

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 246

Introduced by Senator Fuller

February 12, 2013

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~~, *and 35* 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 of *ordinances of the district* and making a violation of certain regulations an infraction instead of misdemeanor, as prescribed. *This bill would require the district to set an annual appropriations limit and adopt an annual budget, 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

1 9.2 (commencing with Section 33300) of Division 12 of the Water
2 Code, is hereby created, organized, and incorporated and shall be
3 managed as herein expressly provided and may exercise the powers
4 herein expressly granted or necessarily implied, and may include
5 contiguous or noncontiguous parcels of both unincorporated and
6 incorporated territory and shall include all territory lying within
7 the following described boundaries:

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

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

- 12 Section 7
- 13 Section 8
- 14 Section 11
- 15 South $\frac{1}{2}$ Section 2
- 16 Southwest $\frac{1}{4}$ Section 12
- 17 Section 13, excluding the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$
- 18 Section 14
- 19 Section 15
- 20 Section 16
- 21 Section 17
- 22 East $\frac{1}{2}$ Section 18
- 23 Northeast $\frac{1}{4}$, Northeast $\frac{1}{4}$, Section 20
- 24 North $\frac{1}{2}$ Section 21
- 25 North $\frac{1}{2}$ Section 22

26 (b) Township 3 North, Range-5, 5 East, San Bernardino Base
27 and Meridian:

- 28 South $\frac{1}{2}$, *South* $\frac{1}{2}$, Southwest $\frac{1}{4}$, Section 4
- 29 Section 8
- 30 Section 9, excluding the Northeast $\frac{1}{4}$
- 31 Southwest $\frac{1}{4}$ Section 10
- 32 Section 13
- 33 South $\frac{1}{2}$ Section 14
- 34 Section 15, excluding the Northeast $\frac{1}{4}$
- 35 Section 16
- 36 Section 17
- 37 Section 18
- 38 Section 21
- 39 Section 22
- 40 Section 23

- 1 Section 24
- 2 West ½ Section 26
- 3 Section 27
- 4 Southeast ¼ Section 33
- 5 Section 34
- 6 Section 35, excluding the Northeast ¼
- 7 West ½, Northwest ¼, Southwest ¼, Section 36
- 8 Northeast ¼, Northwest ¼, Southwest ¼, Section 36
- 9 (c) Township 2 North, Range 5 East, San Bernardino Base and
- 10 Meridian:
- 11 Section 2
- 12 Section 3
- 13 Section 10
- 14 Section 11
- 15 Section 12
- 16 Section 13
- 17 Section 14
- 18 Section 15
- 19 Section 22
- 20 Section 23
- 21 Section 26
- 22 Section 27
- 23 Section 34
- 24 (d) Township 2 North, Range 6 East, San Bernardino Base and
- 25 Meridian:
- 26 Section 5
- 27 Section 6
- 28 Section 7, except certain parcels described as:
- 29 630-032-04 W ½ SW ¼ SW ¼ SE ¼ SEC 7 TP 2N R 6E 5 AC
- 30 630-032-05 E ½ SW ¼ SW ¼ SE ¼ SEC 7 TP 2N R 6E EX
- 31 RDS
- 32 630-032-09 W ½ NE ¼ NW ¼ SE ¼ SEC 7 TP 2N R 6E EX
- 33 RD
- 34 630-032-10 W ½ SE ¼ NW ¼ SE ¼ SEC 7 TP 2N R 6E EX
- 35 RD
- 36 630-032-11 W ½ NE ¼ SW ¼ SE ¼ SEC 7 TP 2N R 6E EX
- 37 RD
- 38 630-032-15 E ½ SE ¼ NW ¼ SE ¼ SEC 7 TP 2N R 6E 5 AC
- 39 630-032-49 W ½ SE ¼ SW ¼ SE ¼ SEC 7 TP 2N R 6E EX
- 40 W 100 FT S 422 FT THEREOF AND EX RDS

1 630-041-26 W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E EX
2 RD MNL RTS AS RESERVED BY USA 5 AC
3 630-041-30 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E 5 AC
4 630-041-39 W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N R 6E 5 AC
5 630-041-42 N 280 FT W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N
6 R 6E EX RD
7 630-041-54 N 130 FT S 380 FT W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC
8 7 TP 2N R 6E 5 EX RD
9 630-041-55 S 250 FT W $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 7 TP 2N
10 R 6E 5 EX RD
11 630-041-56 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
12 EX RD
13 630-041-57 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
14 Section 18, except certain parcels described as:
15 630-021-18 E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 18 TP 2N R 6E EX
16 RD
17 630-021-67 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
18 6E EX S 130 FT W 100 FT E 230 FT THEREOF AND EX MNL
19 RTS AS RESERVED BY USA EX RDS
20 West $\frac{1}{2}$, Section 19
21 SEC. 4. Section 3 of the Bighorn-Desert View Water Agency
22 Law (Chapter 1175 of the Statutes of 1969), as added by Section
23 3 of Chapter 570 of the Statutes of 1989, is repealed.
24 SEC. 5. Section 5 of the Bighorn-Desert View Water Agency
25 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
26 4 of Chapter 570 of the Statutes of 1989, is amended and
27 renumbered to read:
28 Sec. 3. The Board of Directors of the Bighorn-Desert View
29 Water Agency organized under this act shall consist of five
30 members, each of whom shall be a resident of the agency, and
31 shall hold office until his or her successor is elected. All successors
32 of the first board shall be elected or chosen at the time and in the
33 manner provided in the Uniform District Election Law (Part 4
34 (commencing with Section 10500) of Division 10 of the Elections
35 Code).
36 SEC. 6. Section 7 of the Bighorn-Desert View Water Agency
37 Law (Chapter 1175 of the Statutes of 1969) is amended and
38 renumbered to read:

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

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

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

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

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

27 Sec. 8. For attending a meeting of the board of directors, each
28 of the members of the board of directors ~~shall~~ *may* receive
29 compensation in an amount not to exceed the maximum amount
30 authorized by Chapter 2 (commencing with Section 20200) of
31 Division 10 of the Water Code.

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

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

36 Sec. 9. Any vacancy in the board of directors shall be filled
37 pursuant to Article 2 (commencing with Section 1770) of Chapter
38 4 of Division 4 of Title 1 of the Government Code.

1 SEC. 11. Section 10 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. 6. Every incumbent of an elective office, whether elected
5 by popular vote for a full term, or chosen by the board of directors
6 to fill a vacancy, is subject to recall by the voters of the
7 Bighorn-Desert View Water Agency in accordance with the recall
8 provisions of the Elections Code of the state with reference to
9 cities.

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

12 Sec. 10. By a majority vote of the board of directors, the board
13 shall appoint an attorney, chief engineer, general manager, and
14 auditor, define their duties, and fix their compensations. The
15 attorney, chief engineer, general manager, and auditor each shall
16 serve at the pleasure of the board of directors. A member of the
17 board of directors shall not serve as the appointed attorney, chief
18 engineer, general manager, or auditor.

19 SEC. 13. Section 11 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. 7. (a) The board of directors shall be the governing body
23 of the Bighorn-Desert View Water Agency. ~~The~~

24 (b) *The* board of directors shall, by resolution, provide for the
25 date, time, and place of holding of its meetings. All meetings of
26 the board of directors, whether regular or special, shall be open to
27 the public. ~~A~~

28 (c) A majority of the board of directors shall constitute a quorum
29 for the transaction of business. ~~At~~

30 (d) *At* its first meeting in the month of January in each
31 even-numbered year, the board of directors shall choose from
32 among its members a president, vice president, and secretary.

