

**Senate Bill No. 614**

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Passed the Senate      September 13, 1995

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*Secretary of the Senate*

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Passed the Assembly      September 5, 1995

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1995, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add Section 18342 to the Education Code, to amend Sections 23101, 53065.5, 53201, 54962, 56475, 56837, 60373, 61100, and 61621.8 of, and to repeal Section 60357 of, the Government Code, to amend Sections 13821 and 41866 of, to add Sections 1462 and 4730.10 to, and to repeal Section 4704 of, the Health and Safety Code, to amend Sections 2772 and 5780.8 of, and to repeal Division 26 (commencing with Section 35100) of, the Public Resources Code, to repeal and add Section 55310.2 of the Water Code, to amend Section 6 of Chapter 91 of the Statutes of 1927, to amend Sections 6.6 and 7.2 of Chapter 1598 of the Statutes of 1953, and to amend Sections 1, 2, 3, 7.2, 14.13, 23, and 29 of Chapter 2137 of the Statutes of 1959, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 614, Committee on Local Government. Local agencies.

Existing law authorizes unified school districts and union high school districts to establish a library district, with voter approval, under the control of the school district governing board.

This bill would provide that the Board of Trustees of the Santa Paula Union School District in Ventura may, by resolution, provide that the Santa Paula Union High School Public Library District shall be governed by a separate board of trustees, as specified.

Existing law describes the boundaries of each county in the state.

This bill would revise the description of the boundaries of Alameda County, as specified.

Existing law contains some references to the repealed District Investigation Law.

This bill would delete those obsolete references.

Existing law requires each special district, as defined, to at least annually, disclose any reimbursement paid by



the district within the immediately preceding fiscal year of at least \$100 for individual charges paid to any employee or member of the governing body of the district.

This bill would revise the definition of special district in that provision.

Existing law permits the legislative body of a local agency, as defined, to provide for the continuation of any health and welfare benefits for the benefit of former elective members of the legislative body in specified circumstances.

This bill would make technical changes in that provision.

Existing law, the Cortese-Knox Local Government Reorganization Act of 1985, establishes a local agency formation commission in each county to perform certain functions with respect to the reorganization of local agencies. Among other things, a commission is required to send notices of boundary change applications to cities and districts that serve the affected areas.

This bill would make a technical change in that provision.

Existing law contains a provision concerning the use of funds from the Special District Augmentation Fund which was repealed.

This bill would repeal that provision.

Existing law provides that specified districts furnishing light, heat, water, or power may not terminate residential service for nonpayment of a delinquent account without 10 days' prior notice, as specified, and requires the district to attempt to contact an adult person residing at the premises in person or by telephone at least 48 hours prior to termination of service.

This bill would permit the district, when it cannot make that personal contact, to give at least 48-hour notice prior to termination by mail or by posting in a conspicuous location at the premises.

Existing law specifies the contents of a resolution adopted by a local agency for the formation of a fire protection district.



This bill would make technical, nonsubstantive revisions to that provision.

Existing law authorizes certain community services districts to limit access to, and use of, district owned roads to landowners and residents of the district, as specified.

This bill would extend that authority to the Bear Valley Community Services District and the Saddle Creek Community Services District.

Existing law permits the board of directors of a county medical facility to conduct committee hearings in closed sessions in specified circumstances.

This bill would permit closed sessions in additional circumstances, as specified.

Existing law contains an obsolete statute creating a Santa Clara County Open-Space Authority that was repealed when voters did not pass a special tax.

This bill would delete that law.

Existing law provides for the establishment of county sanitation districts and, among other things, specifies the composition and powers of the governing bodies of those districts.

This bill would provide that on and after January 1, 1996, no member may be appointed to the governing body of the South San Luis Obispo County Sanitation District who is a member or designee of the San Luis Obispo County Board of Supervisors.

Existing law permits the Sacramento Valley Basinwide Air Pollution Control Council to impose a fee not to exceed \$5 per permit per year to be used for administering all basinwide air pollution control efforts.

This bill would also permit the council to adopt a budget to expend the funds, as specified.

Existing law requires a reclamation plan to be filed with the lead agency by any person in control of mined lands who plans to conduct surface mining operations on those lands, and requires all documentation for the reclamation plan to be submitted to the lead agency at one time.

This bill would instead require all documentation to be submitted by the lead agency to the Department of Conservation at one time.



Existing law generally provides that the board of supervisors is the governing body of a county water works district, but expressly provides that the Board of Supervisors of Mendocino County may appoint a board of directors to govern Mendocino County Waterworks District #2.

This bill would repeal that authority and require that the board of directors of that district be elected thereby imposing a state-mandated local program. The bill would specify the number of board members, their qualifications, terms, and election procedures.

Existing law, the Water Conservation Act of 1927, requires water conservation districts to conduct their elections in accordance with the general election laws of the state.

This bill would require the districts to conduct their elections pursuant to the Uniform District Election Law.

Existing law establishes the Amador County Water Agency.

