AMENDED IN ASSEMBLY APRIL 6, 1995

AMENDED IN ASSEMBLY MARCH 15, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL No. 65

Introduced by Assembly Member Knight

December 19, 1994

An act to amend Sections 20, 21, 25, 50, 57, 66, 67, *103,* 320, 322, 341, and 400 of, and to add Part 5 (commencing with Section 500) to, the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994), to amend, repeal, and add Section 1 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), and to repeal Section 3 of Chapter 764 of the Statutes of 1994, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 65, as amended, Knight. Water districts.

(1) The Antelope Valley Storm Water Conservation and Flood Control District Act (the act), which is subject to the approval of the voters within the proposed district boundaries at the first countywide consolidated elections held after January 1, 1995, in the Counties of Los Angeles and Kern, authorizes the creation of the Antelope Valley Storm Water Conservation and Flood Control District. The act makes the Cortese-Knox Local Government Reorganization Act of 1985 inapplicable to the formation of the district or the formation

or changes in the boundaries of any district division or improvement district.

This bill *would, instead, require the elections to be held on November 7, 1995, in those counties. The bill* would make ~~that law~~ *the Cortese-Knox Local Government Reorganization Act of 1985* inapplicable to changes in the boundaries of the Los Angeles County Flood Control District to detach therefrom any property within the boundaries of that district.

(2) The act requires the Legislature to conduct hearings on the possible dissolution of the district if, during the 7th year after formation of the district, 5,000 registered voters of the district sign a petition to terminate the district.

This bill would, instead, require the Legislature to conduct those hearings if the district voters signed that petition during or after the 7th year after formation of the district.

(3) The act prohibits the district from adopting a prescribed groundwater management plan unless one or more prescribed entities within the boundaries of the district consent to the adoption of the plan.

This bill would make that prohibition applicable to the district unless all of the prescribed entities within the boundaries of the district consent to the adoption of the plan.

(4) The act authorizes the district to impose assessments or to incur bonded indebtedness upon approval of the affected voters of the district.

This bill would define the voters to be registered voters or landowners within the affected area, as prescribed.

(5) The act declares that the drainage facilities in the unincorporated area of Los Angeles County north of the northerly boundary of the Los Angeles County Flood Control District owned and maintained by the County of Los Angeles and the drainage facilities owned and maintained by the Los Angeles County Flood Control District within the boundaries of the district are to become part of the district upon formation of the district.

This bill would revise the description of those drainage facilities and would require those facilities to become a part of the district on July 1, following the formation of the district. The bill would require all drainage maintenance districts located in the unincorporated area of Los Angeles County and

within the boundaries of the district to terminate and cease to function on July 1, following the formation of the district, thereby imposing a state-mandated local program.

(6) The act requires the district to collect an annual assessment of $3 per equivalent drainage unit on specified properties.

This bill would revise those properties which would be subject to that assessment and would provide for the collection of that assessment, thereby imposing a state-mandated local program by imposing requirements on counties.

(7) The act authorizes the formation of improvement districts within the boundaries of the district in accordance with specified law.

This bill would revise that provision to authorize the formation of those districts in accordance with any valid assessment or improvement procedure authorized by state law.

(8) The Los Angeles County Flood Control Act prescribes the boundaries of the Los Angeles County Flood Control District.

This bill would revise those boundaries upon the formation of the Antelope Valley Storm Water Conservation and Flood Control District, as prescribed, thereby imposing a state-mandated local program.

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

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

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

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

SECTION 1. Section 20 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

20. (a) There shall be submitted to the registered voters within the proposed district boundaries at the ~~first countywide consolidated elections held after January 1,~~ *elections to be held on November 7,* 1995, in the Counties of Los Angeles and Kern, the question of whether the district shall be organized and shall exercise its power in accordance with the provisions of this act.

(b) (1) There shall be printed on the ballot at the election the following question:

"Shall the Antelope Valley Storm Water Conservation and Flood Control District be organized and exercise its powers in accordance with the provisions of the Antelope Valley Storm Water Conservation and Flood Control District Act and impose an annual assessment on all properties within the district, to be used for district organization, advance planning, operation, maintenance, repair, and emergency services?"