33 (e) *The board of directors shall adopt an annual budget and*
34 *shall set an annual appropriations limit.*

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

37 Sec. 11. The general manager shall:

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

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

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

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

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

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

9 SEC. 15. Section 12 of the Bighorn-Desert View Water Agency
10 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
11 2 of Chapter 696 of the Statutes of 1984, is amended to read:

12 Sec. 12. The board of directors shall act only by ordinance,
13 resolution, or minute order. No ordinance, resolution, or minute
14 order shall be passed or become effective without the affirmative
15 vote of a majority of the members of the board. The enacting clause
16 of all ordinances passed by the board shall be: "Be it ordained by
17 the Board of Directors of the Bighorn-Desert View Water Agency
18 as follows:" Except as otherwise required by law, ordinances shall
19 be adopted by one of the following procedures:

20 (a) A copy of the full text of the ordinance shall be posted in
21 the office of the agency at least five days prior to the board meeting
22 at which the ordinance is to be amended. Within 21 days after
23 passage of an ordinance, the general manager shall cause the
24 ordinance to be published at least once in a newspaper of general
25 circulation published and circulated within the agency's boundaries
26 and shall cause the ordinance to be posted in at least three public
27 places. An ordinance shall not be published in a newspaper if the
28 charge exceeds the customary rate charged by the newspaper for
29 publication of private legal notices, but summaries of the ordinance
30 shall be published as provided in subdivision (b) or (c).

31 (b) The general manager may cause a summary of the ordinance
32 or amendment to be published at least once in a newspaper of
33 general circulation, and a copy of the full text of the ordinance or
34 amendment shall be posted in the office of the agency at least five
35 days prior to the board meeting at which the ordinance or
36 amendment is to be adopted. Within 15 days after adoption of the
37 ordinance or amendment, the general manager shall cause the
38 ordinance or amendment to be published at least once in a
39 newspaper of general circulation, published, and circulated within

1 the agency's boundaries, and shall cause the ordinance or
2 amendment to be posted in at least three public places.

3 (c) If the general manager determines that it is not feasible to
4 prepare a fair and adequate summary of the ordinance or
5 amendment, the general manager shall cause a display
6 advertisement of the full text of the ordinance or amendment of at
7 least one-sixth of a page to be published in a newspaper of general
8 circulation and a copy of the full text of the ordinance or
9 amendment to be posted in the office of the agency at least five
10 days prior to the board meeting at which the ordinance or
11 amendment is to be adopted. Within 21 days after adoption, a
12 display advertisement of a similar size shall be published and the
13 full text posted in at least three public places.

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

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

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

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

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

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

31 SEC. 20. Section 15 of the Bighorn-Desert View Water Agency
32 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
33 1 of Chapter 950 of the Statutes of 1985, is amended to read:

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

37 1. To have perpetual succession.

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

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

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

5 5. To acquire, or contract to acquire, waterworks or a waterworks
6 system, waters, water rights, lands, rights and privileges, and
7 construct, maintain, and operate water wells, conduits, pipelines,
8 reservoirs, works, machinery, and other property useful or
9 necessary to produce, store, convey, supply, or otherwise make
10 use of water for a waterworks plant or system for the benefit of
11 the agency, and to complete, extend, enlarge, add to, repair, or
12 otherwise improve any waterworks or waterworks system acquired
13 by the agency.

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

20 7. To sell water to other public agencies within the
21 Bighorn-Desert View Water Agency and to the inhabitants of the
22 territory of those public agencies for use within the Bighorn-Desert
23 View Water Agency. The Bighorn-Desert View Water Agency
24 may, whenever the board of directors finds that there is a surplus
25 of water above that which may be required by consumers within
26 the Bighorn-Desert View Water Agency, sell or otherwise dispose
27 of surplus water to any persons, firms, public or private
28 corporations, public agencies, or other consumers.

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

32 9. To restrict the use of agency water during any emergency
33 caused by drought, or other threatened or existing water shortage,
34 and to prohibit the wastage of agency water or the improper use
35 of agency water during those periods, in accordance with Chapter
36 3 (commencing with Section 350) of Division 1 of the Water Code.

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

39 11. To provide for the pensioning of officers or employees and
40 the creation of a special fund for the purpose of paying the

1 pensions, and the accumulation of contributions to the fund from
2 the revenues of the agency, the wages of officers or employees,
3 voluntary contributions, gifts, donations, or any source of revenue
4 not inconsistent with the general powers of the board, and to
5 contract with any insurance corporation or any other insurance
6 carrier for the maintenance of a service covering the pension of
7 the officers or employees, and to provide for the terms and
8 conditions under which pensions shall be awarded, and for the
9 time and extent of service of officers or employees before pensions
10 shall be available to them.

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

15 13. To contract with the federal government, the state, any state
16 agency, a county, or other public agency, a private corporation, or
17 other person for the purpose of carrying out any of the powers of
18 the agency and, for that purpose, to contract with the other public
19 agencies, private corporations, or persons for the purpose of
20 financing acquisitions, constructions, and operations. These
21 contracts may contain any other and further covenants and
22 agreements as may be necessary or convenient to accomplish the
23 purposes of the contract.

24 14. To commence, maintain, intervene in, ~~defend~~ *defend*, and
25 compromise, in the name of the agency, or as a class representative
26 of the inhabitants, property owners, taxpayers, or water producers
27 or water users within the agency, or otherwise, and to assume the
28 costs and expenses of any and all actions and proceedings, now
29 or hereafter begun, involving or affecting the ownership or use of
30 water or water rights, used or useful for any purpose, of the agency,
31 or a common benefit to the lands within the agency or its
32 inhabitants.

33 15. To commence, maintain, intervene in, ~~defend~~ *defend*, and
34 compromise, in the name of the agency, or as a class representative
35 of the inhabitants, property owners, taxpayers, water producers or
36 water users within the agency, and to assume the costs and
37 expenses of any and all actions or proceedings to prevent, control,
38 or abate the pollution of water used or useful for any purpose of
39 the agency, or to protect or provide a common benefit to lands
40 within the agency or to the inhabitants of the agency, or to protect

1 or control any watershed or basin overlain, in whole or in part, by
2 the agency or which contributes or may contribute to the water
3 supply of the agency.

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

9 17. To issue negotiable promissory notes that shall be general
10 obligations of the agency payable from revenues and taxes in the
11 same manner as bonds of the agency, at the rate permitted by
12 Article 7 (commencing with Section 53530) of Chapter 3 of Part
13 1 of Division 2 of Title 5 of the Government Code. *The maturity*
14 *of the promissory notes shall not be later than five years from the*
15 *date thereof. The total aggregate amount of the notes outstanding,*
16 *at any one time, shall not exceed five million dollars (\$5,000,000).*

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

20 19. To issue improvement bonds in accordance with, and
21 pursuant to, the Improvement Act of 1911 (Division 7
22 (commencing with Section 5000) of the Streets and Highways
23 Code), the Improvement Bond Act of 1915 (Division 10
24 (commencing with Section 8500) of the Streets and Highways
25 Code), the Municipal Improvement Act of 1913 (Division 12
26 (commencing with Section 10000) of the Streets and Highways
27 Code), the Refunding Assessment Bond Act of 1935 (Chapter 732
28 of the Statutes of 1935), and the Revenue Bond Law of 1941
29 (Chapter 6 (commencing with Section 54300) of Part 1 of Division
30 2 of Title 5 of the Government Code).