This bill would change the name of that agency to the Amador Water Agency.

This bill would state the findings and declarations of the Legislature as to the necessity of special laws with respect to various provisions of the bill.

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

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

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. This act shall be known and may be cited as the Local Government Omnibus Act of 1995. The Legislature finds and declares that Californians desire their governments to be run efficiently and economically and that public officials should avoid waste and



duplication whenever possible. The Legislature further finds and declares that it desires to reduce its own operating costs by reducing the number of separate bills affecting related topics.

Therefore, in enacting this act, it is the intent of the Legislature to combine several minor, noncontroversial statutory changes relating to public agencies into a single measure.

SEC. 2. Section 18342 is added to the Education Code, to read:

18342. (a) The Board of Trustees of the Santa Paula Union High School District in Ventura County may, by resolution, provide that the Santa Paula Union High School Public Library District shall be governed by a separate board of trustees. Upon adoption, the resolution shall be filed with the Secretary of State. The effective date of the resolution shall not be earlier than January 1, 1996.

(b) Upon the effective date of the resolution adopted pursuant to subdivision (a), the name of the Santa Paula Union High School Public Library District shall be the Blanchard/Santa Paula Library District.

(c) The governing board shall consist of five members, each of whom shall be a registered voter residing within the library district.

(d) Except for the initial board, members of the governing board shall hold office for a term of four years, beginning on the last Friday in November next succeeding their appointment or election.

(e) Within 60 days after filing with the Secretary of State of the resolution adopted pursuant to subdivision (a), the Board of Supervisors of the County of Ventura shall appoint the initial governing board of the library district. The appointments shall be made from the membership of the Library Commission of the Santa Paula Union High School Public Library District.

(f) The first board of trustee shall, at their first meeting, so classify themselves by lot that their terms shall expire:



(1) Two on the last Friday in November of the first odd-numbered calendar year succeeding his or her appointment.

(2) Three on the last Friday of November of the second succeeding odd-numbered calendar year.

(g) The district shall continue to receive revenues, including apportioned property taxes and authorized special taxes as if it were still the Santa Paula Union High School Public Library District. There shall be no change in district powers or responsibilities.

SEC. 3. Section 23101 of the Government Code is amended to read:

23101. The boundaries of Alameda County are as follows:

Beginning at the southwest corner, being the common corner of San Mateo, Santa Clara, and Alameda; thence easterly along the northerly boundary of Santa Clara to the corner common to Santa Clara, San Joaquin, Stanislaus and Alameda; thence northwesterly and northerly along the boundary line between Alameda and San Joaquin, as described in the field notes of the survey of said line, as adopted by the Board of Supervisors of Alameda County, California, on February 6, 1869, to the corner common to Alameda, Contra Costa and San Joaquin; thence in a general westerly direction along the boundary line between Alameda and Contra Costa, as described in the field notes of the survey of said boundary line, filed November 19, 1877, in the office of the Clerk of Alameda County, to the most westerly point where said line is coincident with the line dividing the Rancho San Pablo from the Rancho San Antonio;

Thence westerly along the northerly boundary line of the Rancho San Antonio to the intersection thereof with the generally most southern line of Parcel 1 (R/W) of exhibit "B" of the FINAL ORDER OF CONDEMNATION to Contra Costa County Water District, an agency of the State of California, as recorded December 3, 1993, under Series No. 93425262 Official Records Alameda County, California; said intersection point being northeasterly 12,512 feet, more or less, from



the County Boundary Monument 89-1, as shown on "Joint Boundary Retracement Survey Alameda And Contra Costa Counties Monument Map, Exhibit 3," dated February, 1962 and filed under Alameda County file no. 64-A-29-1; thence southerly, westerly, and northwesterly along said most southern line to the reintersection of the aforementioned northerly boundary line of the Rancho San Antonio; said reintersection point being northeasterly 10,353 feet, more or less, from County Boundary Monument 89-1; thence westerly along said northerly boundary line of the Rancho San Antonio to its intersection thereof with the northeastern line of a 12-foot path, said intersection being on the corporate limits of the City of Oakland as said limits were established by Ordinance No. 1132, changing said limits, adopted May 14, 1991, by the city council of said city; thence northerly and northwesterly along said northeastern line and corporate limits from a tangent which bears north  $28^{\circ}43'22''$  east, on a curve to the left having a radius of 71 feet and arc length of 85.47 feet to a point of compound curvature; thence from a tangent which bears north  $40^{\circ}25'$  west, on a curve to the left having a radius of 306 feet and arc length of 121.06 feet to a point where said northeastern line, being also said corporate limits, intersects the northern line of Villanova Drive, 50 feet wide; thence continuing northwesterly along said northern line, being also said corporate limits, from a tangent which bears north  $7^{\circ}48'59''$  west, on a curve to the left having a radius of 200 feet and arc length of 241.06 feet; thence north  $76^{\circ}52'30''$  west 133.94 feet; thence tangent to the last mentioned course, on a curve to the right having a radius of 175 feet and arc length 131.97 feet to a point of reverse curvature; thence from a tangent which bears north  $33^{\circ}40'$  west on a curve to the left having a radius of 200 feet and arc length of 151.33 feet to the intersection of said northern line, being also said corporate limits, with the corporate limits of the City of Oakland, being also the common boundary of Alameda and Contra Costa Counties, as same existed prior to Ordinance No. 1132, said intersection being a point in the



