

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 4, 2013

**SENATE BILL**

**No. 246**

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**Introduced by Senator Fuller**

February 12, 2013

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An act to repeal Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, and to amend Sections 1, 2, 12, and 15 of, to amend and renumber Sections 5, 7, 8, 10, 11, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 42, 48, 50, 52, 53, 53.1, 53.2, and 54 of, to add Sections 8, 10, 11, and 30 to, to repeal Sections 3, 15.1, 15.2, 15.3, 16, 17, 18, 19.5, 21, 22, 36, 40, 41, 45, 46, 49, and 51 of, and to repeal and add Sections 9, 13, and 14 of, the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Fuller. Bighorn-Desert View Water Agency.

Existing law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, authorized a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required a county water district consolidated with the Bighorn Mountains Water Agency to separately account for and use all funds derived from the operation of the former district system exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system until all debt of the former system has been paid in full or until a majority vote of the electorate, as prescribed, authorizes other expenditures.

Under existing law, the Desert View Water District and the Bighorn Mountains Water Agency consolidated forming the Bighorn-Desert

View Water Agency. Existing law, the Bighorn-Desert View Water Agency Law, grants to the consolidated successor district specified authorizations, powers, and duties and makes a violation of certain regulations and ordinances a misdemeanor.

This bill would make conforming changes related to the consolidated district and would repeal the provisions under which the consolidation was completed. The bill would revise various provisions relating to the operation of the district, including, but not limited to, specifying procedures for the repayment of bonded indebtedness incurred prior to the consolidation, and eliminating the misdemeanor for ordinance violations and making a violation of certain regulations an infraction instead of misdemeanor, as prescribed.

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings demonstrating these in regard to the limitation of certain public posting requirements by the bill.*

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

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

- 1 SECTION 1. Part 9.2 (commencing with Section 33300) of
- 2 Division 12 of the Water Code is repealed.
- 3 SEC. 2. Section 1 of the Bighorn-Desert View Water Agency
- 4 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
- 5 2 of Chapter 570 of the Statutes of 1989, is amended to read:
- 6 Section 1. This act is designated, and may be cited and referred
- 7 to as, the “Bighorn-Desert View Water Agency Law.”
- 8 SEC. 3. Section 2 of the Bighorn-Desert View Water Agency
- 9 Law (Chapter 1175 of the Statutes of 1969) is amended to read:
- 10 Sec. 2. The Bighorn-Desert View Water Agency, formed by
- 11 the consolidation of agencies authorized pursuant to former Part
- 12 9.2 (commencing with Section 33300) of Division 12 of the Water
- 13 Code, is hereby created, organized, and incorporated and shall be
- 14 managed as herein expressly provided and may exercise the powers
- 15 herein expressly granted or necessarily implied, and may include

1 contiguous or noncontiguous parcels of both unincorporated and  
2 incorporated territory and shall include all territory lying within  
3 the following described boundaries:

4 All that real property situate in the County of San Bernardino,  
5 State of California, more particularly described as follows:

6 (a) Township 3 North, Range 4 East, San Bernardino Base and  
7 Meridian:

8 Section 7

9 Section 8

10 Section 11

11 South  $\frac{1}{2}$  Section 2

12 Southwest  $\frac{1}{4}$  Section 12

13 Section 13, excluding the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$

14 Section 14

15 Section 15

16 Section 16

17 Section 17

18 East  $\frac{1}{2}$  Section 18

19 Northeast  $\frac{1}{4}$ , Northeast  $\frac{1}{4}$ , Section 20

20 North  $\frac{1}{2}$  Section 21

21 North  $\frac{1}{2}$  Section 22

22 (b) Township 3 North, Range 5, East, San Bernardino Base and  
23 Meridian:

24 South  $\frac{1}{2}$ , Southwest  $\frac{1}{4}$ , Section 4

25 Section 8

26 Section 9, excluding the Northeast  $\frac{1}{4}$

27 Southwest  $\frac{1}{4}$  Section 10

28 Section 13

29 South  $\frac{1}{2}$  Section 14

30 Section 15, excluding the Northeast  $\frac{1}{4}$

31 Section 16

32 Section 17

33 Section 18

34 Section 21

35 Section 22

36 Section 23

37 Section 24

38 West  $\frac{1}{2}$  Section 26

39 Section 27

40 Southeast  $\frac{1}{4}$  Section 33

- 1 Section 34
- 2 Section 35, excluding the Northeast  $\frac{1}{4}$
- 3 West  $\frac{1}{2}$ , Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 36
- 4 Northeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 36
- 5 (c) Township 2 North, Range 5 East, San Bernardino Base and
- 6 Meridian:
- 7 Section 2
- 8 Section 3
- 9 Section 10
- 10 Section 11
- 11 Section 12
- 12 Section 13
- 13 Section 14
- 14 Section 15
- 15 Section 22
- 16 Section 23
- 17 Section 26
- 18 Section 27
- 19 Section 34
- 20 (d) Township 2 North, Range 6 East, San Bernardino Base and
- 21 Meridian:
- 22 Section 5
- 23 Section 6
- 24 Section 7, except certain parcels described as:
- 25 630-032-04 W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E 5 AC
- 26 630-032-05 E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 27 RDS
- 28 630-032-09 W  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 29 RD
- 30 630-032-10 W  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 31 RD
- 32 630-032-11 W  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 33 RD
- 34 630-032-15 E  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E 5 AC
- 35 630-032-49 W  $\frac{1}{2}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 36 W 100 FT S 422 FT THEREOF AND EX RDS
- 37 630-041-26 W  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 38 RD MNL RTS AS RESERVED BY USA 5 AC
- 39 630-041-30 E  $\frac{1}{2}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N R 6E 5 AC
- 40 630-041-39 W  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N R 6E 5 AC

1 630-041-42 N 280 FT W  $\frac{1}{4}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N  
2 R 6E EX RD

3 630-041-54 N 130 FT S 380 FT W  $\frac{1}{4}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC  
4 7 TP 2N R 6E 5 EX RD

5 630-041-55 S 250 FT W  $\frac{1}{4}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N  
6 R 6E 5 EX RD

7 630-041-56 N  $\frac{1}{2}$  E  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N R 6E  
8 EX RD

9 630-041-57 S  $\frac{1}{2}$  E  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 7 TP 2N R 6E  
10 Section 18, except certain parcels described as:

11 630-021-18 E  $\frac{1}{2}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 18 TP 2N R 6E EX  
12 RD

13 630-021-67 N  $\frac{1}{2}$  E  $\frac{1}{2}$  NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 18 TP 2N R  
14 6E EX S 130 FT W 100 FT E 230 FT THEREOF AND EX MNL  
15 RTS AS RESERVED BY USA EX RDS

16 West  $\frac{1}{2}$ , Section 19

17 SEC. 4. Section 3 of the Bighorn-Desert View Water Agency  
18 Law (Chapter 1175 of the Statutes of 1969), as added by Section  
19 3 of Chapter 570 of the Statutes of 1989, is repealed.

20 SEC. 5. Section 5 of the Bighorn-Desert View Water Agency  
21 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
22 4 of Chapter 570 of the Statutes of 1989, is amended and  
23 renumbered to read:

24 Sec. 3. The Board of Directors of the Bighorn-Desert View  
25 Water Agency organized under this act shall consist of five  
26 members, each of whom shall be a resident of the agency, and  
27 shall hold office until his or her successor is elected. All successors  
28 of the first board shall be elected or chosen at the time and in the  
29 manner provided in the Uniform District Election Law (Part 4  
30 (commencing with Section 10500) of Division 10 of the Elections  
31 Code).

32 SEC. 6. Section 7 of the Bighorn-Desert View Water Agency  
33 Law (Chapter 1175 of the Statutes of 1969) is amended and  
34 renumbered to read:

35 Sec. 4. No person shall vote at any Bighorn-Desert View Water  
36 Agency election who is not a voter within the meaning of the  
37 Elections Code.

38 In case the boundary line of the Bighorn-Desert View Water  
39 Agency crosses the boundary line of a county election precinct  
40 only those voters within the Bighorn-Desert View Water Agency

1 and within the precinct who are registered as being voters within  
2 the Bighorn-Desert View Water Agency shall be permitted to vote,  
3 and for that purpose the county clerk or registrar of voters is hereby  
4 empowered to provide two sets of ballots within these precincts,  
5 one containing the names of candidates for office in the  
6 Bighorn-Desert View Water Agency, and the other not containing  
7 the names, and it shall be the duty of the election officers in these  
8 precincts to furnish only those persons registered as voters within  
9 the Bighorn-Desert View Water Agency with the ballots upon  
10 which are printed the names of the candidates for office in the  
11 Bighorn-Desert View Water Agency.

12 SEC. 7. Section 8 of the Bighorn-Desert View Water Agency  
13 Law (Chapter 1175 of the Statutes of 1969) is amended and  
14 renumbered to read:

15 Sec. 5. The provisions of the Elections Code so far as they may  
16 be applicable shall govern all general and special Bighorn-Desert  
17 View Water Agency elections, except as otherwise provided in  
18 this act.

19 SEC. 8. Section 8 is added to the Bighorn-Desert View Water  
20 Agency Act (Chapter 1175 of the Statutes of 1969), to read:

21 Sec. 8. For attending a meeting of the board of directors, each  
22 of the members of the board of directors shall receive compensation  
23 in an amount not to exceed the maximum amount authorized by  
24 Chapter 2 (commencing with Section 20200) of Division 10 of the  
25 Water Code.

26 SEC. 9. Section 9 of the Bighorn-Desert View Water Agency  
27 Law (Chapter 1175 of the Statutes of 1969) is repealed.

28 SEC. 10. Section 9 is added to the Bighorn-Desert View Water  
29 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

30 Sec. 9. Any vacancy in the board of directors shall be filled  
31 pursuant to Article 2 (commencing with Section 1770) of Chapter  
32 4 of Division 4 of Title 1 of the Government Code.

33 SEC. 11. Section 10 of the Bighorn-Desert View Water Agency  
34 Law (Chapter 1175 of the Statutes of 1969) is amended and  
35 renumbered to read:

36 Sec. 6. Every incumbent of an elective office, whether elected  
37 by popular vote for a full term, or chosen by the board of directors  
38 to fill a vacancy, is subject to recall by the voters of the  
39 Bighorn-Desert View Water Agency in accordance with the recall

1 provisions of the Elections Code of the state with reference to  
2 cities.