31 20. To prescribe, revise, and collect water system connection
32 and capacity charges ~~in the manner provided by~~ *accordance with*
33 the California Constitution and state law.

34 21. To record a certificate in the office of the county recorder
35 of any county specifying the amount of unpaid charges for water
36 or other services, plus interest and penalties. From the time of
37 recordation of the certificate, the amount required to be paid,
38 together with interest and penalty, constitutes a lien upon all real
39 property in the county owned by the person or afterwards, and
40 before the lien expires, acquired by the person. The lien shall have

1 the force, priority, and effect of a judgment lien and shall continue
2 for 10 years from the date of the filing of the certificate unless
3 sooner released or otherwise discharged. Within 10 years from the
4 filing of the certificate or within 10 years of the date of the last
5 extension of the lien, the lien may be extended by filing for record
6 a new certificate in the office of the county recorder of any county
7 and from the time of that filing the lien shall be extended to the
8 real property in the county for 10 years unless sooner released or
9 otherwise discharged.

10 22. To construct, operate, and maintain works to develop
11 hydroelectric energy, for use by the agency in the operation of its
12 works or as a means of assisting in financing the construction,
13 operation, and maintenance of its projects for the control,
14 conservation, diversion, and transmission of water, and to enter
15 into contracts for the sale of this energy for a term not to exceed
16 50 years. This energy may be marketed only at wholesale to any
17 public agency or private entity, or both, or the federal or state
18 government.

19 23. To contract for the sale of the right to use falling water for
20 electric energy purposes with any public agency or private entity
21 engaged in the retail distribution of electric energy, for a term not
22 to exceed 50 years.

23 24. To prosecute an action to determine the validity of any bonds,
24 warrants, promissory notes, contracts, or other evidences of
25 indebtedness, including those of the kind authorized by paragraphs
26 16, 17, and 19, brought pursuant to Chapter 9 (commencing with
27 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

28 25. In addition to the powers granted in this section, the agency
29 may exercise all powers previously or hereafter granted to or
30 possessed by county water districts organized and governed under
31 the County Water District Law (Division 12 (commencing with
32 Section 30000) of the Water Code) to finance the acquisition of,
33 and to acquire, waterworks and waterworks systems, waters, water
34 rights, lands, rights, or privileges, and may exercise all those
35 powers to fund construction, maintenance, or operation of
36 waterworks and waterworks systems.

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

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

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

4 SEC. 24. Section 16 of the Bighorn-Desert View Water Agency
5 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
6 176 of Chapter 1128 of the Statutes of 1984, is repealed.

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

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

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

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

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

17 SEC. 30. Section 23 of the Bighorn-Desert View Water Agency
18 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
19 12 of Chapter 104 of the Statutes of 1970, is amended and
20 renumbered to read:

21 Sec. 16. All claims for money or damages against the agency
22 are governed by Part 3 (commencing with Section 900) and Part
23 4 (commencing with Section 940) of Division 3.6 of Title 1 of the
24 Government Code, except as provided therein, or by other statutes
25 or regulations applicable thereto.

26 SEC. 31. Section 25 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. 17. The board of directors, in compliance with the
30 applicable provisions of the California Constitution and state law,
31 shall fix such rate or rates for water in the agency and in each
32 improvement district therein as will result in revenues which will
33 pay the operating expenses of the agency, and the improvement
34 district, provide for repairs and depreciation of works, provide a
35 reasonable surplus for replacements, improvements, extensions,
36 and enlargements, pay the interest on any debt, and provide a
37 sinking or other fund for the payment of the principal of such debt
38 as it may become due. Said rates for water in each improvement
39 district may vary from the rates of the agency and from other
40 improvement districts therein.

1 SEC. 32. Section 26 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. 19. If the revenues of the agency, or any improvement
5 district therein, will be inadequate for any cause to pay the
6 operating expenses of the agency, provide for repairs and
7 depreciation of works owned or operated by it, and to meet all
8 obligations of the agency, including payment of principal or interest
9 on any debt of the agency or any improvement district thereof, as
10 it becomes due, then the board of directors of the agency shall
11 provide, in accordance with the provisions of the California
12 Constitution and state law, for the levy and collection of a special
13 tax sufficient to raise the amount of money determined by the
14 board of directors to be necessary for the purpose of paying the
15 expenses in addition to the funds required under Section 17 of this
16 act.

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

1 purposes of the agency. The board of directors shall direct, at the
2 time and in the manner required by law for the levying of taxes
3 for county purposes, the board of supervisors to collect, in addition
4 to any other tax as may be levied by the board of supervisors, at
5 the rate or rates so fixed and determined by the board of directors,
6 a tax upon the property within the agency, or improvement district
7 thereof benefited by the debt, as the case may be. Taxes for the
8 payment of the interest on or principal of any debt shall be levied
9 on the property within the agency, or improvement district thereof,
10 benefited by the debt, as determined by the board of directors in
11 the resolution declaring the necessity to incur the debt. Taxes for
12 other purposes of the agency shall be levied on all property in the
13 agency or improvement district or portion thereof subject to the
14 particular tax. It shall be the duty of all county officers charged
15 with the duty of collecting taxes to collect such tax in the time,
16 form, and manner as county taxes are collected, and when collected
17 to pay the same to the agency. Taxes for the payment of a debt
18 and the interest thereon shall be a lien on all the property benefited
19 thereby as stated in the resolution of the board of directors
20 declaring the necessity to incur the debt. All taxes for other
21 purposes of the agency shall be a lien on all the property in the
22 agency subject to the respective tax. Agency taxes, whether for
23 payment of indebtedness and the interest thereon or for other
24 purposes, shall be of the same force and effect as other liens for
25 taxes, and their collection may be enforced by the same means as
26 provided for the enforcement of liens for state and county taxes.

27 SEC. 34. Section 28 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. 21. (a) Whenever the board of directors deems it necessary
31 for the agency to incur a bonded indebtedness for the acquisition,
32 construction, completion, replacement, or repair of any or all
33 improvements, works, or property mentioned in this act, the board
34 shall, by resolution, so declare and call an election to be held in
35 the agency for the purpose of submitting to the qualified voters
36 thereof the proposition of incurring indebtedness by the issuance
37 of bonds of the agency. The resolution shall state all of the
38 following:

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

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

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

7 (4) The maximum rate of interest to be paid, which shall not
8 exceed the rate permitted by Article 7 (commencing with Section
9 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the
10 Government Code, which shall be payable semiannually, except
11 that interest for the first year may be payable at the end of the year
12 or payable on a fixed or variable basis, on the dates specified in
13 the resolution.

