

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Ashburn

February 18, 1998

An act to amend Sections 34030 and 34700 of the Water Code, to amend Section 17 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), and to amend Section 6 of Chapter 641 of the Statutes of 1931, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Ashburn. Water districts.

(1) The California Water District Law requires the director of a California water district to be a holder of title to land within the district or the legal representative of the holder of title to land, as defined, and authorizes certain persons to serve as a director if a corporation holds title to land.

This bill would, instead, require a candidate for the office of director to be a holder of title to land within the district and would authorize the holder that is not a natural person to designate a representative to be eligible to be elected or appointed as a director, as prescribed. The bill would revise the definition of "legal representative."

(2) The Drainage District Act of 1903 provides for the formation of drainage districts and specifies the powers and purposes of those districts. Under the act, a director of a drainage district is required to be a voter of the district, as prescribed.

This bill would, instead, require a candidate for the office of director to be a holder of title to land within the district, as prescribed. By imposing additional requirements on local officials, this bill would impose a state-mandated local program.

(3) Existing law provides for the formation of a flood control and water conservation district by filing a prescribed petition with the board of supervisors in the county where the proposed work is to be done whenever a condition exists in a county requiring the control of floods and conservation of flood waters. Existing law requires the districts formed pursuant to those provisions to be governed by a board of 5 trustees to be appointed by the board of supervisors from landowners residing in the district.

This bill would delete that residence requirements and would, instead, require a candidate for the office of trustee to be a holder of title to land within the district, as prescribed. By imposing additional requirement on local officials, this bill would impose a state-mandated local program.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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

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

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

1 SECTION 1. Section 34030 of the Water Code is
 2 amended to read:
 3 34030. “Legal representative” means ~~an official of a~~
 4 ~~corporation owning land, and means a guardian;~~



1 ~~executor, or administrator of the estate of the holder of~~
2 ~~title to land who:~~

- 3 ~~(a) Is appointed under the laws of this State.~~
- 4 ~~(b) Is entitled to the possession of the estate's land.~~
- 5 ~~(c) Is authorized by the appointing court to exercise~~
6 ~~the particular right, privilege, or immunity which he~~
7 ~~seeks to exercise either of the following:~~
- 8 ~~(a) A duly appointed and acting guardian, executor, or~~
9 ~~administrator of the estate of a holder of title to land.~~
- 10 ~~(b) A person duly authorized to act for, and on behalf~~
11 ~~of, a holder of title to land that is not a natural person.~~

12 SEC. 2. Section 34700 of the Water Code is amended
13 to read:

14 ~~34700. Each director shall be a holder of title to land~~
15 ~~within the district or the legal representative of the~~
16 ~~holder of title to land. If a corporation holds title to land,~~
17 ~~the president of the corporation or persons selected by~~
18 ~~resolution of its board of directors filed with the district~~
19 ~~may serve as directors—A candidate for the office of~~
20 ~~director shall be a holder of title to land within the district.~~
21 ~~If a holder of title to land is not a natural person, the~~
22 ~~holder may designate a legal representative or~~
23 ~~representatives to be eligible to be elected or appointed~~
24 ~~as a director by filing with the district written evidence~~
25 ~~of that designation.~~

26 SEC. 3. Section 17 of the Drainage District Act of 1903
27 (Chapter 238 of the Statutes of 1903) is amended to read:

28 Sec. 17. ~~In~~ (a) In each district organized as herein
29 provided, an election shall be held on the first Tuesday
30 after the first Monday in November of each
31 odd-numbered year, at which shall be chosen a successor
32 to each director whose term of office shall expire in that
33 month. ~~A director shall be an elector of the district, if the~~
34 ~~directors are elected at large and shall be an elector of the~~
35 ~~division which the director shall be elected to represent,~~
36 ~~if directors are elected by divisions.~~