3 SEC. 12. Section 10 is added to the Bighorn-Desert View Water  
4 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

5 Sec. 10. By a majority vote of the board of directors, the board  
6 shall appoint an attorney, chief engineer, general manager, and  
7 auditor, define their duties, and fix their compensations. The  
8 attorney, chief engineer, general manager, and auditor each shall  
9 serve at the pleasure of the board of directors. A member of the  
10 board of directors shall not serve as the appointed attorney, chief  
11 engineer, general manager, or auditor.

12 SEC. 13. Section 11 of the Bighorn-Desert View Water Agency  
13 Law (Chapter 1175 of the Statutes of 1969) is amended and  
14 renumbered to read:

15 Sec. 7. The board of directors shall be the governing body of  
16 the Bighorn-Desert View Water Agency. The board of directors  
17 shall, by resolution, provide for the date, time, and place of holding  
18 of its meetings. All meetings of the board of directors, whether  
19 regular or special, shall be open to the public. A majority of the  
20 board of directors shall constitute a quorum for the transaction of  
21 business. At its first meeting in the month of January in each  
22 even-numbered year, the board of directors shall choose from  
23 among its members a president, vice president, and secretary.

24 SEC. 14. Section 11 is added to the Bighorn-Desert View Water  
25 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

26 Sec. 11. The general manager shall:

27 (a) Have full charge and control of the maintenance, operation,  
28 and construction of the waterworks of the agency.

29 (b) Have full power and authority to employ and discharge all  
30 employees and assistants at pleasure.

31 (c) Prescribe the duties of employees and assistants.

32 (d) Fix and alter the compensation of employees and assistants  
33 subject to approval by the board of directors.

34 (e) Perform other duties imposed by the board of directors.

35 (f) Report to the board of directors in accordance with rules and  
36 regulations adopted by the board.

37 SEC. 15. Section 12 of the Bighorn-Desert View Water Agency  
38 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
39 2 of Chapter 696 of the Statutes of 1984, is amended to read:

1 Sec. 12. The board of directors shall act only by ordinance,  
2 resolution, or minute order. No ordinance, resolution, or minute  
3 order shall be passed or become effective without the affirmative  
4 vote of a majority of the members of the board. The enacting clause  
5 of all ordinances passed by the board shall be: “Be it ordained by  
6 the Board of Directors of the Bighorn-Desert View Water Agency  
7 as follows:” Except as otherwise required by law, ordinances shall  
8 be adopted by one of the following procedures:

9 (a) A copy of the full text of the ordinance shall be posted in  
10 the office of the agency at least five days prior to the board meeting  
11 at which the ordinance is to be amended. Within 21 days after  
12 passage of an ordinance, the general manager shall cause the  
13 ordinance to be published at least once in a newspaper of general  
14 circulation published and circulated within the agency’s boundaries  
15 and shall cause the ordinance to be posted in at least three public  
16 places. An ordinance shall not be published in a newspaper if the  
17 charge exceeds the customary rate charged by the newspaper for  
18 publication of private legal notices, but summaries of the ordinance  
19 shall be published as provided in subdivision (b) or (c).

20 (b) The general manager may cause a summary of the ordinance  
21 or amendment to be published at least once in a newspaper of  
22 general circulation, and a copy of the full text of the ordinance or  
23 amendment shall be posted in the office of the agency at least five  
24 days prior to the board meeting at which the ordinance or  
25 amendment is to be adopted. Within 15 days after adoption of the  
26 ordinance or amendment, the general manager shall cause the  
27 ordinance or amendment to be published at least once in a  
28 newspaper of general circulation, published, and circulated within  
29 the agency’s boundaries, and shall cause the ordinance or  
30 amendment to be posted in at least three public places.

31 (c) If the general manager determines that it is not feasible to  
32 prepare a fair and adequate summary of the ordinance or  
33 amendment, the general manager shall cause a display  
34 advertisement of the full text of the ordinance or amendment of at  
35 least one-sixth of a page to be published in a newspaper of general  
36 circulation and a copy of the full text of the ordinance or  
37 amendment to be posted in the office of the agency at least five  
38 days prior to the board meeting at which the ordinance or  
39 amendment is to be adopted. Within 21 days after adoption, a



1 display advertisement of a similar size shall be published and the  
2 full text posted in at least three public places.

3 SEC. 16. Section 13 of the Bighorn-Desert View Water Agency  
4 Law (Chapter 1175 of the Statutes of 1969) is repealed.

5 SEC. 17. Section 13 is added to the Bighorn-Desert View Water  
6 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

7 Sec. 13. The voters of the Bighorn-Desert View Water Agency  
8 may pass an initiative in accordance with the methods provided  
9 by Chapter 3 (commencing with Section 9200) of Division 9 of  
10 the Elections Code for a city.

11 SEC. 18. Section 14 of the Bighorn-Desert View Water Agency  
12 Law (Chapter 1175 of the Statutes of 1969) is repealed.

13 SEC. 19. Section 14 is added to the Bighorn-Desert View Water  
14 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

15 Sec. 14. The voters of the Bighorn-Desert View Water Agency  
16 may disapprove and thereby veto an ordinance by proceeding in  
17 accordance with the methods provided by Chapter 3 (commencing  
18 with Section 9200) of Division 9 of the Elections Code for a  
19 referendum in a city.

20 SEC. 20. Section 15 of the Bighorn-Desert View Water Agency  
21 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
22 1 of Chapter 950 of the Statutes of 1985, is amended to read:

23 Sec. 15. The Bighorn-Desert View Water Agency, which may  
24 exercise only the powers expressly granted and those necessarily  
25 implied by this act, has all of the following powers:

26 1. To have perpetual succession.

27 2. To sue and be sued in all actions and proceedings in all courts  
28 and tribunals of competent jurisdiction.

29 3. To adopt a seal and alter it at pleasure.

30 4. To take by grant, purchase, gift, devise, condemnation, or  
31 lease, hold, use, enjoy, and to lease, with or without the privilege  
32 of purchase, sell, or dispose of real and personal property of every  
33 kind, within or without the agency.

34 5. To acquire, or contract to acquire, waterworks or a waterworks  
35 system, waters, water rights, lands, rights and privileges, and  
36 construct, maintain, and operate water wells, conduits, pipelines,  
37 reservoirs, works, machinery, and other property useful or  
38 necessary to produce, store, convey, supply, or otherwise make  
39 use of water for a waterworks plant or system for the benefit of  
40 the agency, and to complete, extend, enlarge, add to, repair, or

1 otherwise improve any waterworks or waterworks system acquired  
2 by the agency.

3 6. To construct, maintain, improve, and operate public  
4 recreational facilities appurtenant to any waterworks and to provide  
5 regulations binding upon all persons to govern the use of those  
6 facilities, including regulations imposing reasonable charges for  
7 the use thereof. Violation of any such regulation is an infraction  
8 punishable by a fine of not more than three hundred dollars (\$300).

9 7. To sell water to other public agencies within the  
10 Bighorn-Desert View Water Agency and to the inhabitants of the  
11 territory of those public agencies for use within the Bighorn-Desert  
12 View Water Agency. The Bighorn-Desert View Water Agency  
13 may, whenever the board of directors finds that there is a surplus  
14 of water above that which may be required by consumers within  
15 the Bighorn-Desert View Water Agency, sell or otherwise dispose  
16 of surplus water to any persons, firms, public or private  
17 corporations, public agencies, or other consumers.

18 8. To supply and deliver water to property not subject to agency  
19 taxes at special rates, terms, and conditions as determined by the  
20 board of directors.

21 9. To restrict the use of agency water during any emergency  
22 caused by drought, or other threatened or existing water shortage,  
23 and to prohibit the wastage of agency water or the improper use  
24 of agency water during those periods, in accordance with Chapter  
25 3 (commencing with Section 350) of Division 1 of the Water Code.

26 10. To make contracts, employ labor, and do all acts necessary  
27 for the full exercise of the above powers.

28 11. To provide for the pensioning of officers or employees and  
29 the creation of a special fund for the purpose of paying the  
30 pensions, and the accumulation of contributions to the fund from  
31 the revenues of the agency, the wages of officers or employees,  
32 voluntary contributions, gifts, donations, or any source of revenue  
33 not inconsistent with the general powers of the board, and to  
34 contract with any insurance corporation or any other insurance  
35 carrier for the maintenance of a service covering the pension of  
36 the officers or employees, and to provide for the terms and  
37 conditions under which pensions shall be awarded, and for the  
38 time and extent of service of officers or employees before pensions  
39 shall be available to them.

1 12. To acquire, control, distribute, store, spread, sink, treat,  
2 purify, reclaim, capture, recapture, and salvage any water, including  
3 sewage and stormwaters, for the beneficial use and protection of  
4 the agency or its inhabitants or the owners of right to water therein.

5 13. To contract with the federal government, the state, any state  
6 agency, a county, or other public agency, a private corporation, or  
7 other person for the purpose of carrying out any of the powers of  
8 the agency and, for that purpose, to contract with the other public  
9 agencies, private corporations, or persons for the purpose of  
10 financing acquisitions, constructions, and operations. These  
11 contracts may contain any other and further covenants and  
12 agreements as may be necessary or convenient to accomplish the  
13 purposes of the contract.

14 14. To commence, maintain, intervene in, defend and  
15 compromise, in the name of the agency, or as a class representative  
16 of the inhabitants, property owners, taxpayers, or water producers  
17 or water users within the agency, or otherwise, and to assume the  
18 costs and expenses of any and all actions and proceedings, now  
19 or hereafter begun, involving or affecting the ownership or use of  
20 water or water rights, used or useful for any purpose, of the agency,  
21 or a common benefit to the lands within the agency or its  
22 inhabitants.

23 15. To commence, maintain, intervene in, defend and  
24 compromise, in the name of the agency, or as a class representative  
25 of the inhabitants, property owners, taxpayers, water producers or  
26 water users within the agency, and to assume the costs and  
27 expenses of any and all actions or proceedings to prevent, control,  
28 or abate the pollution of water used or useful for any purpose of  
29 the agency, or to protect or provide a common benefit to lands  
30 within the agency or to the inhabitants of the agency, or to protect  
31 or control any watershed or basin overlain, in whole or in part, by  
32 the agency or which contributes or may contribute to the water  
33 supply of the agency.