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

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

17 (b) The board of directors shall provide for holding the special
18 election on the date fixed and in accordance with the applicable
19 provisions of the Elections Code. Notice of the holding of the
20 election shall be given by publishing pursuant to Section 6066 of
21 the Government Code the resolution calling the election, the last
22 publication to be made not less than two weeks prior to the date
23 of the proposed election, in at least one newspaper published in
24 the agency, if there is a newspaper published in the agency, and
25 the resolution shall be posted in three public places in the agency
26 not less than two weeks prior to the date of the proposed election.
27 No other notice of the election need be given. The returns of the
28 election shall be made, the votes ~~canvassed~~ *canvassed*, and the
29 results thereof ascertained and declared in accordance with the
30 provisions of the Elections Code, so far as they may be applicable,
31 except as in this act otherwise provided. The secretary of the board
32 of directors, as soon as the result is declared, shall enter in the
33 records of the board a statement of the results. No irregularities or
34 informalities in conducting the election shall invalidate the result,
35 if the election has otherwise been fairly conducted.

36 (c) Any action or proceeding contesting, questioning, or denying
37 the validity of these bonds, or proceedings in relation to these
38 bonds, shall be commenced within 60 days from the date of the
39 election, or the bonds and all proceedings in relation to these bonds

1 shall be held to be valid and in every respect legal and
2 incontestable.

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

6 Sec. 22. (a) Whenever the board of directors deems it necessary
7 to incur bonded indebtedness for the acquisition, construction,
8 completion, replacement, or repair of any or all improvements,
9 works, or property mentioned in this act and to provide for that
10 bonded indebtedness to be payable from taxes levied upon less
11 than all of the agency, the board shall, by resolution, so declare
12 and state all of the following:

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

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

17 (3) That the board intends to form an improvement district of
18 a portion of the agency which in the opinion of the board will be
19 benefited, the exterior boundaries of which portion are set forth
20 on a map on file with the secretary of the agency, which map shall
21 govern for all details as to the extent of the proposed improvement
22 district, and to call an election in that proposed improvement
23 district on a date to be fixed, for the purpose of submitting to the
24 qualified voters thereof the proposition of incurring indebtedness
25 by the issuance of bonds of the agency for that improvement
26 district.

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

30 (5) That a general description of the proposed improvements,
31 together with a map showing the exterior boundaries of the
32 proposed improvement district with relation to the territory
33 immediately contiguous thereto and to the proposed improvements,
34 is on file with the secretary of the agency and is available for
35 inspection by any person or persons interested.

36 (6) The time and place for a hearing by the board on the question
37 of the formation of the proposed improvement district, the extent
38 thereof, the proposed improvements and the amount of debt to be
39 incurred.

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

4 (b) Notice of the hearing shall be given by publishing a copy
5 of the resolution pursuant to Section 6066 of the Government Code
6 prior to the time fixed for the hearing in a newspaper printed and
7 published in the agency, if there is a newspaper printed and
8 published in the agency. This notice shall also be given by posting
9 a copy of the resolution in three public places within the proposed
10 improvement district at least two weeks before the time fixed for
11 the hearing.

12 (c) At the time and place fixed for the hearing, or at any time
13 and place to which it is adjourned, the board shall proceed with
14 the hearing. At the hearing, any person interested, including any
15 person owning property within the agency or within any proposed
16 improvement district, may appear and present any matters material
17 to the questions set forth in the resolution declaring the necessity
18 for incurring the bonded indebtedness. The board shall have the
19 power to change the purpose for which the proposed debt is to be
20 incurred, or the amount of bonded debt to be incurred, or the
21 boundaries of the proposed improvement district, or any
22 combination of these; provided, however, that the board shall not
23 change the boundaries so as to include any territory that will not,
24 in its judgment, be benefited by the improvement.

25 (d) The purpose, amount of bonded debt, or boundaries shall
26 not be changed by the board except after notices of its intention
27 to do so, given by publication pursuant to Section 6061 of the
28 Government Code in a newspaper printed and published in the
29 Bighorn-Desert View Water Agency, if there is a newspaper printed
30 and published in the agency, and by posting in three public places
31 within the proposed improvement district. The notice shall state
32 the changed purpose and debt proposed and that the exterior
33 boundaries as proposed to be changed are set forth on a map on
34 file with the secretary of the agency, which map shall govern for
35 all details as to the extent of the proposed improvement district,
36 and specify the time and place for hearing on the change, which
37 time shall be at least 10 days after publication or posting of the
38 notice. At the time and place fixed, or at any time and place to
39 which the hearing is adjourned, the board shall proceed with the
40 hearing. At the hearing any person interested, including any person

1 owning property within the agency or the proposed improvement
2 district, may appear and present any matters material to the changes
3 stated in the notice. At the conclusion of the hearing, the board
4 shall, by resolution, determine whether it is deemed necessary to
5 incur the bonded indebtedness, and, if so, the resolution shall also
6 state the purpose for which the proposed debt is to be incurred,
7 the amount of the proposed debt, that the exterior boundaries of
8 the portion of the agency that will be benefited are set forth on a
9 map on file with the secretary of the agency which map shall
10 govern for all details as to the extent of the improvement district,
11 and that the portion of the agency set forth on the map shall
12 thereupon constitute and be known as “Improvement District No.
13 ... of Bighorn-Desert View Water Agency,” and the determinations
14 made in the resolution shall be final and conclusive. After the
15 formation of an improvement district within the Bighorn-Desert
16 View Water Agency pursuant to this section, all proceedings for
17 the purpose of a bond election shall be limited, and shall apply
18 only to the improvement district, and taxes for the payment of the
19 bonds and the interest thereon shall be levied exclusively upon the
20 taxable property in the improvement district.

21 (e) After the board has made its determination of the matters
22 required to be determined by the last mentioned resolution, and if
23 the board deems it necessary to incur the bonded indebtedness,
24 the board shall by a further resolution call a special election in the
25 improvement district for the purpose of submitting to the qualified
26 voters thereof the proposition of incurring indebtedness by the
27 issuance of bonds of the agency for the improvement district. The
28 resolution shall state all of the following:

29 (1) That the board deems it necessary to incur the bonded
30 indebtedness.

31 (2) The purpose for which the bonded indebtedness will be
32 incurred.

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

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

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

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

6 (7) The maximum rate of interest to be paid, which shall not
7 exceed the rate permitted by Article 7 (commencing with Section
8 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the
9 Government Code, payable semiannually, except that interest for
10 the first year may be payable at the end of the year or payable on
11 a fixed or variable basis, on dates specified in the resolution.

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

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

15 (f) The board of directors shall provide for holding the special
16 election on the day so fixed and in accordance with the provisions
17 of the Elections Code, as applicable, except as herein otherwise
18 provided. Notice of the holding of the election shall be given by
19 publishing pursuant to Section 6066 of the Government Code the
20 resolution calling the election prior to the date of the proposed
21 election in at least one newspaper printed and published in the
22 agency, if there is a newspaper printed and published in the agency.
23 The resolution shall also be posted in three public places in the
24 improvement district not less than two weeks prior to the date of
25 the proposed election. No other notice of the election need be
26 given.

27 (g) The returns of the election shall be made, the votes
28 canvassed, and the results thereof ascertained and declared in
29 accordance with the provisions of the Elections Code so far as they
30 may be applicable. The secretary of the board of directors, as soon
31 as the result is declared, shall enter in the records of the board a
32 statement of the results. No irregularities or informalities in
33 conducting the election shall invalidate it, if the election shall have
34 otherwise been fairly conducted.

35 (h) Any action or proceeding contesting, questioning, or denying
36 the validity of the formation of the improvement district, of the
37 bonds, or of the proceedings in relation to the bonds shall be
38 commenced within 60 days from the date of such election, or the
39 bonds and all proceedings in relation to the bonds, including the

1 formation of the improvement district, shall be held to be valid
2 and in every respect legal and incontestable.