(2) Following the question shall be the words "Yes" and "No" on separate lines with a voting square at the right.

(c) If a majority of the voters voting on the proposition votes in favor of forming the district, the district may exercise its powers and shall collect an assessment in accordance with subdivision (b) of Section 320.

SEC. 2. Section 21 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

21. The Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code) shall not apply to the formation of the district, the formation or changes in the boundaries of any district division or improvement district, or changes in the boundaries of the Los Angeles County Flood Control District to detach therefrom any property within the boundaries of the district as described in Section 11. For all other purposes, the district shall be a "district" as that term is defined in the Cortese-Knox Local Government Reorganization Act of 1985.

SEC. 3. Section 25 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

25. If, during the seventh year after formation of the district, or any time thereafter, 5,000 registered voters of the district sign a petition to terminate the district, the Legislature shall conduct hearings and determine whether to dissolve the district. Nothing in this section precludes the voters of the district from petitioning their representatives regarding the dissolution of the district.

SEC. 4. Section 50 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

50. (a) The purposes of the district are to provide for the control and conservation of the major drainage, flood, and storm waters of the district, and to conserve those waters for beneficial and useful purposes by spreading, storing, retaining, or causing to percolate into the soil within the district, and to protect from damage from those major drainage, flood, or storm waters, the lives and property in the district.

(b) Notwithstanding any other provision of law, the district may not adopt or implement any groundwater management plan pursuant to Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code unless all of the entities within the boundaries of the district authorized to prepare, adopt, and implement a groundwater management plan pursuant to Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code consent to the district preparing, adopting, and implementing that plan. In preparing, adopting, and implementing any plan, the district shall consult with those entities.

SEC. 5. Section 57 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

57. (a) The district may impose, or cause to be imposed, assessments in accordance with this act and upon approval of the affected voters. If 12 or more registered voters reside, and have resided for at least 90

days preceding the election, within the affected area, the voters shall be the registered voters with each voter having one vote. If not, the voters shall be the landowners with each landowner having one vote for each acre of land or portion of an acre of land that he or she owns within the affected area.

(b) The district may assess developer drainage fees in accordance with applicable provisions of law. The district may also credit developers for assessed fees when they construct improvements to the regional storm water and flood control system under the control of the district.

(c) The district's ability to impose assessments and collect developer drainage fees does not restrict local agencies from imposing assessments and collecting developer drainage fees and continuing to impose assessments and collect developer drainage fees for drainage and flood control improvements and services as permitted by law.

SEC. 6. Section 66 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

66. (a) The district shall prepare, not later than three years after the approval of the district by the voters, a plan for flood control and water conservation for the area included within the district, including the suburban, agricultural, and open-space areas.

(b) The board shall include in the plan at least all of the following components:

(1) Flood control and storm water conservation.

(2) Flood peak retarding.

(3) Special zones of benefit for assessment purposes.

(4) Environmental considerations.

(5) Multiple use opportunities.

(6) City and county plans.

(7) Methodologies intended for use.

These methodologies shall demonstrate the benefit relationship between a proposed capital project and the area to be assessed.

(c) The district shall establish an advisory committee to assist in the preparation of the plan pursuant to this

section and to make recommendations to the board of directors of the district concerning the plan. The advisory committee shall consist of volunteer representatives of urban interests, agricultural interests, industry, business, and other interests as the board of directors of the district determines to be appropriate. In establishing advisory committees, the district may take into consideration the diversity of topography, hydrological conditions, and land use within the large areas covered by the district. In order to assure community dialogue and public support as the plan is developed, advisory committees should ~~by~~ *be* structured to represent the various watershed planning areas of the district. On the basis of land use and hydrology, advisory committee boundaries may overlap the boundaries of one or more internal district boundaries within the district.