34 16. To borrow money, incur indebtedness, and issue bonds or  
35 other evidences of indebtedness at the rate permitted by Article 7  
36 (commencing with Section 53530) of Chapter 3 of Part 1 of  
37 Division 2 of Title 5 of the Government Code and to refund or  
38 retire any indebtedness or lien against the agency or its property.

39 17. To issue negotiable promissory notes that shall be general  
40 obligations of the agency payable from revenues and taxes in the

1 same manner as bonds of the agency, at the rate permitted by  
2 Article 7 (commencing with Section 53530) of Chapter 3 of Part  
3 1 of Division 2 of Title 5 of the Government Code.

4 18. To cause taxes to be levied, in the manner provided by the  
5 California Constitution and state law, for the purpose of paying  
6 any obligation of the agency.

7 19. To issue improvement bonds in accordance with, and  
8 pursuant to, the Improvement Act of 1911 (Division 7  
9 (commencing with Section 5000) of the Streets and Highways  
10 Code), the Improvement Bond Act of 1915 (Division 10  
11 (commencing with Section 8500) of the Streets and Highways  
12 Code), the Municipal Improvement Act of 1913 (Division 12  
13 (commencing with Section 10000) of the Streets and Highways  
14 Code), the Refunding Assessment Bond Act of 1935 (Chapter 732  
15 of the Statutes of 1935), and the Revenue Bond Law of 1941  
16 (Chapter 6 (commencing with Section 54300) of Part 1 of Division  
17 2 of Title 5 of the Government Code).

18 20. To prescribe, revise, and collect water system connection  
19 and capacity charges in the manner provided by the California  
20 Constitution and state law.

21 21. To record a certificate in the office of the county recorder  
22 of any county specifying the amount of unpaid charges for water  
23 or other services, plus interest and penalties. From the time of  
24 recordation of the certificate, the amount required to be paid,  
25 together with interest and penalty, constitutes a lien upon all real  
26 property in the county owned by the person or afterwards, and  
27 before the lien expires, acquired by the person. The lien shall have  
28 the force, priority, and effect of a judgment lien and shall continue  
29 for 10 years from the date of the filing of the certificate unless  
30 sooner released or otherwise discharged. Within 10 years from the  
31 filing of the certificate or within 10 years of the date of the last  
32 extension of the lien, the lien may be extended by filing for record  
33 a new certificate in the office of the county recorder of any county  
34 and from the time of that filing the lien shall be extended to the  
35 real property in the county for 10 years unless sooner released or  
36 otherwise discharged.

37 22. To construct, operate, and maintain works to develop  
38 hydroelectric energy, for use by the agency in the operation of its  
39 works or as a means of assisting in financing the construction,  
40 operation, and maintenance of its projects for the control,

1 conservation, diversion, and transmission of water, and to enter  
2 into contracts for the sale of this energy *for a term not to exceed*  
3 *50 years. This energy may be marketed only at wholesale to any*  
4 *public agency or private entity, or both, or the federal or state*  
5 *government.*

6 23. To contract for the sale of the right to use falling water for  
7 electric energy purposes with any public agency or private entity  
8 engaged in the retail distribution of electric energy, *for a term not*  
9 *to exceed 50 years.*

10 24. To prosecute an action to determine the validity of any bonds,  
11 warrants, promissory notes, contracts, or other evidences of  
12 indebtedness, including those of the kind authorized by paragraphs  
13 16, 17, and 19, brought pursuant to Chapter 9 (commencing with  
14 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

15 25. In addition to the powers granted in this section, the agency  
16 may exercise all powers previously or hereafter granted to or  
17 possessed by county water districts organized and governed under  
18 the County Water District Law (Division 12 (commencing with  
19 Section 30000) of the Water Code) to finance the acquisition of,  
20 and to acquire, waterworks and waterworks systems, waters, water  
21 rights, lands, rights, or privileges, and may exercise all those  
22 powers to fund construction, maintenance, or operation of  
23 waterworks and waterworks systems.

24 SEC. 21. Section 15.1 of the Bighorn-Desert View Water  
25 Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

26 SEC. 22. Section 15.2 of the Bighorn-Desert View Water  
27 Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

28 SEC. 23. Section 15.3 of the Bighorn-Desert View Water  
29 Agency Law (Chapter 1175 of the Statutes of 1969), as amended  
30 by Section 5 of Chapter 570 of the Statutes of 1989, is repealed.

31 SEC. 24. Section 16 of the Bighorn-Desert View Water Agency  
32 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
33 176 of Chapter 1128 of the Statutes of 1984, is repealed.

34 SEC. 25. Section 17 of the Bighorn-Desert View Water Agency  
35 Law (Chapter 1175 of the Statutes of 1969) is repealed.

36 SEC. 26. Section 18 of the Bighorn-Desert View Water Agency  
37 Law (Chapter 1175 of the Statutes of 1969) is repealed.

38 SEC. 27. Section 19.5 of the Bighorn-Desert View Water  
39 Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

1 SEC. 28. Section 21 of the Bighorn-Desert View Water Agency  
2 Law (Chapter 1175 of the Statutes of 1969) is repealed.

3 SEC. 29. Section 22 of the Bighorn-Desert View Water Agency  
4 Law (Chapter 1175 of the Statutes of 1969) is repealed.

5 SEC. 30. Section 23 of the Bighorn-Desert View Water Agency  
6 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
7 12 of Chapter 104 of the Statutes of 1970, is amended and  
8 renumbered to read:

9 Sec. 16. All claims for money or damages against the agency  
10 are governed by Part 3 (commencing with Section 900) and Part  
11 4 (commencing with Section 940) of Division 3.6 of Title 1 of the  
12 Government Code, except as provided therein, or by other statutes  
13 or regulations applicable thereto.

14 SEC. 31. Section 25 of the Bighorn-Desert View Water Agency  
15 Law (Chapter 1175 of the Statutes of 1969) is amended and  
16 renumbered to read:

17 Sec. 17. The board of directors, in compliance with the  
18 applicable provisions of the California Constitution and state law,  
19 shall fix such rate or rates for water in the agency and in each  
20 improvement district therein as will result in revenues which will  
21 pay the operating expenses of the agency, and the improvement  
22 district, provide for repairs and depreciation of works, provide a  
23 reasonable surplus for replacements, improvements, extensions,  
24 and enlargements, pay the interest on any debt, and provide a  
25 sinking or other fund for the payment of the principal of such debt  
26 as it may become due. Said rates for water in each improvement  
27 district may vary from the rates of the agency and from other  
28 improvement districts therein.

29 SEC. 32. Section 26 of the Bighorn-Desert View Water Agency  
30 Law (Chapter 1175 of the Statutes of 1969) is amended and  
31 renumbered to read:

32 Sec. 19. If the revenues of the agency, or any improvement  
33 district therein, will be inadequate for any cause to pay the  
34 operating expenses of the agency, provide for repairs and  
35 depreciation of works owned or operated by it, and to meet all  
36 obligations of the agency, including payment of principal or interest  
37 on any debt of the agency or any improvement district thereof, as  
38 it becomes due, then the board of directors of the agency shall  
39 provide, in accordance with the provisions of the California  
40 Constitution and state law, for the levy and collection of a special

1 tax sufficient to raise the amount of money determined by the  
2 board of directors to be necessary for the purpose of paying the  
3 expenses in addition to the funds required under Section 17 of this  
4 act.

5 SEC. 33. Section 27 of the Bighorn-Desert View Water Agency  
6 Law (Chapter 1175 of the Statutes of 1969) is amended and  
7 renumbered to read:

8 Sec. 20. The board of directors shall determine the amounts  
9 necessary to be raised by taxation during the fiscal year and shall  
10 fix the rate or rates of tax to be levied which will raise the amounts  
11 of money required by the agency, by continuing to impose any ad  
12 valorem taxes or any other special taxes, or by levying assessments,  
13 in accordance with the provisions of the California Constitution  
14 and state law. Subject to Section 4 of Article XIII C of the  
15 California Constitution, the agency may impose new special taxes  
16 in accordance with Article 3.5 (commencing with Section 50075)  
17 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government  
18 Code. Within a reasonable time before the board of supervisors is  
19 required by law to fix its tax rate, the board of directors shall certify  
20 to the board of supervisors the rate or rates so fixed and shall  
21 furnish to the board of supervisors a statement in writing containing  
22 the following: (a) an estimate of the minimum amount of money  
23 required to be raised by taxation during the fiscal year for the  
24 payment of the principal of and interest on any debt of the agency,  
25 or of an improvement district thereof, as will become due before  
26 the proceeds of a tax levied at the next general tax levy will be  
27 available; (b) an estimate of the minimum amount of money  
28 required to be raised by taxation during the fiscal year for all other  
29 purposes of the agency. The board of directors shall direct, at the  
30 time and in the manner required by law for the levying of taxes  
31 for county purposes, the board of supervisors to collect, in addition  
32 to any other tax as may be levied by the board of supervisors, at  
33 the rate or rates so fixed and determined by the board of directors,  
34 a tax upon the property within the agency, or improvement district  
35 thereof benefited by the debt, as the case may be. Taxes for the  
36 payment of the interest on or principal of any debt shall be levied  
37 on the property within the agency, or improvement district thereof,  
38 benefited by the debt, as determined by the board of directors in  
39 the resolution declaring the necessity to incur the debt. Taxes for  
40 other purposes of the agency shall be levied on all property in the

1 agency or improvement district or portion thereof subject to the  
2 particular tax. It shall be the duty of all county officers charged  
3 with the duty of collecting taxes to collect such tax in the time,  
4 form, and manner as county taxes are collected, and when collected  
5 to pay the same to the agency. Taxes for the payment of a debt  
6 and the interest thereon shall be a lien on all the property benefited  
7 thereby as stated in the resolution of the board of directors  
8 declaring the necessity to incur the debt. All taxes for other  
9 purposes of the agency shall be a lien on all the property in the  
10 agency subject to the respective tax. Agency taxes, whether for  
11 payment of indebtedness and the interest thereon or for other  
12 purposes, shall be of the same force and effect as other liens for  
13 taxes, and their collection may be enforced by the same means as  
14 provided for the enforcement of liens for state and county taxes.