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

6 Sec. 23. (a) Any portion of the Bighorn-Desert View Water
7 Agency, whether contiguous or not to an improvement district
8 thereof, may be annexed to the improvement district in the
9 following manner. A petition, which may consist of any number
10 of separate instruments, shall be filed with the secretary of the
11 agency, signed by holders of title to 60 percent or more of the land
12 in the portion proposed to be annexed, which land as so represented
13 in the petition shall have an assessed valuation of not less than 50
14 percent of the land so proposed to be annexed. The petition shall
15 contain all of the following:

16 (1) A description of the area proposed to be annexed, which
17 may be made by reference to a map on file with the secretary of
18 the agency, which map shall govern for all details as to the extent
19 of the area proposed to be annexed, or in any other definite manner.

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

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

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

29 (c) Within 10 days of the date of the filing of the petition, the
30 secretary of the agency shall examine it and ascertain whether or
31 not the petition is signed by the required number of property
32 owners; and, if requested by the secretary of the agency, the board
33 of directors shall authorize the general manager to employ persons
34 especially for that purpose, in addition to the persons regularly
35 employed in his or her office, and shall provide for their
36 compensation. When the general manager has completed his or
37 her examination of the petition, he or she shall attach to it his or
38 her certificate, properly dated, showing the result of the
39 examination; and if from the examination he or she finds the
40 petition is signed by the requisite number of property owners, or

1 is not so signed, he or she shall certify that the petition is sufficient,
2 or insufficient, as the case may be.

3 (d) If by the certificate of the general manager, the petition is
4 found to be insufficient, the petition may be amended by filing a
5 supplemental petition or petitions within 10 days of the date of the
6 certificate. The general manager shall, within 10 days after the
7 filing of the supplemental petition or petitions, examine them and
8 certify to the result of the examination as hereinbefore provided.

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

12 (f) The text of the petition shall be published pursuant to Section
13 6066 of the Government Code prior to the time at which it is to
14 be presented to the board of directors of the agency in at least one
15 newspaper printed and published in the Bighorn-Desert View
16 Water Agency, if there is a newspaper printed and published in
17 the agency, together with a notice stating the time and place of the
18 meeting at which the petition will be presented. When contained
19 upon one or more instruments, only one copy of the petition need
20 be published. No more than five of the names attached to the
21 petition need appear in the publication of the petition and notice,
22 but the number of signers shall be stated. The notice and petition
23 shall also be posted in three public places in the improvement
24 district and three public places in the area proposed to be annexed,
25 at least two weeks prior to the hearing.

26 (g) The board of directors of the agency shall proceed to hear
27 the petition at the time and place fixed therefor and any person
28 residing within the agency or improvement district or owning
29 taxable property in the agency or improvement district shall be
30 entitled to appear and be heard at the hearing. The hearing may be
31 continued from time to time by the board of directors of the agency.
32 At the conclusion of the hearing, and if the board of directors finds
33 and determines from the evidence presented at the hearing that the
34 area proposed to be annexed to an improvement district will be
35 benefited thereby, and that the improvement district to which the
36 area is proposed to be annexed will also be benefited thereby and
37 will not be injured thereby, the board of directors of the agency
38 may, by resolution, approve the annexation, describing the territory
39 so annexed, which may be by reference to a map on file with the
40 secretary of the agency, which shall govern for all details as to the

1 extent of the annexed area, or in any other definite manner, and
2 the terms and conditions of annexation as theretofore determined
3 by resolution of the board of directors.

4 (h) From and after the date of the adoption of the resolution,
5 the area named therein shall be deemed added to and shall form a
6 part of the improvement district and the taxable property therein
7 shall be subject to taxation thereafter for the purposes of the
8 improvement district, including the payment of the principal of
9 and interest on bonds and other obligations of the improvement
10 district at the time authorized and outstanding at the time of the
11 annexation as if the annexed property had always been a part of
12 the improvement district, and the board of directors of the
13 Bighorn-Desert View Water Agency shall be empowered to do all
14 things necessary to enforce and make effective the terms and
15 conditions of annexation fixed as authorized in this section.

16 (i) Any action or proceeding wherein the validity of an
17 annexation is contested, ~~questioned~~ *questioned*, or denied must be
18 commenced within 60 days after the date of adoption of the
19 resolution approving the annexation, or the annexation shall be
20 held to be valid and in every respect legal and incontestable.

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

24 Sec. 24. (a) If from the returns it appears that more than
25 two-thirds of the votes cast in the election held pursuant to the
26 provisions of Section 21 ~~or of Section 22~~ of this act were in favor
27 of and assented to the incurring of the proposed indebtedness, then
28 the board of directors may, by resolution, at such time or times as
29 it deems proper, issue bonds of the agency for the whole or any
30 part of the amount of the indebtedness so authorized, and may
31 from time to time provide for the issuance of such amounts as are
32 needed, until the full amount of the bonds authorized has been
33 issued. Bonds may be divided into two or more series and different
34 dates may be fixed for each of the series. The maximum term that
35 the bonds of any series shall run before maturity shall not exceed
36 40 years from the date of the series.

37 (b) The board of directors shall, by resolution, prescribe the
38 form of the bonds and fix the time when the whole or any part of
39 the principal shall become due and payable. The payment of the
40 first installment of principal may be deferred for a period of not

1 more than five years from the date of the bonds of each series. The
2 bonds shall bear interest at a rate or rates not to exceed the rate
3 permitted by Article 7 (commencing with Section 53530) of
4 Chapter 3 of Part 1 of Division 2 of Title 5 of the Government
5 Code, payable on a fixed or variable basis, or payable on the dates
6 specified in the resolution. The board of directors may also provide
7 for call and redemption of bonds prior to maturity at such times
8 and prices and upon such other terms as it may specify. A bond
9 shall not be subject to call or redemption prior to maturity unless
10 it contains a recital to that effect or unless a statement to that effect
11 is printed thereon.

12 (c) The denomination of the bonds shall be stated in the
13 resolution providing for their issuance, but shall not be less than
14 one hundred dollars (\$100). The principal and interest shall be
15 payable in lawful money of the United States at the office of the
16 treasurer of the district or such other place or places as may be
17 designated, or at either place or places at the option of the holder
18 of the bond.

19 (d) The bonds shall be dated, numbered consecutively, and be
20 signed by the president and treasurer of the agency, countersigned
21 by the secretary of the agency, and the official seal of the agency
22 attached. All of these signatures and countersignatures may be
23 printed, lithographed, or mechanically reproduced, except that one
24 of these signatures or countersignatures shall be manually affixed.

25 (e) If the bond election proceedings have been limited to and
26 have applied only to an improvement district within the agency,
27 the bonds are bonds of the agency and shall be issued in the name
28 of the agency and shall be designated “Bonds of the Bighorn-Desert
29 View Water Agency for Improvement District No. ____” and each
30 bond shall state that taxes levied for the payment thereof shall be
31 levied exclusively upon the taxable property in that improvement
32 district.