SEC. 7. Section 67 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

67. (a) Except as specified in this section, all existing drainage maintenance districts and existing flood control and drainage facilities shall remain under the existing jurisdiction and in full effect unless the controlling agency and the district mutually agree to convey any or all of the drainage maintenance districts or facilities to the district. Those drainage facilities that are owned and maintained by the County of Los Angeles and located in the unincorporated area of Los Angeles County north of the northerly boundary of the Los Angeles County Flood Control District and those drainage facilities that are owned and maintained by the Los Angeles County Flood Control District, the City of Palmdale, and the County of Kern and are located within the boundaries of the proposed district shall transfer to and become part of the district on July 1 following the formation of the district.

(b) The district shall turn over annual proceeds received (1) for purposes of operation, maintenance, and repair prior to the district performing those services or (2) prior to the turnover, by the Cities of Palmdale and Lancaster, and the Counties of Los Angeles and Kern, of

their current maintenance districts and flood control and drainage facilities, to the local agencies, in a sum proportionate to the annual proceeds received from the constituents of the local agencies, for the purposes for which they were received, less any associated administrative overhead costs. Any annual proceeds turned over to a local agency but not used by the end of two fiscal years from the date the proceeds were turned over to the local agency shall be returned to the district at the end of that two-year period.

(c) Notwithstanding any other provision of law, all drainage maintenance districts located in the unincorporated area of Los Angeles County and within the boundaries of the proposed district shall terminate and cease to function on July 1 following the formation of the district.

SEC. 8. *Section 103 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:*

103. (a) The election of subsequent directors shall be held at the time of the general *district* election referred to in Section ~~2550~~ *1303* of the Elections Code and shall be consolidated therewith.

(b) Candidates shall declare their candidacy no less than 88 and no more than 113 days before the general election. The candidate for director who receives the highest number of votes cast for candidates for the office of director in the division in which he or she seeks election shall be elected to that office.

(c) If a tie vote makes it impossible to determine which of two or more candidates has been elected, the board shall notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the board. The board shall at that time and place determine the tie by lot and the results thereof shall be declared by the board. The candidate chosen shall qualify, take office, and serve as though elected at the preceding general district election.

SEC. 8.5. Section 320 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

320. (a) The district may impose assessments within an improvement district in accordance with any valid assessment act, bond act, or combination of assessment act and bond act permitted by law. The assessments may be imposed in any manner that reasonably reflects the benefit that will accrue to the area being assessed for the purpose of the assessment, including, but not limited to, the proportionate water runoff from each parcel assessed. For purposes of this section, proportionate storm water runoff may be used as a measure of benefit pursuant to subdivision (e) of Section 54715 of the Government Code.

(b) (1) Notwithstanding any other provision of law, in the event that a majority of the voters voting on the proposition described in Section 20 vote in its favor, the district shall collect an annual assessment of two dollars ($2) per equivalent drainage unit on all properties within the district to be used for district administration, planning, and emergency services and an additional annual assessment of three dollars ($3) per equivalent drainage unit on all properties except farmland, undeveloped rural land, and residential properties with a density less than, or equal to, one dwelling unit per two acres, for the operation, maintenance, and repair of facilities and upon a majority vote of the district board, for district administration, planning, and emergency services.

(2) The district may impose an assessment in excess of that amount only upon the approval of the voters in accordance with subdivision (a) of Section 57.

(3) The assessment shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected. On or before August 10 of each year, or on a later date agreed to by the county auditor, a written report that includes a description of each parcel of real property to be assessed and the amount of assessment for each parcel shall be filed with the county auditor.

SEC. 9. Section 322 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

322. The district may impose assessments within an improvement district only by a vote of the voters of that improvement district, in accordance with subdivision (a) of Section 57, for improvement district expenditures made, or expenditures estimated to be required during the next calendar or fiscal year, for any lawful purpose of the district, including, but not limited to, any of the following purposes:

(a) Improvement district formation.

(b) Individual district division administration.

(c) Engineering and other activities undertaken in connection with the investigation and preparation of plans, land acquisition, and the design or construction of any work or project within a specific division, combination of divisions, or improvement district.

(d) Operation and maintenance of any district work or project within an improvement district.