15 SEC. 34. Section 28 of the Bighorn-Desert View Water Agency  
16 Law (Chapter 1175 of the Statutes of 1969) is amended and  
17 renumbered to read:

18 Sec. 21. (a) Whenever the board of directors deems it necessary  
19 for the agency to incur a bonded indebtedness for the acquisition,  
20 construction, completion, replacement, or repair of any or all  
21 improvements, works, or property mentioned in this act, the board  
22 shall, by resolution, so declare and call an election to be held in  
23 the agency for the purpose of submitting to the qualified voters  
24 thereof the proposition of incurring indebtedness by the issuance  
25 of bonds of the agency. The resolution shall state all of the  
26 following:

27 (1) The purpose for which the proposed debt is to be incurred,  
28 which may include expenses of all proceedings for the  
29 authorization, issuance, and sale of the bonds.

30 (2) The amount of debt to be incurred.

31 (3) The maximum term the bonds proposed to be issued shall  
32 run before maturity, which shall not exceed 40 years.

33 (4) The maximum rate of interest to be paid, which shall not  
34 exceed the rate permitted by Article 7 (commencing with Section  
35 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the  
36 Government Code, which shall be payable semiannually, except  
37 that interest for the first year may be payable at the end of the year  
38 or payable on a fixed or variable basis, on the dates specified in  
39 the resolution.

40 (5) The measure to be submitted to the voters.



1 (6) The date upon which an election shall be held for the purpose  
2 of authorizing the bonded indebtedness to be incurred.

3 (b) The board of directors shall provide for holding the special  
4 election on the date fixed and in accordance with the applicable  
5 provisions of the Elections Code. Notice of the holding of the  
6 election shall be given by publishing pursuant to Section 6066 of  
7 the Government Code the resolution calling the election, the last  
8 publication to be made not less than two weeks prior to the date  
9 of the proposed election, in at least one newspaper published in  
10 the agency, if there is a newspaper published in the agency, and  
11 the resolution shall be posted in three public places in the agency  
12 not less than two weeks prior to the date of the proposed election.  
13 No other notice of the election need be given. The returns of the  
14 election shall be made, the votes canvassed and the results thereof  
15 ascertained and declared in accordance with the provisions of the  
16 Elections Code, so far as they may be applicable, except as in this  
17 act otherwise provided. The secretary of the board of directors, as  
18 soon as the result is declared, shall enter in the records of the board  
19 a statement of the results. No irregularities or informalities in  
20 conducting the election shall invalidate the result, if the election  
21 has otherwise been fairly conducted.

22 (c) Any action or proceeding contesting, questioning, or denying  
23 the validity of these bonds, or proceedings in relation to these  
24 bonds, shall be commenced within ~~30~~ 60 days from the date of  
25 the election, or the bonds and all proceedings in relation to these  
26 bonds shall be held to be valid and in every respect legal and  
27 incontestable.

28 SEC. 35. Section 29 of the Bighorn-Desert View Water Agency  
29 Law (Chapter 1175 of the Statutes of 1969) is amended and  
30 renumbered to read:

31 Sec. 22. (a) Whenever the board of directors deems it necessary  
32 to incur bonded indebtedness for the acquisition, construction,  
33 completion, replacement, or repair of any or all improvements,  
34 works, or property mentioned in this act and to provide for that  
35 bonded indebtedness to be payable from taxes levied upon less  
36 than all of the agency, the board shall, by resolution, so declare  
37 and state all of the following:

38 (1) The purpose for which the proposed debt is to be incurred.

1 (2) The amount of debt to be incurred, which may include  
2 expenses of all proceedings for the authorization, issuance, and  
3 the sale of the bonds.

4 (3) That the board intends to form an improvement district of  
5 a portion of the agency which in the opinion of the board will be  
6 benefited, the exterior boundaries of which portion are set forth  
7 on a map on file with the secretary of the agency, which map shall  
8 govern for all details as to the extent of the proposed improvement  
9 district, and to call an election in that proposed improvement  
10 district on a date to be fixed, for the purpose of submitting to the  
11 qualified voters thereof the proposition of incurring indebtedness  
12 by the issuance of bonds of the agency for that improvement  
13 district.

14 (4) That taxes for the payment of the bonds and the interest  
15 thereon shall be levied exclusively upon the taxable property in  
16 the improvement district.

17 (5) That a general description of the proposed improvements,  
18 together with a map showing the exterior boundaries of the  
19 proposed improvement district with relation to the territory  
20 immediately contiguous thereto and to the proposed improvements,  
21 is on file with the secretary of the agency and is available for  
22 inspection by any person or persons interested.

23 (6) The time and place for a hearing by the board on the question  
24 of the formation of the proposed improvement district, the extent  
25 thereof, the proposed improvements and the amount of debt to be  
26 incurred.

27 (7) That at the time and place specified in the resolution any  
28 person interested, including all persons owning property in the  
29 agency or in the proposed improvement district, will be heard.

30 (b) Notice of the hearing shall be given by publishing a copy  
31 of the resolution pursuant to Section 6066 of the Government Code  
32 prior to the time fixed for the hearing in a newspaper printed and  
33 published in the agency, if there is a newspaper printed and  
34 published in the agency. This notice shall also be given by posting  
35 a copy of the resolution in three public places within the proposed  
36 improvement district at least two weeks before the time fixed for  
37 the hearing.

38 (c) At the time and place fixed for the hearing, or at any time  
39 and place to which it is adjourned, the board shall proceed with  
40 the hearing. At the hearing, any person interested, including any

1 person owning property within the agency or within any proposed  
2 improvement district, may appear and present any matters material  
3 to the questions set forth in the resolution declaring the necessity  
4 for incurring the bonded indebtedness. The board shall have the  
5 power to change the purpose for which the proposed debt is to be  
6 incurred, or the amount of bonded debt to be incurred, or the  
7 boundaries of the proposed improvement district, or any  
8 combination of these; provided, however, that the board shall not  
9 change the boundaries so as to include any territory that will not,  
10 in its judgment, be benefited by the improvement.

11 (d) The purpose, amount of bonded debt, or boundaries shall  
12 not be changed by the board except after notices of its intention  
13 to do so, given by publication pursuant to Section 6061 of the  
14 Government Code in a newspaper printed and published in the  
15 Bighorn-Desert View Water Agency, if there is a newspaper printed  
16 and published in the agency, and by posting in three public places  
17 within the proposed improvement district. The notice shall state  
18 the changed purpose and debt proposed and that the exterior  
19 boundaries as proposed to be changed are set forth on a map on  
20 file with the secretary of the agency, which map shall govern for  
21 all details as to the extent of the proposed improvement district,  
22 and specify the time and place for hearing on the change, which  
23 time shall be at least 10 days after publication or posting of the  
24 notice. At the time and place fixed, or at any time and place to  
25 which the hearing is adjourned, the board shall proceed with the  
26 hearing. At the hearing any person interested, including any person  
27 owning property within the agency or the proposed improvement  
28 district, may appear and present any matters material to the changes  
29 stated in the notice. At the conclusion of the hearing, the board  
30 shall, by resolution, determine whether it is deemed necessary to  
31 incur the bonded indebtedness, and, if so, the resolution shall also  
32 state the purpose for which the proposed debt is to be incurred,  
33 the amount of the proposed debt, that the exterior boundaries of  
34 the portion of the agency that will be benefited are set forth on a  
35 map on file with the secretary of the agency which map shall  
36 govern for all details as to the extent of the improvement district,  
37 and that the portion of the agency set forth on the map shall  
38 thereupon constitute and be known as "Improvement District No.  
39 ... of Bighorn-Desert View Water Agency," and the determinations  
40 made in the resolution shall be final and conclusive. After the

1 formation of an improvement district within the Bighorn-Desert  
2 View Water Agency pursuant to this section, all proceedings for  
3 the purpose of a bond election shall be limited, and shall apply  
4 only to the improvement district, and taxes for the payment of the  
5 bonds and the interest thereon shall be levied exclusively upon the  
6 taxable property in the improvement district.

7 (e) After the board has made its determination of the matters  
8 required to be determined by the last mentioned resolution, and if  
9 the board deems it necessary to incur the bonded indebtedness,  
10 the board shall by a further resolution call a special election in the  
11 improvement district for the purpose of submitting to the qualified  
12 voters thereof the proposition of incurring indebtedness by the  
13 issuance of bonds of the agency for the improvement district. The  
14 resolution shall state all of the following:

15 (1) That the board deems it necessary to incur the bonded  
16 indebtedness.

17 (2) The purpose for which the bonded indebtedness will be  
18 incurred.

19 (3) The amount of debt to be incurred.

20 (4) The improvement district to be benefited by the indebtedness,  
21 as set forth in the resolution making determinations, and that a  
22 map showing the exterior boundaries of the improvement district  
23 is on file with the secretary of the agency, which map shall govern  
24 for all details as to the extent of the improvement district.

25 (5) That taxes for the payment of the bonds and the interest  
26 thereon shall be levied exclusively upon the taxable property in  
27 the improvement district.

28 (6) The maximum term the bonds proposed to be issued shall  
29 run before maturity, which shall not exceed 40 years.

30 (7) The maximum rate of interest to be paid, which shall not  
31 exceed the rate permitted by Article 7 (commencing with Section  
32 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the  
33 Government Code, payable semiannually, except that interest for  
34 the first year may be payable at the end of the year or payable on  
35 a fixed or variable basis, on dates specified in the resolution.

36 (8) The measure to be submitted to the voters.

37 (9) The date upon which an election shall be held for the purpose  
38 of authorizing the bonded indebtedness to be incurred.

39 (f) The board of directors shall provide for holding the special  
40 election on the day so fixed and in accordance with the provisions

1 of the Elections Code, as applicable, except as herein otherwise  
2 provided. Notice of the holding of the election shall be given by  
3 publishing pursuant to Section 6066 of the Government Code the  
4 resolution calling the election prior to the date of the proposed  
5 election in at least one newspaper printed and published in the  
6 agency, if there is a newspaper printed and published in the agency.  
7 The resolution shall also be posted in three public places in the  
8 improvement district not less than two weeks prior to the date of  
9 the proposed election. No other notice of the election need be  
10 given.

11 (g) The returns of the election shall be made, the votes  
12 canvassed, and the results thereof ascertained and declared in  
13 accordance with the provisions of the Elections Code so far as they  
14 may be applicable. The secretary of the board of directors, as soon  
15 as the result is declared, shall enter in the records of the board a  
16 statement of the results. No irregularities or informalities in  
17 conducting the election shall invalidate it, if the election shall have  
18 otherwise been fairly conducted.