33 (f) Before selling the bonds, or any part thereof, the board of
34 directors shall give notice inviting sealed bids in such manner as
35 it may prescribe. If satisfactory bids are received, the bonds offered
36 for sale shall be awarded to the highest responsible bidder. If no
37 bids are received, or if the board determines that the bids received
38 are not satisfactory as to price or responsibility of the bidders, it
39 may reject all bids received, if any, and either readvertise or
40 negotiate the sale of the bonds. The board of directors may

1 determine by a two-thirds vote of the total vote of the board that
2 the interest of the district and the public interest or necessity require
3 that the bonds may be sold at private sale upon those terms and
4 conditions as the board may deem necessary, convenient, or
5 desirable. In addition to interest paid on a bond or evidence of
6 indebtedness of the district, the board, in its discretion, may sell
7 the bonds or evidence of indebtedness at less than its par or face
8 value, but not at less than 94 percent of the par or face value
9 thereof.

10 (g) The proceeds arising from the sale of bonds shall be paid
11 into the treasury of the agency and placed to the credit of a special
12 improvement fund and expended only for the purpose for which
13 the indebtedness was created; provided, however, that when that
14 purpose has been accomplished any moneys remaining in the
15 special improvement fund may be transferred to the water operating
16 fund to be used for the payment of principal of and interest on the
17 bonds. The moneys remaining from the sale of bonds of the agency
18 may also be used for some other agency purpose. Moneys
19 remaining from the sale of bonds of the agency for an improvement
20 district therein may also be used for any purpose that will benefit
21 the property in the improvement district.

22 (h) The bonds of the district shall be legal investment for all
23 trust funds and for the funds of all insurance companies, banks,
24 both commercial and savings, and trust companies, for state school
25 funds, and, whenever any moneys or funds may by law now or
26 hereafter enacted be invested in bonds of a city, county, or city
27 and county, school districts, and municipalities in the state, the
28 moneys or funds may be invested in bonds of the district, issued
29 in accordance with the provisions of this act. Whenever bonds of
30 a city, county, city and county, school district, or municipality may
31 by law be used as security for the performance of any act, the
32 bonds of the district may be so used.

33 SEC. 38. Section 32 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. 25. Any bonds issued by the Bighorn-Desert View Water
37 Agency are hereby given the same force, ~~value~~ *value*, and use as
38 bonds issued by any city and shall be exempt from all taxation
39 within the State of California.

1 SEC. 39. Section 33 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. 26. (a) Whenever the board of directors deems it necessary
5 to form an improvement district of a portion of the agency for a
6 purpose other than the incurring of bonded indebtedness under
7 Section 22 of this act it shall by resolution so declare and state all
8 of the following:

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

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

12 (3) That the board intends to form an improvement district of
13 a portion of the agency that in the opinion of the board will be
14 benefited, the exterior boundaries of which portion are set forth
15 on a map on file with the secretary of the agency, which map shall
16 govern for all details as to the extent of the proposed improvement
17 district.

18 (4) That taxes for carrying out the purpose shall be levied
19 exclusively upon the taxable property in the proposed improvement
20 district.

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

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

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

32 (b) Notice of the hearing shall be given by publishing a copy
33 of the resolution pursuant to Section 6066 of the Government Code
34 prior to the time fixed for the hearing in a newspaper circulated in
35 the Bighorn-Desert View Water Agency, if there is a newspaper
36 circulated therein. This notice shall also be given by posting a copy
37 of the resolution in three public places within the proposed
38 improvement district for at least two weeks before the time fixed
39 for the hearing.

1 (c) At the time and place of the hearing, or at any time or place
2 to which the hearing is adjourned, the board shall proceed with
3 the hearing, at which any person interested, including all persons
4 owning property in the agency, or in the proposed improvement
5 district, may appear and present any matters material to the
6 questions set forth in the resolution. At the conclusion of the
7 hearing the board shall, by resolution, determine whether it is
8 necessary to form the proposed improvement district, and, if so,
9 the resolution shall also state the purpose for which the proposed
10 improvement district is to be formed, the estimated expense of
11 carrying out the purpose, that the exterior boundaries of the portion
12 of the agency that will be benefited are set forth on a map on file
13 with the secretary of the agency, which map shall govern for all
14 details as to the extent of the improvement district, and that the
15 portion of the agency set forth on the map shall thereupon
16 constitute and be known as “Improvement District (A, B, C, or
17 other letter designation) of the Bighorn-Desert View Water
18 Agency,” and the determinations made in the resolution shall be
19 final and conclusive. After the formation of the improvement
20 district within the Bighorn-Desert View Water Agency pursuant
21 to this section all taxes levied for the purpose for which the
22 improvement district is formed shall be levied exclusively upon
23 the taxable property in the improvement district.

24 (d) A copy of the resolution forming the improvement district
25 shall be published pursuant to Section 6066 of the Government
26 Code in a newspaper printed and published in the agency, if there
27 is a newspaper printed and published in the agency, and a copy of
28 the resolution shall also be posted in three public places within the
29 proposed improvement district for at least two weeks. The
30 resolution shall not be effective until the 31st day after completion
31 of this posting, and, if applicable, publication. If, before this date,
32 a petition signed by not less than 10 percent of the voters of the
33 improvement district requesting that an election be held on the
34 formation thereof is presented to the board of directors, the board
35 shall call a special election in the improvement district for the
36 purpose of submitting the question of the formation of the
37 improvement district to the voters of the proposed improvement
38 district.

39 (e) The board of directors shall fix a date for this special election
40 in accordance with applicable provisions of the Elections Code,

1 except as herein otherwise provided. Notice of the holding of the
2 election shall be given by publishing the resolution calling the
3 election pursuant to Section 6066 of the Government Code prior
4 to the date of the proposed election in at least one newspaper
5 printed and published in the Bighorn-Desert View Water Agency,
6 if there is a newspaper printed and published in the agency. The
7 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 (f) The returns of the election shall be made, the votes
12 canvassed, and the results thereof ascertained and declared in
13 accordance with the applicable provisions of the Elections Code,
14 except as in this act otherwise provided. The secretary of the board
15 of directors, as soon as the result is declared, shall enter in the
16 records of the board a statement of the results. No irregularities or
17 informalities in conducting the election shall invalidate it, if the
18 election shall have otherwise been fairly conducted.

19 (g) If from the returns it appears that a majority of the votes cast
20 at the election were in favor of the formation of the improvement
21 district, the formation of the improvement district shall be
22 complete.

23 (h) Any action or proceeding questioning, contesting, or denying
24 the validity of the formation of the improvement district, or of any
25 of the proceedings in relation to that formation, shall be
26 commenced within 60 days from the effective date of the resolution
27 forming the district, or, if an election is held, within 60 days from
28 the date of the election, or the formation of the improvement
29 district, and all proceedings in relation thereto, shall be held to be
30 valid and in every respect legal and incontestable.

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

34 Sec. 27. The board of directors may advance general funds of
35 the agency to accomplish the purposes of an improvement district
36 and the district may repay the agency from the proceeds of the sale
37 of bonds authorized for those purposes, or from the special taxes
38 levied exclusively upon the taxable property in the improvement
39 district, at the rate of interest authorized by Article 7 (commencing

1 with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title
2 5 of the Government Code.

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

6 Sec. 28. Interest on any bonds issued by the agency coming
7 due before the proceeds of a tax levied at the next tax levy after
8 the sale of the bonds are available, and interest on any bonds issued
9 by the agency coming due before the expiration of one year
10 following completion of the acquisition and construction of the
11 works and improvements for which the bonds were issued may be
12 paid from the proceeds of the sale of those bonds.