37 If
38 (b) If voting in the district is by resident registered
39 voters ~~the provisions of, Section 7.5 shall apply but no one~~



1 ~~shall be entitled to vote for a director for a division who~~
2 ~~is not a resident registered voter of the division.~~

3 ~~If~~ *If* voting in the district is by landowner voting based
4 on assessed value ~~the provisions of~~, Section 7 shall apply.
5 In ~~such~~ a district in which the directors are elected by
6 divisions, ~~no one shall be entitled to vote for a director for~~
7 ~~a division who is not the owner of real property situate in~~
8 ~~such division, or some improvement thereon, or some~~
9 ~~interest therein or in such improvement, as provided in~~
10 ~~Section 7. All~~ *all* owners of ~~such~~ property shall be entitled
11 to vote at ~~such~~ election. ~~The~~ *and the* number of votes
12 which any ~~such~~ property owner, in ~~any such that~~ division,
13 shall be entitled to vote, shall be determined according to
14 the assessed valuation of the property of ~~such the~~ voter
15 situated in ~~such that~~ division, in the manner provided in
16 Section 7.

17 ~~If the directors are elected at large in a landowner~~
18 ~~voting district, each qualified elector of the district may~~
19 ~~vote, for each director to be elected, as many votes as he~~
20 ~~may be entitled to vote in accordance with the assessed~~
21 ~~valuation of his property in the district, as hereinbefore~~
22 ~~provided.~~

23 ~~Prior to the last Friday of November following the~~
24 ~~general district election each person elected a director~~
25 ~~shall qualify as such by taking and subscribing the official~~
26 ~~oath and executing an official bond in the sum of one~~
27 ~~thousand dollars (\$1,000), which shall be approved by a~~
28 ~~judge of the superior court. Such oath and bond shall be~~
29 ~~in the form prescribed by law for public officers, and shall~~
30 ~~be filed with the secretary of the board of directors. Each~~
31 ~~such bond shall be recorded in the office of the county~~
32 ~~recorder of the county where the organization of the~~
33 ~~district was effected. If a vacaney shall occur in the office~~
34 ~~of director, the same shall be filled pursuant to Section~~
35 ~~1780 of the Government Code. Such appointee shall~~
36 ~~qualify as herein provided within 10 days after receiving~~
37 ~~notice of his appointment.~~

38 *(c) A candidate for the office of director shall be a*
39 *holder of title to land within the district. If a holder of title*
40 *to land is not a natural person, the holder may designate*



1 *a representative or representatives to be eligible to be*
2 *elected or appointed as a director by filing with the*
3 *district written evidence of that designation.*

4 SEC. 4. Section 6 of Chapter 641 of the Statutes of 1931
5 is amended to read:

6 Sec. 6. ~~Such~~ (a) *The districts shall be governed and*
7 *managed by a board of five trustees, appointed by the*
8 *board of supervisors from landowners residing in the*
9 *district, who shall hold office for four years and until the*
10 *appointment and qualification of their successors. They*
11 *shall receive no compensation but shall be allowed their*
12 *necessary traveling and other expenses incurred in the*
13 *performance of their duties.*

14 (b) *A candidate for the office of trustee shall be a*
15 *holder of title to land within the district. If a holder of title*
16 *to land is not a natural person, the holder may designate*
17 *a representative or representatives to be eligible to be*
18 *elected or appointed as a trustee by filing with the district*
19 *written evidence of that designation.*

20 SEC. 5. Notwithstanding Section 17610 of the
21 Government Code, if the Commission on State Mandates
22 determines that this act contains costs mandated by the
23 state, reimbursement to local agencies and school
24 districts for those costs shall be made pursuant to Part 7
25 (commencing with Section 17500) of Division 4 of Title
26 2 of the Government Code. If the statewide cost of the
27 claim for reimbursement does not exceed one million
28 dollars (\$1,000,000), reimbursement shall be made from
29 the State Mandates Claims Fund.

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