19 (h) Any action or proceeding contesting, questioning, or denying  
20 the validity of the formation of the improvement district, of the  
21 bonds, or of the proceedings in relation to the bonds shall be  
22 commenced within ~~30~~ 60 days from the date of such election, or  
23 the bonds and all proceedings in relation to the bonds, including  
24 the formation of the improvement district, shall be held to be valid  
25 and in every respect legal and incontestable.

26 SEC. 36. Section 30 of the Bighorn-Desert View Water Agency  
27 Law (Chapter 1175 of the Statutes of 1969) is amended and  
28 renumbered to read:

29 Sec. 23. (a) Any portion of the Bighorn-Desert View Water  
30 Agency, whether contiguous or not to an improvement district  
31 thereof, may be annexed to the improvement district in the  
32 following manner. A petition, which may consist of any number  
33 of separate instruments, shall be filed with the secretary of the  
34 agency, signed by holders of title to 60 percent or more of the land  
35 in the portion proposed to be annexed, which land as so represented  
36 in the petition shall have an assessed valuation of not less than 50  
37 percent of the land so proposed to be annexed. The petition shall  
38 contain all of the following:

39 (1) A description of the area proposed to be annexed, which  
40 may be made by reference to a map on file with the secretary of

1 the agency, which map shall govern for all details as to the extent  
2 of the area proposed to be annexed, or in any other definite manner.

3 (2) The terms and conditions upon which the proposed area may  
4 be annexed as theretofore determined by resolution adopted by  
5 the board of directors of the agency.

6 (3) A request that the board of directors declare the area to be  
7 annexed to the improvement district.

8 (b) The petition shall be accompanied by a certified check  
9 payable to the order of the agency in sufficient sum to reimburse  
10 the agency for expenses of processing and publishing the petition  
11 and preparing and making the filings required by law.

12 (c) Within 10 days of the date of the filing of the petition, the  
13 secretary of the agency shall examine it and ascertain whether or  
14 not the petition is signed by the required number of property  
15 owners; and, if requested by the secretary of the agency, the board  
16 of directors shall authorize the general manager to employ persons  
17 especially for that purpose, in addition to the persons regularly  
18 employed in his or her office, and shall provide for their  
19 compensation. When the general manager has completed his or  
20 her examination of the petition, he or she shall attach to it his or  
21 her certificate, properly dated, showing the result of the  
22 examination; and if from the examination he or she finds the  
23 petition is signed by the requisite number of property owners, or  
24 is not so signed, he or she shall certify that the petition is sufficient,  
25 or insufficient, as the case may be.

26 (d) If by the certificate of the general manager, the petition is  
27 found to be insufficient, the petition may be amended by filing a  
28 supplemental petition or petitions within 10 days of the date of the  
29 certificate. The general manager shall, within 10 days after the  
30 filing of the supplemental petition or petitions, examine them and  
31 certify to the result of the examination as hereinbefore provided.

32 (e) If by the certificate of the general manager, the petition, or  
33 petition as amended, is shown to be sufficient, the secretary shall  
34 cause notice of hearing on the petition to be published and posted.

35 (f) The text of the petition shall be published pursuant to Section  
36 6066 of the Government Code prior to the time at which it is to  
37 be presented to the board of directors of the agency in at least one  
38 newspaper printed and published in the Bighorn-Desert View  
39 Water Agency, if there is a newspaper printed and published in  
40 the agency, together with a notice stating the time and place of the

1 meeting at which the petition will be presented. When contained  
2 upon one or more instruments, only one copy of the petition need  
3 be published. No more than five of the names attached to the  
4 petition need appear in the publication of the petition and notice,  
5 but the number of signers shall be stated. The notice and petition  
6 shall also be posted in three public places in the improvement  
7 district and three public places in the area proposed to be annexed,  
8 at least two weeks prior to the hearing.

9 (g) The board of directors of the agency shall proceed to hear  
10 the petition at the time and place fixed therefor and any person  
11 residing within the agency or improvement district or owning  
12 taxable property in the agency or improvement district shall be  
13 entitled to appear and be heard at the hearing. The hearing may be  
14 continued from time to time by the board of directors of the agency.  
15 At the conclusion of the hearing, and if the board of directors finds  
16 and determines from the evidence presented at the hearing that the  
17 area proposed to be annexed to an improvement district will be  
18 benefited thereby, and that the improvement district to which the  
19 area is proposed to be annexed will also be benefited thereby and  
20 will not be injured thereby, the board of directors of the agency  
21 may, by resolution, approve the annexation, describing the territory  
22 so annexed, which may be by reference to a map on file with the  
23 secretary of the agency, which shall govern for all details as to the  
24 extent of the annexed area, or in any other definite manner, and  
25 the terms and conditions of annexation as theretofore determined  
26 by resolution of the board of directors.

27 (h) From and after the date of the adoption of the resolution,  
28 the area named therein shall be deemed added to and shall form a  
29 part of the improvement district and the taxable property therein  
30 shall be subject to taxation thereafter for the purposes of the  
31 improvement district, including the payment of the principal of  
32 and interest on bonds and other obligations of the improvement  
33 district at the time authorized and outstanding at the time of the  
34 annexation as if the annexed property had always been a part of  
35 the improvement district, and the board of directors of the  
36 Bighorn-Desert View Water Agency shall be empowered to do all  
37 things necessary to enforce and make effective the terms and  
38 conditions of annexation fixed as authorized in this section.

39 (i) Any action or proceeding wherein the validity of an  
40 annexation is contested, questioned or denied must be commenced

1 within ~~30~~ 60 days after the date of adoption of the resolution  
2 approving the annexation, or the annexation shall be held to be  
3 valid and in every respect legal and incontestable.

4 SEC. 37. Section 31 of the Bighorn-Desert View Water Agency  
5 Law (Chapter 1175 of the Statutes of 1969) is amended and  
6 renumbered to read:

7 Sec. 24. (a) If from the returns it appears that more than  
8 two-thirds of the votes cast in the election held pursuant to the  
9 provisions of Section 21 or of Section 22 of this act were in favor  
10 of and assented to the incurring of the proposed indebtedness, then  
11 the board of directors may, by resolution, at such time or times as  
12 it deems proper, issue bonds of the agency for the whole or any  
13 part of the amount of the indebtedness so authorized, and may  
14 from time to time provide for the issuance of such amounts as are  
15 needed, until the full amount of the bonds authorized has been  
16 issued. Bonds may be divided into two or more series and different  
17 dates may be fixed for each of the series. The maximum term that  
18 the bonds of any series shall run before maturity shall not exceed  
19 40 years from the date of the series.

20 (b) The board of directors shall, by resolution, prescribe the  
21 form of the bonds and fix the time when the whole or any part of  
22 the principal shall become due and payable. The payment of the  
23 first installment of principal may be deferred for a period of not  
24 more than five years from the date of the bonds of each series. The  
25 bonds shall bear interest at a rate or rates not to exceed the rate  
26 permitted by Article 7 (commencing with Section 53530) of  
27 Chapter 3 of Part 1 of Division 2 of Title 5 of the Government  
28 Code, payable on a fixed or variable basis, or payable on the dates  
29 specified in the resolution. The board of directors may also provide  
30 for call and redemption of bonds prior to maturity at such times  
31 and prices and upon such other terms as it may specify. A bond  
32 shall not be subject to call or redemption prior to maturity unless  
33 it contains a recital to that effect or unless a statement to that effect  
34 is printed thereon.

35 (c) The denomination of the bonds shall be stated in the  
36 resolution providing for their issuance, but shall not be less than  
37 one hundred dollars (\$100). The principal and interest shall be  
38 payable in lawful money of the United States at the office of the  
39 treasurer of the district or such other place or places as may be



1 designated, or at either place or places at the option of the holder  
2 of the bond.

3 (d) The bonds shall be dated, numbered consecutively, and be  
4 signed by the president and treasurer of the agency, countersigned  
5 by the secretary of the agency, and the official seal of the agency  
6 attached. All of these signatures and countersignatures may be  
7 printed, lithographed, or mechanically reproduced, except that one  
8 of these signatures or countersignatures shall be manually affixed.

9 (e) If the bond election proceedings have been limited to and  
10 have applied only to an improvement district within the agency,  
11 the bonds are bonds of the agency and shall be issued in the name  
12 of the agency and shall be designated “Bonds of the Bighorn-Desert  
13 View Water Agency for Improvement District No. \_\_\_\_” and each  
14 bond shall state that taxes levied for the payment thereof shall be  
15 levied exclusively upon the taxable property in that improvement  
16 district.

17 (f) Before selling the bonds, or any part thereof, the board of  
18 directors shall give notice inviting sealed bids in such manner as  
19 it may prescribe. If satisfactory bids are received, the bonds offered  
20 for sale shall be awarded to the highest responsible bidder. If no  
21 bids are received, or if the board determines that the bids received  
22 are not satisfactory as to price or responsibility of the bidders, it  
23 may reject all bids received, if any, and either readvertise or  
24 negotiate the sale of the bonds. The board of directors may  
25 determine by a two-thirds vote of the total vote of the board that  
26 the interest of the district and the public interest or necessity require  
27 that the bonds may be sold at private sale upon those terms and  
28 conditions as the board may deem necessary, convenient, or  
29 desirable. In addition to interest paid on a bond or evidence of  
30 indebtedness of the district, the board, in its discretion, may sell  
31 the bonds or evidence of indebtedness at less than its par or face  
32 value, but not at less than 94 percent of the par or face value  
33 thereof.

34 (g) The proceeds arising from the sale of bonds shall be paid  
35 into the treasury of the agency and placed to the credit of a special  
36 improvement fund and expended only for the purpose for which  
37 the indebtedness was created; provided, however, that when that  
38 purpose has been accomplished any moneys remaining in the  
39 special improvement fund may be transferred to the water operating  
40 fund to be used for the payment of principal of and interest on the

1 bonds. The moneys remaining from the sale of bonds of the agency  
2 may also be used for some other agency purpose. Moneys  
3 remaining from the sale of bonds of the agency for an improvement  
4 district therein may also be used for any purpose that will benefit  
5 the property in the improvement district.