(e) Payment of the principal of, and interest on, improvement district special benefit bonds issued in the manner set forth in Chapter 3 (commencing with Section 330) and Chapter 4 (commencing with Section 340).

SEC. 10. Section 341 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

341. (a) Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in the district, pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for the hearing. The hearing may be consolidated with a hearing on any other proposal affecting the same area.

(b) At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution, at which time any interested person may

appear and be heard concerning any matter set forth in the resolution or any matter material thereto.

(c) Upon the conclusion of the hearing, the board may abandon the proposal, or order an election on the proposal in accordance with subdivision (e) within the area affected, unless prior to the conclusion of the hearing or any continued hearing, written protests against the proposal signed by 25 percent of the eligible voters within the affected area are filed with the board, in which event further proceedings relating to the proposal shall be suspended for not less than six months following the date of the conclusion of the hearing. If there is no majority protest, the board of directors may not proceed with the proposal before holding an election within the affected area.

(d) A majority of the votes cast at the election shall be required to approve the proposal to issue the bonds.

(e) For the purposes of this section, if 12 or more registered voters reside, and have resided for at least 90 days preceding the election, within the affected area, the voters shall be the registered voters with each voter having one vote. If not, the voters shall be the landowners with each landowner having one vote for each acre of land or portion of an acre of land that he or she owns within the affected area.

SEC. 11. Section 400 of the Antelope Valley Storm Water Conservation and Flood Control District Act (Chapter 764 of the Statutes of 1994) is amended to read:

400. (a) Improvement districts may be formed in the district in accordance with any valid assessment or improvement procedure authorized by state law, including Part 7 (commencing with Section 23600) of Division 11 of the Water Code. Improvement districts may be formed within the boundaries of any district division. District divisions created under this act may jointly participate in a project or projects.

(b) For the purposes of this act, ‘‘improvement district’’ includes an assessment district.

SEC. 12. Part 5 (commencing with Section 500) is added to the Antelope Valley Storm Water Conservation

and Flood Control District Act (Chapter 764 of the Statutes of 1994), to read:

PART 5. MISCELLANEOUS

500. The transfer of the territory from the Los Angeles County Flood Control District to the Antelope Valley Storm Water Conservation and Flood Control District upon the formation of the district shall not impair the rights of any bondholder or other creditor of the Los Angeles County Flood Control District. Any properties subject to ad valorem taxation to repay any bonded indebtedness of the Los Angeles County Flood Control District shall remain so subject until the bonds are retired.

SEC. 13. Section 1 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Section 1. (a) A flood control district is hereby ~~created, to be called "Los Angeles county flood control district," and the boundaries and territory of said district shall be~~ *created, to be called the "Los Angeles County Flood Control District," and the boundaries and territory of the district are* as follows:

All that portion of the ~~county~~ *County* of Los Angeles lying south of the north line of ~~township 5 north~~ *Township 5 North*, San Bernardino base, excepting therefrom the islands of Santa Catalina and San Clemente, and the islands off the coast included in Los Angeles county.

(b) This section shall remain operative only until the voters of the Antelope Valley Storm Water Conservation and Flood Control District have approved the formation of that district, and on the day a certified copy of the results of that election is filed with the Secretary of State is repealed.

SEC. 14. Section 1 is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

~~Section 1. (a) A flood control district is hereby created, to be called "Los Angeles County Flood Control District."~~

Section 1. (a) The Los Angeles County Flood Control District is hereby continued in existence.