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

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

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

19 SEC. 45. Section 42 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. 29. The Bighorn-Desert View Water Agency shall not be
23 dissolved until all indebtedness shall have been fully paid.

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

26 Sec. 30. (a) The Bighorn-Desert View Water Agency shall
27 separately account for and use funds derived from the operation
28 of the Desert View Water District and the Bighorn Mountains
29 Water Agency for the purpose of bond debt service for each of the
30 former systems.

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

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

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

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

1 Sec. 35. If any section, subsection, sentence, clause, or phrase
2 of this act or the application thereof to any person or circumstance
3 is for any reason held invalid, the validity of the remainder of the
4 act or the application of the provision to other persons or
5 circumstances shall not be affected. The Legislature hereby declares
6 that it would have passed this act and each section, subsection,
7 sentence, clause, and phrase thereof irrespective of the fact that
8 one or more sections, subsections, sentences, clauses, or phrases
9 or the application thereof to any person or circumstances may be
10 held invalid.

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

13 SEC. 51. Section 50 of the Bighorn-Desert View Water Agency
14 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
15 3 of Chapter 950 of the Statutes of 1985, is amended and
16 renumbered to read:

17 ~~Sec. 18~~

18 *Sec. 18.* The board of directors, by ordinance or resolution,
19 may fix and impose, on or before the first day of July in any
20 calendar year, a water standby or availability charge on lands
21 within the agency or in any improvement district thereof to which
22 water is made available by the agency through underground or by
23 surface facilities, whether the water is actually used or not. The
24 standby charge shall not exceed ten dollars (\$10) per acre per year
25 for each acre of land within the agency or any improvement district
26 thereof or ten dollars (\$10) per year for any parcel of less than one
27 acre. Alternatively, the board of directors may fix a water standby
28 charge in accordance with the provisions of the Uniform Standby
29 Charge Procedures Act (Chapter 12.4 (commencing with Section
30 54984) of Part 1 of Division 2 of Title 5 of the Government Code).
31 A standby charge shall be adopted by the board only in compliance
32 with the applicable provisions of the California Constitution and
33 state law. The board of directors may establish schedules varying
34 the charges according to land uses, water uses, and degree of water
35 availability. The board of directors shall certify to the county board
36 of supervisors the charge or charges so fixed in accordance with
37 the applicable procedures of the county. The charges shall be
38 collected in the same form and manner as county taxes are collected
39 and shall be paid to the agency. Charges fixed by the agency shall
40 be a lien on all the property charged pursuant to this section. Liens

1 for the charges shall be of the same force and effect as other liens
2 for taxes, and their collection may be enforced by the same means
3 as provided for the enforcement of liens for state and county taxes.

4 SEC. 52. Section 51 of the Bighorn-Desert View Water Agency
5 Law (Chapter 1175 of the Statutes of 1969), as amended by Section
6 5 of Chapter 1035 of the Statutes of 1982, is repealed.

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

10 Sec. 31. (a) Whenever the board deems it necessary to incur
11 a bonded indebtedness for the acquisition, construction, completion,
12 replacement, or repair of any or all improvements, works, or
13 property mentioned in this act and to provide for that bonded
14 indebtedness to be payable from taxes levied upon an uninhabited
15 portion of the agency, the board shall, by resolution, declare its
16 intention to form an uninhabited improvement district in that
17 portion of the agency and to incur the indebtedness.

18 (b) For the purposes of this section, the portion of the agency
19 formed into an uninhabited improvement district shall be deemed
20 uninhabited if less than 12 voters reside within the district at the
21 time of the formation of the district.

22 (c) The resolution of intention shall state that the board of
23 directors intends to form an improvement district of an uninhabited
24 portion of the agency which, in the opinion of the board, will be
25 benefited, and to incur indebtedness by the issuance of bonds of
26 the agency for that uninhabited improvement district.

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

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

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

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

35 (4) That a general description of the proposed improvement,
36 together with a map showing the exterior boundaries of the
37 proposed uninhabited improvement district with relation to the
38 territory immediately contiguous thereto and to the proposed
39 improvement is on file with the agency and is available for
40 inspection by any person or persons interested. This map shall

1 govern for all details as to the extent of the proposed uninhabited
2 improvement district.

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

7 (6) That at the time and place specified in the resolution any
8 person interested will be heard, and that any owner of property
9 within the proposed uninhabited improvement district may file
10 with the agency at any time prior to the time set for the hearing
11 written protest to the formation of the proposed uninhabited
12 improvement district.

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

20 (e) A copy of the resolution of intention shall also be mailed,
21 postage prepaid, to each person to whom land in the proposed
22 uninhabited improvement district is assessed as shown on the last
23 equalized county assessment roll, at his or her address as shown
24 upon the roll, and to any person, whether owner in fee or having
25 a lien upon, or legal or equitable interest in, any land within the
26 proposed uninhabited improvement district, whose name and
27 address and a designation of the land in which he or she is
28 interested is on file with the agency.

29 (f) At the time and place fixed in the resolution of intention, or
30 at any time or place to which the hearing is adjourned, the board
31 shall proceed with the hearing. At the hearing any person interested
32 may appear and present any matters material to the questions set
33 forth in the resolution. Also at the hearing the board shall hear and
34 pass upon all written protests filed by the owners of property within
35 the proposed uninhabited improvement district.

36 (g) If written protests are filed by the owners of one-half of the
37 value of the property within the proposed uninhabited improvement
38 district, as shown by the last equalized assessment roll of the
39 county, further proceedings shall not be taken. If written protests
40 are not filed by the owners of one-half of the value of the property,

1 the board shall by resolution determine whether it is necessary to
 2 incur the bonded indebtedness and if so, the resolution shall also
 3 state all of the following:

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

5 (2) The amount of the proposed debt.

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

10 (4) That the portion of the agency set forth on the map shall
 11 thereupon constitute and be known as “Improvement District No.
 12 of Bighorn-Desert View Water Agency.”

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

15 (i) After the formation of the uninhabited improvement district
 16 pursuant to this law the board may, by resolution, at the time or
 17 times that it deems proper, issue bonds of the agency for the whole
 18 or any part of the amount of the indebtedness authorized by the
 19 resolution of formation. All taxes levied for the payment of the
 20 bonds and the interest thereon shall be levied exclusively upon the
 21 taxable property in the uninhabited improvement district.

22 (j) Any action or proceeding contesting, questioning, or denying
 23 the validity of the formation of an uninhabited improvement district
 24 or of any of the proceedings in relation thereto shall be commenced
 25 within 60 days from the date of the resolution forming that district,
 26 or the formation of the uninhabited improvement district and all
 27 proceedings in relation thereto shall be held to be valid and in
 28 every respect legal and incontestable.

29 (k) The board may advance general funds of the agency to
 30 accomplish the purposes of an improvement district formed
 31 pursuant to this section.

32 (l) The board may repay the agency for any advance of funds
 33 from the proceeds of the sale of bonds authorized for the purposes
 34 of the improvement district.

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

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

1 (b) The resolution proposing annexation shall do all of the
2 following:

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

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

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

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

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

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

18 (c) The text of the resolution proposing annexation shall be
19 published, pursuant to Section 6066 of the Government Code, prior
20 to the time of hearing in at least one newspaper printed and
21 published in the agency, if there is a newspaper published and
22 printed in the agency.