6 (h) The bonds of the district shall be legal investment for all  
7 trust funds and for the funds of all insurance companies, banks,  
8 both commercial and savings, and trust companies, for state school  
9 funds, and, whenever any moneys or funds may by law now or  
10 hereafter enacted be invested in bonds of a city, county, or city  
11 and county, school districts, and municipalities in the state, the  
12 moneys or funds may be invested in bonds of the district, issued  
13 in accordance with the provisions of this act. Whenever bonds of  
14 a city, county, city and county, school district, or municipality may  
15 by law be used as security for the performance of any act, the  
16 bonds of the district may be so used.

17 SEC. 38. Section 32 of the Bighorn-Desert View Water Agency  
18 Law (Chapter 1175 of the Statutes of 1969) is amended and  
19 renumbered to read:

20 Sec. 25. Any bonds issued by the Bighorn-Desert View Water  
21 Agency are hereby given the same force, value and use as bonds  
22 issued by any city and shall be exempt from all taxation within the  
23 State of California.

24 SEC. 39. Section 33 of the Bighorn-Desert View Water Agency  
25 Law (Chapter 1175 of the Statutes of 1969) is amended and  
26 renumbered to read:

27 Sec. 26. (a) Whenever the board of directors deems it necessary  
28 to form an improvement district of a portion of the agency for a  
29 purpose other than the incurring of bonded indebtedness under  
30 Section 22 of this act it shall by resolution so declare and state all  
31 of the following:

32 (1) The purpose for which the proposed improvement district  
33 is to be formed.

34 (2) The estimated expense of carrying out the purpose.

35 (3) That the board intends to form an improvement district of  
36 a portion of the agency that in the opinion of the board will be  
37 benefited, the exterior boundaries of which portion are set forth  
38 on a map on file with the secretary of the agency, which map shall  
39 govern for all details as to the extent of the proposed improvement  
40 district.

1 (4) That taxes for carrying out the purpose shall be levied  
2 exclusively upon the taxable property in the proposed improvement  
3 district.

4 (5) That a map showing the exterior boundaries of the proposed  
5 improvement district, with relation to the territory immediately  
6 contiguous thereto, is on file with the secretary of the agency and  
7 is available for inspection by any person or persons interested.

8 (6) The time and place for a hearing by the board on the  
9 questions of the formation of the proposed improvement district,  
10 the extent thereof, the purpose for which it is to be formed, and  
11 the estimated expense of carrying out the purpose.

12 (7) That at the time and place specified, any person interested,  
13 including all persons owning property in the agency or in the  
14 proposed improvement district, will be heard.

15 (b) Notice of the hearing shall be given by publishing a copy  
16 of the resolution pursuant to Section 6066 of the Government Code  
17 prior to the time fixed for the hearing in a newspaper circulated in  
18 the Bighorn-Desert View Water Agency, if there is a newspaper  
19 circulated therein. This notice shall also be given by posting a copy  
20 of the resolution in three public places within the proposed  
21 improvement district for at least two weeks before the time fixed  
22 for the hearing.

23 (c) At the time and place of the hearing, or at any time or place  
24 to which the hearing is adjourned, the board shall proceed with  
25 the hearing, at which any person interested, including all persons  
26 owning property in the agency, or in the proposed improvement  
27 district, may appear and present any matters material to the  
28 questions set forth in the resolution. At the conclusion of the  
29 hearing the board shall, by resolution, determine whether it is  
30 necessary to form the proposed improvement district, and, if so,  
31 the resolution shall also state the purpose for which the proposed  
32 improvement district is to be formed, the estimated expense of  
33 carrying out the purpose, that the exterior boundaries of the portion  
34 of the agency that will be benefited are set forth on a map on file  
35 with the secretary of the agency, which map shall govern for all  
36 details as to the extent of the improvement district, and that the  
37 portion of the agency set forth on the map shall thereupon  
38 constitute and be known as "Improvement District (A, B, C, or  
39 other letter designation) of the Bighorn-Desert View Water  
40 Agency," and the determinations made in the resolution shall be

1 final and conclusive. After the formation of the improvement  
2 district within the Bighorn-Desert View Water Agency pursuant  
3 to this section all taxes levied for the purpose for which the  
4 improvement district is formed shall be levied exclusively upon  
5 the taxable property in the improvement district.

6 (d) A copy of the resolution forming the improvement district  
7 shall be published pursuant to Section 6066 of the Government  
8 Code in a newspaper printed and published in the agency, if there  
9 is a newspaper printed and published in the agency, and a copy of  
10 the resolution shall also be posted in three public places within the  
11 proposed improvement district for at least two weeks. The  
12 resolution shall not be effective until the 31st day after completion  
13 of this posting, and, if applicable, publication. If, before this date,  
14 a petition signed by not less than 10 percent of the voters of the  
15 improvement district requesting that an election be held on the  
16 formation thereof is presented to the board of directors, the board  
17 shall call a special election in the improvement district for the  
18 purpose of submitting the question of the formation of the  
19 improvement district to the voters of the proposed improvement  
20 district.

21 (e) The board of directors shall fix a date for this special election  
22 in accordance with applicable provisions of the Elections Code,  
23 except as herein otherwise provided. Notice of the holding of the  
24 election shall be given by publishing the resolution calling the  
25 election pursuant to Section 6066 of the Government Code prior  
26 to the date of the proposed election in at least one newspaper  
27 printed and published in the Bighorn-Desert View Water Agency,  
28 if there is a newspaper printed and published in the agency. The  
29 resolution shall also be posted in three public places in the  
30 improvement district not less than two weeks prior to the date of  
31 the proposed election. No other notice of the election need be  
32 given.

33 (f) The returns of the election shall be made, the votes  
34 canvassed, and the results thereof ascertained and declared in  
35 accordance with the applicable provisions of the Elections Code,  
36 except as in this act otherwise provided. The secretary of the board  
37 of directors, as soon as the result is declared, shall enter in the  
38 records of the board a statement of the results. No irregularities or  
39 informalities in conducting the election shall invalidate it, if the  
40 election shall have otherwise been fairly conducted.

1 (g) If from the returns it appears that a majority of the votes cast  
2 at the election were in favor of the formation of the improvement  
3 district, the formation of the improvement district shall be  
4 complete.

5 (h) Any action or proceeding questioning, contesting, or denying  
6 the validity of the formation of the improvement district, or of any  
7 of the proceedings in relation to that formation, shall be  
8 commenced within ~~30~~ 60 days from the effective date of the  
9 resolution forming the district, or, if an election is held, within ~~30~~  
10 60 days from the date of the election, or the formation of the  
11 improvement district, and all proceedings in relation thereto, shall  
12 be held to be valid and in every respect legal and incontestable.

13 SEC. 40. Section 34 of the Bighorn-Desert View Water Agency  
14 Law (Chapter 1175 of the Statutes of 1969) is amended and  
15 renumbered to read:

16 Sec. 27. The board of directors may advance general funds of  
17 the agency to accomplish the purposes of an improvement district  
18 and the district may repay the agency from the proceeds of the sale  
19 of bonds authorized for those purposes, or from the special taxes  
20 levied exclusively upon the taxable property in the improvement  
21 district, at the rate of interest authorized by Article 7 (commencing  
22 with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title  
23 5 of the Government Code.

24 SEC. 41. Section 35 of the Bighorn-Desert View Water Agency  
25 Law (Chapter 1175 of the Statutes of 1969) is amended and  
26 renumbered to read:

27 Sec. 28. Interest on any bonds issued by the agency coming  
28 due before the proceeds of a tax levied at the next tax levy after  
29 the sale of the bonds are available, and interest on any bonds issued  
30 by the agency coming due before the expiration of one year  
31 following completion of the acquisition and construction of the  
32 works and improvements for which the bonds were issued may be  
33 paid from the proceeds of the sale of those bonds.

34 SEC. 42. Section 36 of the Bighorn-Desert View Water Agency  
35 Law (Chapter 1175 of the Statutes of 1969) is repealed.

36 SEC. 43. Section 40 of the Bighorn-Desert View Water Agency  
37 Law (Chapter 1175 of the Statutes of 1969) is repealed.

38 SEC. 44. Section 41 of the Bighorn-Desert View Water Agency  
39 Law (Chapter 1175 of the Statutes of 1969) is repealed.

1 SEC. 45. Section 42 of the Bighorn-Desert View Water Agency  
2 Law (Chapter 1175 of the Statutes of 1969) is amended and  
3 renumbered to read:

4 Sec. 29. The Bighorn-Desert View Water Agency shall not be  
5 dissolved until all indebtedness shall have been fully paid.

6 SEC. 46. Section 30 is added to the Bighorn-Desert View Water  
7 Agency Law (Chapter 1175 of the Statutes of 1969), to read:

8 Sec. 30. (a) The Bighorn-Desert View Water Agency shall  
9 separately account for and use funds derived from the operation  
10 of the Desert View Water District and the Bighorn Mountains  
11 Water Agency for the purpose of bond debt service for each of the  
12 former systems.

13 (b) Nothing in this part shall be construed to impair any contract  
14 entered into prior to January 1, 2014.

15 SEC. 47. Section 45 of the Bighorn-Desert View Water Agency  
16 Law (Chapter 1175 of the Statutes of 1969) is repealed.

17 SEC. 48. Section 46 of the Bighorn-Desert View Water Agency  
18 Law (Chapter 1175 of the Statutes of 1969) is repealed.

19 SEC. 49. Section 48 of the Bighorn-Desert View Water Agency  
20 Law (Chapter 1175 of the Statutes of 1969) is amended and  
21 renumbered to read:

22 Sec. 35. If any section, subsection, sentence, clause, or phrase  
23 of this act or the application thereof to any person or circumstance  
24 is for any reason held invalid, the validity of the remainder of the  
25 act or the application of the provision to other persons or  
26 circumstances shall not be affected. The Legislature hereby declares  
27 that it would have passed this act and each section, subsection,  
28 sentence, clause, and phrase thereof irrespective of the fact that  
29 one or more sections, subsections, sentences, clauses, or phrases  
30 or the application thereof to any person or circumstances may be  
31 held invalid.

32 SEC. 50. Section 49 of the Bighorn-Desert View Water Agency  
33 Law (Chapter 1175 of the Statutes of 1969) is repealed.