(b) The boundaries and territory of the district are as follows:

All that portion of the County of Los Angeles lying south of the north line of Township 5 North, San Bernardino base, excepting therefrom the islands of Santa Catalina and San Clemente, and the islands off the coast included in Los Angeles County and excepting that portion of the County of Los Angeles lying north of a line described as follows:

Beginning at a point in the east boundary line of the County of Los Angeles, at its intersection with the south line of Section 31, Township 4 North, Range 7 West, San Bernardino base and meridian;

Thence westerly along township line to the northeast corner of Section 1, Township 3 North, Range 9 West, San Bernardino base and meridian;

Thence southerly and westerly along the east and south line of the north half of last said Section 1 to the southwest corner thereof;

Thence southerly along section lines to the southeast corner of the north half of Section 11, Township 3 North, Range 9 West, San Bernardino base and meridian;

Thence westerly along center section lines to the northeast corner of the south half of Section 8 of last said township;

Thence southerly and westerly along the east and south lines of last said Section 8 and continuing westerly along section lines to the northeast corner of Section 15, Township 3 North, Range 10 West, San Bernardino base and meridian;

Thence southerly and westerly along the east and south lines of the north half of last said Section 15 and continuing westerly along center section lines to the southwest corner of the north half of Section 14, Township 3 North, Range 11 West, San Bernardino base and meridian;

Thence northerly along section lines to the southeast corner of Section 3, Township 3 North, Range 11 West, San Bernardino base and meridian;

Thence westerly and northerly along the south and west lines of last said Section 3, and continuing northerly along section lines to the southeast corner of the north half of Section 33, Township 4 North, Range 11 West, San Bernardino base and meridian;

Thence westerly and northerly along the south and west lines of last said north half of Section 33 to the southeast corner of Section 29, Township 4 North, Range 11 West, San Bernardino base and meridian;

Thence westerly and northerly along the south and west lines of the southeast quarter of last said Section 29 to the southeast corner of the northwest quarter of said section;

Thence westerly and northerly along the south and west lines of the northeast quarter and continuing northerly along section line to the southeast corner of the northeast quarter of Section 19, Township 4 North, Range 11 West, San Bernardino base and meridian;

Thence westerly, northerly, and easterly along the south, west and north lines of last said northeast quarter to the northeast corner thereof;

Thence northerly along section lines to the southeast corner of the north half of Section 6, Township 4 North, Range 11 West, San Bernardino base and meridian;

Thence westerly and northerly along the south and west lines of last said north half of Section 6, and continuing northerly along range line to the southeast corner of the north half of Section 24, Township 5 North, Range 12 West, San Bernardino base and meridian;

Thence westerly along center section lines to the southwest corner of the north half of Section 23, Township 5 North, Range 12 West, San Bernardino base and meridian;

Thence northerly along section lines to the southeast corner of the north half of Section 15, Township 5 North, Range 12 West, San Bernardino base and meridian;

Thence westerly and northerly along the south and west lines of said north half of Section 15, and continuing northerly along section line to the southeast corner of the north half of Section 9, Township 5 North, Range 12 West, San Bernardino base and meridian;

Thence westerly along section lines to the southeast corner of the north half of Section 8, Township 5 North, Range 12 West, San Bernardino base and meridian;

Thence southerly and westerly along the east and south lines of last said Section 8, and continuing westerly along section line to the southwest corner of the southeast quarter of Section 7, Township 5 North, Range 12 West, San Bernardino base and meridian;

Thence northerly along center section line to the southeast corner of the northwest quarter of last said Section 7;

Thence westerly and southerly along the south and west lines of last said northwest quarter to the southeast corner of Section 1, Township 5 North, Range 13 West, San Bernardino base and meridian;

Thence westerly and northerly along the south and west lines of last said Section 1 to the southeast corner of the north half of Section 2, Township 5 North, Range 13 West, San Bernardino base and meridian;

Thence westerly along center section lines to the center of Section 4, Township 5 North, Range 13 West, San Bernardino base and meridian;

Thence northerly along center section line to the point of intersection with the north line of Township 5 North, San Bernardino base and meridian;

Thence westerly along the north line of Township 5 North, San Bernardino base and meridian to its point of intersection with the west boundary line of the County of Los Angeles.

(c) This section shall become operative only if the voters of the Antelope Valley Storm Water Conservation and Flood Control District have approved the formation of that district and shall become operative on the day a certified copy of the results of that election is filed with the Secretary of State.

SEC. 15. Section 3 of Chapter 764 of the Statutes of 1994 is repealed.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CORRECTIONS

Title — Line 1.

Digest — Page 3.

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