The special election may be held concurrently  
22 with a general district election. The special election shall be called  
23 and held in accordance with Chapter 4 (commencing with Section  
24 21925) of Part 4 of Division 11 of the Water Code insofar as the  
25 same may be applicable. The returns of the election shall be made  
26 to and the votes canvassed by the board on the first Tuesday which  
27 is six or more days after the election, and the results of the election  
28 shall be ascertained and declared in accordance with Chapter 4  
29 (commencing with Section 21925) of Part 4 of Division 11 of the  
30 Water Code. As soon as the result is declared, the secretary shall  
31 enter in the records of the board his *or her* statement of the result.  
32 Any irregularity or informality in the conduct of the election shall  
33 not invalidate the election if fairly conducted.

34 If it appears from the returns that more than two-thirds of the  
35 votes cast at the election were in favor of incurring the  
36 indebtedness, the board may ~~be~~, by resolution at such time or times  
37 as it deems proper, provide for the form and execution of the bonds  
38 and for the issuance of any part thereof and may sell or dispose of

- 1 the bonds so issued at that time and manner as the board deems to
- 2 be to the public interest.

O