34 SEC. 51. Section 50 of the Bighorn-Desert View Water Agency  
35 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
36 3 of Chapter 950 of the Statutes of 1985, is amended and  
37 renumbered to read:

38 Sec. 18 The board of directors, by ordinance or resolution, may  
39 fix and impose, on or before the first day of July in any calendar  
40 year, a water standby or availability charge on lands within the

1 agency or in any improvement district thereof to which water is  
2 made available by the agency through underground or by surface  
3 facilities, whether the water is actually used or not. The standby  
4 charge shall not exceed ten dollars (\$10) per acre per year for each  
5 acre of land within the agency or any improvement district thereof  
6 or ten dollars (\$10) per year for any parcel of less than one acre.  
7 Alternatively, the board of directors may fix a water standby charge  
8 in accordance with the provisions of the Uniform Standby Charge  
9 Procedures Act (Chapter 12.4 (commencing with Section 54984)  
10 of Part 1 of Division 2 of Title 5 of the Government Code). A  
11 standby charge shall be adopted by the board only in compliance  
12 with the applicable provisions of the California Constitution and  
13 state law. The board of directors may establish schedules varying  
14 the charges according to land uses, water uses, and degree of water  
15 availability. The board of directors shall certify to the county board  
16 of supervisors the charge or charges so fixed in accordance with  
17 the applicable procedures of the county. The charges shall be  
18 collected in the same form and manner as county taxes are collected  
19 and shall be paid to the agency. Charges fixed by the agency shall  
20 be a lien on all the property charged pursuant to this section. Liens  
21 for the charges shall be of the same force and effect as other liens  
22 for taxes, and their collection may be enforced by the same means  
23 as provided for the enforcement of liens for state and county taxes.

24 SEC. 52. Section 51 of the Bighorn-Desert View Water Agency  
25 Law (Chapter 1175 of the Statutes of 1969), as amended by Section  
26 5 of Chapter 1035 of the Statutes of 1982, is repealed.

27 SEC. 53. Section 52 of the Bighorn-Desert View Water Agency  
28 Law (Chapter 1175 of the Statutes of 1969) is amended and  
29 renumbered to read:

30 Sec. 31. (a) Whenever the board deems it necessary to incur  
31 a bonded indebtedness for the acquisition, construction, completion,  
32 replacement, or repair of any or all improvements, works, or  
33 property mentioned in this act and to provide for that bonded  
34 indebtedness to be payable from taxes levied upon an uninhabited  
35 portion of the agency, the board shall, by resolution, declare its  
36 intention to form an uninhabited improvement district in that  
37 portion of the agency and to incur the indebtedness.

38 (b) For the purposes of this section, the portion of the agency  
39 formed into an uninhabited improvement district shall be deemed

1 uninhabited if less than 12 voters reside within the district at the  
2 time of the formation of the district.

3 (c) The resolution of intention shall state that the board of  
4 directors intends to form an improvement district of an uninhabited  
5 portion of the agency which, in the opinion of the board, will be  
6 benefited, and to incur indebtedness by the issuance of bonds of  
7 the agency for that uninhabited improvement district.

8 The resolution of intention shall also state all of the following:

9 (1) The purpose for which the proposed debt is to be incurred.

10 (2) The amount of debt to be incurred, which may include  
11 expenses of all proceedings for the authorization, issuance, and  
12 sale of the bonds.

13 (3) That taxes for the payment of the bonds and the interest  
14 thereon will be levied exclusively upon the taxable property in the  
15 uninhabited improvement district.

16 (4) That a general description of the proposed improvement,  
17 together with a map showing the exterior boundaries of the  
18 proposed uninhabited improvement district with relation to the  
19 territory immediately contiguous thereto and to the proposed  
20 improvement is on file with the agency and is available for  
21 inspection by any person or persons interested. This map shall  
22 govern for all details as to the extent of the proposed uninhabited  
23 improvement district.

24 (5) The time and place for a hearing by the board of directors  
25 on the questions of the formation and extent of the proposed  
26 uninhabited improvement district, the proposed improvement, and  
27 the amount of debt to be incurred.

28 (6) That at the time and place specified in the resolution any  
29 person interested will be heard, and that any owner of property  
30 within the proposed uninhabited improvement district may file  
31 with the agency at any time prior to the time set for the hearing  
32 written protest to the formation of the proposed uninhabited  
33 improvement district.

34 (d) Notice of the hearing shall be given by publishing a copy  
35 of the resolution pursuant to Section 6066 of the Government Code  
36 prior to the time fixed for the hearing in a newspaper circulated in  
37 the agency, if there is a newspaper circulated in the agency. Notice  
38 shall also be given by posting a copy of the resolution of intention  
39 in three public places within the proposed uninhabited improvement  
40 district for at least two weeks before the time fixed for the hearing.



1 (e) A copy of the resolution of intention shall also be mailed,  
2 postage prepaid, to each person to whom land in the proposed  
3 uninhabited improvement district is assessed as shown on the last  
4 equalized county assessment roll, at his or her address as shown  
5 upon the roll, and to any person, whether owner in fee or having  
6 a lien upon, or legal or equitable interest in, any land within the  
7 proposed uninhabited improvement district, whose name and  
8 address and a designation of the land in which he or she is  
9 interested is on file with the agency.

10 (f) At the time and place fixed in the resolution of intention, or  
11 at any time or place to which the hearing is adjourned, the board  
12 shall proceed with the hearing. At the hearing any person interested  
13 may appear and present any matters material to the questions set  
14 forth in the resolution. Also at the hearing the board shall hear and  
15 pass upon all written protests filed by the owners of property within  
16 the proposed uninhabited improvement district.

17 (g) If written protests are filed by the owners of one-half of the  
18 value of the property within the proposed uninhabited improvement  
19 district, as shown by the last equalized assessment roll of the  
20 county, further proceedings shall not be taken. If written protests  
21 are not filed by the owners of one-half of the value of the property,  
22 the board shall by resolution determine whether it is necessary to  
23 incur the bonded indebtedness and if so, the resolution shall also  
24 state all of the following:

25 (1) The purpose for which the proposed debt is to be incurred.

26 (2) The amount of the proposed debt.

27 (3) That the exterior boundaries of the portion of the agency  
28 that will be benefited are set forth on a map on file with the  
29 secretary, which map shall govern for all details as to the extent  
30 of the uninhabited improvement district.

31 (4) That the portion of the agency set forth on the map shall  
32 thereupon constitute and be known as "Improvement District No.  
33 ..... of ..... Bighorn-Desert View Water Agency."

34 (h) The determinations made in the resolution of formation shall  
35 be final and conclusive.

36 (i) After the formation of the uninhabited improvement district  
37 pursuant to this law the board may, by resolution, at the time or  
38 times that it deems proper, issue bonds of the agency for the whole  
39 or any part of the amount of the indebtedness authorized by the  
40 resolution of formation. All taxes levied for the payment of the

1 bonds and the interest thereon shall be levied exclusively upon the  
2 taxable property in the uninhabited improvement district.

3 (j) Any action or proceeding contesting, questioning, or denying  
4 the validity of the formation of an uninhabited improvement district  
5 or of any of the proceedings in relation thereto shall be commenced  
6 within ~~30~~ 60 days from the date of the resolution forming that  
7 district, or the formation of the uninhabited improvement district  
8 and all proceedings in relation thereto shall be held to be valid and  
9 in every respect legal and incontestable.

10 (k) The board may advance general funds of the agency to  
11 accomplish the purposes of an improvement district formed  
12 pursuant to this section.

13 (l) The board may repay the agency for any advance of funds  
14 from the proceeds of the sale of bonds authorized for the purposes  
15 of the improvement district.

16 SEC. 54. Section 53 of the Bighorn-Desert View Water Agency  
17 Law (Chapter 1175 of the Statutes of 1969) is amended and  
18 renumbered to read:

19 Sec. 32. (a) The board, by resolution, may initiate proceedings  
20 for the annexation of territory to an improvement district within  
21 the agency whether contiguous or not to the improvement district.

22 (b) The resolution proposing annexation shall do all of the  
23 following:

24 (1) Declare that proceedings have been initiated by the board  
25 pursuant to this law.

26 (2) State the reason for proposing the annexation.

27 (3) Set forth a description of the area proposed to be annexed,  
28 which may be made by reference to a map on file with the secretary  
29 of the agency which map shall govern for all details as to the extent  
30 of the area proposed to be annexed.

31 (4) State the terms and conditions of the annexation.

32 (5) State that the holders of title to any of the land sought to be  
33 annexed may file written protests with the secretary to the  
34 annexation or the annexation upon those terms and conditions.

35 (6) Fix the time and place of a meeting at which the board will  
36 receive written protests filed with the secretary, receive additional  
37 written protests, and hear from any and all persons interested in  
38 the annexation.

39 (c) The text of the resolution proposing annexation shall be  
40 published, pursuant to Section 6066 of the Government Code, prior

1 to the time of hearing in at least one newspaper printed and  
2 published in the agency, if there is a newspaper published and  
3 printed in the agency.

4 (d) A copy of the resolution proposing annexation shall also be  
5 posted in three public places within the improvement district and  
6 three public places in the area proposed to be annexed at least two  
7 weeks prior to the hearing.

8 (e) The board shall proceed with the hearing at the time and  
9 place fixed therefor and may continue the hearing, if need be, from  
10 time to time. All interested persons shall be heard at the hearing.

11 (f) If written protests are filed by the holders of title of one-half  
12 of the value of the territory proposed to be annexed as shown by  
13 the last equalized assessment roll of each county in which the  
14 territory is situated, further proceedings shall not be taken, and the  
15 board shall refuse the annexation by a resolution so stating.

16 (g) If written protest is not made by the owners of one-half of  
17 the value of the territory proposed to be annexed, and if, at the  
18 conclusion of the hearing, the board finds and determines for the  
19 evidence presented at the hearing that the area proposed to be  
20 annexed to an improvement district will be benefited thereby, and  
21 that the improvement district to which the area proposed to be  
22 annexed will also be benefited thereby and will not be injured  
23 thereby, the board may, by resolution, approve the annexation.

24 (h) The resolution shall describe the territory annexed, which  
25 may be by reference to a map on file with the secretary, which  
26 map shall govern for all details as to the extent of the annexed  
27 area. The resolution shall also state the terms and conditions of  
28 annexation as determined by resolution of the board.

29 (i) If the board finds and determines that either the area proposed  
30 to be annexed to the improvement district will not be benefited  
31 thereby or that the improvement district to which the area is  
32 proposed to be annexed will not be benefited thereby or will be  
33 injured thereby, the board shall by resolution disapprove the  
34 annexation.