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

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

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

35 (g) If written protest is not made by the owners of one-half of
36 the value of the territory proposed to be annexed, and if, at the
37 conclusion of the hearing, the board finds and determines for the
38 evidence presented at the hearing that the area proposed to be
39 annexed to an improvement district will be benefited thereby, and
40 that the improvement district to which the area proposed to be

1 annexed will also be benefited thereby and will not be injured
2 thereby, the board may, by resolution, approve the annexation.

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

8 (i) If the board finds and determines that either the area proposed
9 to be annexed to the improvement district will not be benefited
10 thereby or that the improvement district to which the area is
11 proposed to be annexed will not be benefited thereby or will be
12 injured thereby, the board shall by resolution disapprove the
13 annexation.

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

17 (k) The taxable property in the annexed area shall be subject to
18 taxation after the annexation thereof for the purposes of the
19 improvement district, including the payment of the principal of
20 and interest on bonds and other obligations of the improvement
21 district authorized and outstanding at the time of the annexation
22 as if the annexed property had always been a part of the
23 improvement district.

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

26 (m) Any action or proceeding contesting, questioning, or
27 denying the validity of an annexation to an improvement district
28 pursuant to this section shall be commenced within 60 days after
29 the date of the resolution of the board approving the annexation
30 of the territory to an improvement district, or the annexation shall
31 be held valid and in every respect legal and incontestable.

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

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

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

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

12 (b) Upon adoption of a motion to initiate exclusion proceedings
13 or upon receipt of a petition for exclusion, the board shall adopt a
14 resolution of intention to exclude which shall state all of the
15 following:

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

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

22 (3) That following the exclusion, the taxable property in the
23 territory remaining in the improvement district shall continue to
24 be levied upon and taxed to provide funds for the purposes of the
25 improvement district.

26 (4) That a map showing the exterior boundaries of the proposed
27 territory to be excluded, with relation to the territory remaining in
28 the improvement district, is on file with the secretary and is
29 available for inspection by any person or persons interested. This
30 map shall govern for all details as to the extent of the proposed
31 exclusion.

32 (5) The time and place for a hearing by the board on the
33 questions of the proposed exclusion and the effect of the exclusion
34 upon the agency, the improvement ~~district~~ *district*, and the territory
35 to be excluded.

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

39 (c) Notice of the hearing shall be given by publishing a copy of
40 the resolution of intention to exclude, pursuant to Section 6066 of

1 the Government Code, prior to the time fixed for the hearing in a
2 newspaper circulated in the agency, if there is a newspaper printed
3 and published in the agency. This notice shall also be given by
4 posting a copy of the resolution of intention to exclude in three
5 public places within the affected improvement district for at least
6 two weeks before the time fixed for the hearing.

7 (d) At the time and place fixed in the resolution of intention to
8 exclude, or at any time or place to which the hearing is adjourned,
9 the board shall proceed with the hearing. At the hearing any person
10 interested, including any person owning property in the agency,
11 or in the improvement district may appear and present any matters
12 material to the questions set forth in the resolution of intention to
13 exclude.

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

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

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

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

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

28 (h) A copy of the resolution of exclusion shall be published
29 pursuant to Section 6066 of the Government Code in a newspaper
30 printed and published in the agency, if there is a newspaper printed
31 and published in the agency. A copy of the resolution shall also
32 be posted in three public places within the improvement district
33 for at least two weeks.

34 (i) The resolution of exclusion shall not be effective until the
35 31st day after completion of the publication and posting.

36 (j) Any action or proceeding contesting, questioning, or denying
37 the validity of the exclusion of territory from the improvement
38 district or of any of the proceedings in relation thereto shall be
39 commenced within 60 days from the effective date of the resolution
40 of exclusion, or the exclusion and all proceedings in relation thereto

1 shall be held to be valid and in every respect legal and
2 incontestable.

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

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

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

12 (c) The resolution of intention shall state:

13 (1) The reason why the improvement district should be
14 dissolved.

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

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

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

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

26 (d) Notice of the hearing shall be given by publishing a copy
27 of the resolution, pursuant to Section 6066 of the Government
28 Code, prior to the time fixed for the hearing in a newspaper
29 circulated in the agency, if there is a newspaper circulated in the
30 agency. This notice shall also be given by posting a copy of the
31 resolution in three public places within the improvement district
32 for at least two weeks before the time fixed for the hearing.

33 (e) At the time and ~~place~~ *place* fixed in the resolution of
34 intention, or at any time or place to which the hearing is adjourned,
35 the board shall proceed with the hearing. At the hearing any person
36 interested, including all persons owning property in the agency,
37 or in the improvement district, may appear and present any matters
38 material to the proposed dissolution.

39 (f) At the conclusion of the hearing the board shall, by
40 resolution, determine whether it is necessary to dissolve the

1 improvement district. If so, the resolution shall state that the
2 exterior boundaries of the improvement district are set forth on a
3 map on file with the secretary and shall declare the improvement
4 district dissolved. The determinations made in the resolution shall
5 be final and conclusive.

6 (g) When the resolution declaring an improvement district
7 dissolved becomes effective, the dissolution of the improvement
8 district is complete.

9 (h) The taxable property within the boundaries of the dissolved
10 improvement district shall continue to be taxed for any
11 indebtedness of the agency contracted for the dissolved
12 improvement district until the indebtedness has been satisfied, to
13 the same extent that the property would be taxable for that purpose
14 if the dissolution had not occurred.

15 (i) Any action or proceeding contesting, questioning, or denying
16 the validity of the dissolution of an improvement district, or of any
17 of the proceedings in relation thereto, shall be commenced within
18 60 days from the effective date of the resolution dissolving the
19 improvement district, or the dissolution of the improvement district
20 and, all proceedings in relation thereto, shall be held to be valid
21 and in every respect legal and incontestable.

22 (j) After a bond election has been held in an improvement
23 district and less than two-thirds of the votes cast in the election
24 were in favor of the measure, the board may within one year of
25 the date of that election, call and hold another election for the
26 purpose of resubmitting the measure to the electors of the
27 improvement district. If the measure is not so resubmitted, the
28 improvement district, on the anniversary date of the election, is
29 dissolved without further action by the board. If the measure is
30 resubmitted and fails to receive more than two-thirds of the votes
31 cast in the election in favor of the measure, the improvement
32 district is dissolved following the canvass of the election returns.

33 *SEC. 58. Section 35 is added to the Bighorn-Desert View Water*
34 *Agency Law (Chapter 1175 of the Statutes of 1969), to read:*

35 *Sec. 35. The agency shall comply with the California Public*
36 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
37 *Division 7 of Title 1 of the Government Code).*

38 ~~SEC. 58.~~

39 *SEC. 59. The Legislature finds and declares that Section 35 of*
40 *this act, which amends Section 22 of the Bighorn-Desert View*

1 Water Agency Law (Chapter 1175 of the Statutes of 1969), imposes
2 a limitation on the public's right of access to the meetings of public
3 bodies or the writings of public officials and agencies within the
4 meaning of Section 3 of Article I of the California Constitution.
5 Pursuant to that constitutional provision, the Legislature makes
6 the following findings to demonstrate the interest protected by this
7 limitation and the need for protecting that interest:
8 In order for the Bighorn-Desert View Water Agency to reduce
9 costs and staff burdens associated with posting notices of specified
10 hearings, while still providing adequate notice of public hearings,
11 it is necessary to reduce, from six to three, the number of public
12 locations in which the agency must post specified hearing notices.

O