

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 4, 2013

**SENATE BILL**

**No. 246**

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**Introduced by Senator Fuller**

February 12, 2013

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An act to repeal Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, and to amend Sections 1, 2, 12, and 15 of, to amend and renumber Sections 5, 7, 8, 10, 11, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 42, 48, 50, 52, 53, 53.1, 53.2, and 54 of, to add Sections 8, 10, 11, ~~and 30~~, *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  $\frac{1}{2}$  Section 26
- 3 Section 27
- 4 Southeast  $\frac{1}{4}$  Section 33
- 5 Section 34
- 6 Section 35, excluding the Northeast  $\frac{1}{4}$
- 7 West  $\frac{1}{2}$ , Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 36
- 8 Northeast  $\frac{1}{4}$ , Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , 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  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E 5 AC
- 30 630-032-05 E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 31 RDS
- 32 630-032-09 W  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 33 RD
- 34 630-032-10 W  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 35 RD
- 36 630-032-11 W  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 37 RD
- 38 630-032-15 E  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E 5 AC
- 39 630-032-49 W  $\frac{1}{2}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SEC 7 TP 2N R 6E EX
- 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.

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