35 (j) From and after the date of the adoption of the resolution  
36 approving the annexation, the area described therein is added to  
37 and forms a part of the improvement district.

38 (k) The taxable property in the annexed area shall be subject to  
39 taxation after the annexation thereof for the purposes of the  
40 improvement district, including the payment of the principal of

1 and interest on bonds and other obligations of the improvement  
2 district authorized and outstanding at the time of the annexation  
3 as if the annexed property had always been a part of the  
4 improvement district.

5 (l) The board may do all things necessary to enforce and make  
6 effective the terms and conditions of annexation fixed by it.

7 (m) Any action or proceeding contesting, questioning, or  
8 denying the validity of an annexation to an improvement district  
9 pursuant to this section shall be commenced within ~~30~~ 60 days  
10 after the date of the resolution of the board approving the  
11 annexation of the territory to an improvement district, or the  
12 annexation shall be held valid and in every respect legal and  
13 incontestable.

14 SEC. 55. Section 53.1 of the Bighorn-Desert View Water  
15 Agency Law (Chapter 1175 of the Statutes of 1969) is amended  
16 and renumbered to read:

17 Sec. 32.5. Notwithstanding the provisions of Section 32, if the  
18 petition for annexation of land to an improvement district formed  
19 under Section 26 is signed by all of the holders of title of land in  
20 the portion proposed to be annexed, the board may proceed and  
21 act thereon without notice and hearing, but shall otherwise comply  
22 with the applicable provisions of this law.

23 SEC. 56. Section 53.2 of the Bighorn-Desert View Water  
24 Agency Law (Chapter 1175 of the Statutes of 1969) is amended  
25 and renumbered to read:

26 Sec. 33. (a) Proceedings to exclude territory from an  
27 improvement district, formed pursuant to Section 26, may be  
28 initiated by the board upon its own motion, or shall be initiated by  
29 the board upon receipt of a petition for exclusion signed by not  
30 less than 10 percent of the voters of the area proposed to be  
31 excluded. The petition shall state reasons that the exclusion will  
32 be beneficial to the agency or the improvement district or the  
33 territory to be excluded.

34 (b) Upon adoption of a motion to initiate exclusion proceedings  
35 or upon receipt of a petition for exclusion, the board shall adopt a  
36 resolution of intention to exclude which shall state all of the  
37 following:

38 (1) The method by which the exclusion proceedings were  
39 initiated; by motion of the board or by petition of voters.

1 (2) That taxes for carrying out the purpose of the improvement  
2 district will not be levied upon taxable property in the excluded  
3 territory following the exclusion in the event the territory is  
4 excluded.

5 (3) That following the exclusion, the taxable property in the  
6 territory remaining in the improvement district shall continue to  
7 be levied upon and taxed to provide funds for the purposes of the  
8 improvement district.

9 (4) That a map showing the exterior boundaries of the proposed  
10 territory to be excluded, with relation to the territory remaining in  
11 the improvement district, is on file with the secretary and is  
12 available for inspection by any person or persons interested. This  
13 map shall govern for all details as to the extent of the proposed  
14 exclusion.

15 (5) The time and place for a hearing by the board on the  
16 questions of the proposed exclusion and the effect of the exclusion  
17 upon the agency, the improvement district and the territory to be  
18 excluded.

19 (6) That at that time and place any person interested, including  
20 all persons owning property in the agency or in the improvement  
21 district, will be heard.

22 (c) Notice of the hearing shall be given by publishing a copy of  
23 the resolution of intention to exclude, pursuant to Section 6066 of  
24 the Government Code, prior to the time fixed for the hearing in a  
25 newspaper circulated in the agency, if there is a newspaper printed  
26 and published in the agency. This notice shall also be given by  
27 posting a copy of the resolution of intention to exclude in three  
28 public places within the affected improvement district for at least  
29 two weeks before the time fixed for the hearing.

30 (d) At the time and place fixed in the resolution of intention to  
31 exclude, or at any time or place to which the hearing is adjourned,  
32 the board shall proceed with the hearing. At the hearing any person  
33 interested, including any person owning property in the agency,  
34 or in the improvement district may appear and present any matters  
35 material to the questions set forth in the resolution of intention to  
36 exclude.

37 (e) At the conclusion of the hearing, the board shall by resolution  
38 determine whether it is necessary or desirable to exclude the  
39 territory. If so, the resolution shall also state both of the following:

40 (1) The reasons why the exclusion is necessary or desirable.

1 (2) That the exterior boundaries of the improvement district  
2 following the exclusion are set forth on a map on file with the  
3 secretary, which map shall govern all details as to the extent of  
4 the resulting improvement district.

5 (f) The determinations made in the resolution of exclusion shall  
6 be final and conclusive.

7 (g) After the exclusion of territory from the improvement district  
8 pursuant to this section, all taxes levied for the carrying out of the  
9 improvement district's purpose shall be levied exclusively upon  
10 the taxable property in the improvement district as then constituted.

11 (h) A copy of the resolution of exclusion shall be published  
12 pursuant to Section 6066 of the Government Code in a newspaper  
13 printed and published in the agency, if there is a newspaper printed  
14 and published in the agency. A copy of the resolution shall also  
15 be posted in three public places within the improvement district  
16 for at least two weeks.

17 (i) The resolution of exclusion shall not be effective until the  
18 31st day after completion of the publication and posting.

19 (j) Any action or proceeding contesting, questioning, or denying  
20 the validity of the exclusion of territory from the improvement  
21 district or of any of the proceedings in relation thereto shall be  
22 commenced within ~~30~~ 60 days from the effective date of the  
23 resolution of exclusion, or the exclusion and all proceedings in  
24 relation thereto shall be held to be valid and in every respect legal  
25 and incontestable.

26 SEC. 57. Section 54 of the Bighorn-Desert View Water Agency  
27 Law (Chapter 1175 of the Statutes of 1969) is amended and  
28 renumbered to read:

29 Sec. 34. (a) Notwithstanding any other provision herein,  
30 whenever the board deems it necessary for any improvement  
31 district formed pursuant to this act to be dissolved, it shall by  
32 resolution declare its intention to dissolve the improvement district.

33 (b) As used in this act, "improvement district" includes an  
34 uninhabited improvement district formed pursuant to Section 31.

35 (c) The resolution of intention shall state:

36 (1) The reason why the improvement district should be  
37 dissolved.

38 (2) That no bond, indebtedness, or liability has been issued or  
39 incurred for the improvement district that remains outstanding.

1 (3) That a map showing the exterior boundaries of the  
2 improvement district, with relation to the territory immediately  
3 contiguous thereto, is on file with the secretary and is available  
4 for inspection by any person or persons interested.

5 (4) The time and place for a hearing by the board on the question  
6 of the dissolution of the improvement district.

7 (5) That at that time and place for the hearing any person  
8 interested, including all persons owning property in the agency or  
9 in the improvement district will be heard.

10 (d) Notice of the hearing shall be given by publishing a copy  
11 of the resolution, pursuant to Section 6066 of the Government  
12 Code, prior to the time fixed for the hearing in a newspaper  
13 circulated in the agency, if there is a newspaper circulated in the  
14 agency. This notice shall also be given by posting a copy of the  
15 resolution in three public places within the improvement district  
16 for at least two weeks before the time fixed for the hearing.

17 (e) At the time and placed fixed in the resolution of intention,  
18 or at any time or place to which the hearing is adjourned, the board  
19 shall proceed with the hearing. At the hearing any person interested,  
20 including all persons owning property in the agency, or in the  
21 improvement district, may appear and present any matters material  
22 to the proposed dissolution.

23 (f) At the conclusion of the hearing the board shall, by  
24 resolution, determine whether it is necessary to dissolve the  
25 improvement district. If so, the resolution shall state that the  
26 exterior boundaries of the improvement district are set forth on a  
27 map on file with the secretary and shall declare the improvement  
28 district dissolved. The determinations made in the resolution shall  
29 be final and conclusive.

30 (g) When the resolution declaring an improvement district  
31 dissolved becomes effective, the dissolution of the improvement  
32 district is complete.

33 (h) The taxable property within the boundaries of the dissolved  
34 improvement district shall continue to be taxed for any  
35 indebtedness of the agency contracted for the dissolved  
36 improvement district until the indebtedness has been satisfied, to  
37 the same extent that the property would be taxable for that purpose  
38 if the dissolution had not occurred.

39 (i) Any action or proceeding contesting, questioning, or denying  
40 the validity of the dissolution of an improvement district, or of any

1 of the proceedings in relation thereto, shall be commenced within  
2 ~~30~~ 60 days from the effective date of the resolution dissolving the  
3 improvement district, or the dissolution of the improvement district  
4 and, all proceedings in relation thereto, shall be held to be valid  
5 and in every respect legal and incontestable.

6 (j) After a bond election has been held in an improvement  
7 district and less than two-thirds of the votes cast in the election  
8 were in favor of the measure, the board may within one year of  
9 the date of that election, call and hold another election for the  
10 purpose of resubmitting the measure to the electors of the  
11 improvement district. If the measure is not so resubmitted, the  
12 improvement district, on the anniversary date of the election, is  
13 dissolved without further action by the board. If the measure is  
14 resubmitted and fails to receive more than two-thirds of the votes  
15 cast in the election in favor of the measure, the improvement  
16 district is dissolved following the canvass of the election returns.

17 *SEC. 58. The Legislature finds and declares that Section 35*  
18 *of this act, which amends Section 22 of the Bighorn-Desert View*  
19 *Water Agency Law (Chapter 1175 of the Statutes of 1969), imposes*  
20 *a limitation on the public's right of access to the meetings of public*  
21 *bodies or the writings of public officials and agencies within the*  
22 *meaning of Section 3 of Article I of the California Constitution.*  
23 *Pursuant to that constitutional provision, the Legislature makes*  
24 *the following findings to demonstrate the interest protected by this*  
25 *limitation and the need for protecting that interest:*

26 *In order for the Bighorn-Desert View Water Agency to reduce*  
27 *costs and staff burdens associated with posting notices of specified*  
28 *hearings, while still providing adequate notice of public hearings,*  
29 *it is necessary to reduce, from six to three, the number of public*  
30 *locations in which the agency must post specified hearing notices.*