aforementioned northerly boundary line of the Rancho San Antonio; thence continuing westerly along said northerly line to the initial point of the description thereof, as recorded in Liber “B” of patents, page 30, records of Alameda County; thence southwesterly in a direct line to a point in San Francisco Bay, said point being four and one-half statute miles due southeast of the northwest point of Golden Rock (also known as Red Rock); thence southeasterly in a direct line to a point from which the lighthouse on the most southerly point of Yerba Buena Island bears south 72 degrees W., 4,700 feet; thence southeasterly in a direct line to a point on the southerly line of T. 2 S., R. 4 W., M. D. B. & M., distant thereon two statute miles west of the southeast corner of said township, forming the corner common to San Francisco, San Mateo and Alameda; thence southeasterly along the eastern line of San Mateo to the place of beginning.

SEC. 4. Section 53065.5 of the Government Code is amended to read:

53065.5. Each special district, as defined by subdivision (a) of Section 56036, shall, at least annually, disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received. “Individual charge” includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee or member of the governing body of the district. The disclosure requirement shall be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by that district and shall be made available for public inspection.

SEC. 5. Section 53201 of the Government Code is amended to read:

53201. (a) The legislative body of a local agency, subject to conditions as may be established by it, may provide for any health and welfare benefits for the benefit of its officers, employees, retired employees, and



retired members of the legislative body, as provided in subdivision (b), who elect to accept the benefits and who authorize the local agency to deduct the premiums, dues, or other charges from their compensation, to the extent that the charges are not covered by payments from funds under the jurisdiction of the local agency as permitted by Section 53205.

(b) The legislative body of a local agency may also provide for the continuation of any health and welfare benefits for the benefit of former elective members of the legislative body who (1) served in office after January 1, 1981, and whose total service at the time of termination is not less than 12 years, or (2) have completed one or more terms of office, but less than 12 years, and who agree to and do pay the full costs of the health and welfare benefits.

(c) (1) Notwithstanding any other provision of law, a legislative body of a local agency that provided benefits pursuant to subdivision (b) to former elective members of the legislative body January 1, 1995, shall not provide those benefits to any person first elected to a term of office that begins on or after January 1, 1995, unless the recipient participates on a self-pay basis, as provided in subdivision (b).

(2) A legislative body of a local agency that did not provide benefits pursuant to subdivision (b) to former elective members of the legislative body before January 1, 1994, shall not provide those benefits to former elective members of the legislative body after January 1, 1994, unless the recipients participate on a self-pay basis.

(3) A legislative body of a local agency that provided benefits pursuant to subdivision (b) to former elective members of the legislative body before January 1, 1994, may continue to provide those benefits to those members who received those benefits before January 1, 1994.

(d) The legislative body of a local agency that is a local hospital district may provide for any health and welfare benefits for the benefit of (1) members of its medical staff, employees of the medical staff members, and the dependents of both groups on a self-pay basis; and (2)



employees of any entity owned, managed, controlled, or similarly affiliated with, the legislative body of the local hospital district, and their dependents, on a self-pay basis.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 6. Section 54962 of the Government Code is amended to read:

54962. Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

SEC. 7. Section 56475 of the Government Code is amended to read:

56475. A reorganization or a plan of reorganization shall provide for one or more changes of organization of any type for each of the subject districts and may provide for the formation of one or more new districts pursuant to the principal act or acts designated in the reorganization or plan of reorganization.

SEC. 8. Section 56837 of the Government Code is amended to read:

56837. (a) If a petition for an annexation, a detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area is signed by all of the owners of land within the affected territory of the proposed change of organization or reorganization, or if a resolution of application by a legislative body of an affected district, affected county, or affected city making a proposal for an annexation or detachment, or for a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area is accompanied by proof, satisfactory to the commission, that all the



owners of land within the affected territory have given their written consent to that change of organization or reorganization, the commission may approve or disapprove the change of organization or reorganization, without notice and hearing by the commission. In those cases, the commission may also approve and authorize the conducting authority to conduct proceedings for the change of organization or reorganization under any of the following conditions:

- (1) Without notice and hearing.
- (2) Without an election.
- (3) Without notice, hearing, or an election.

(b) The executive officer shall give any affected agency mailed notice of the filing of the petition or resolution of application initiating proceedings by the commission. The commission shall not, without the written consent of the subject agency, take any further action on the petition or resolution of application for 10 days following that mailing. Upon written demand by an affected local agency, filed with the executive officer during that 10-day period, the commission shall make determinations upon the petition or resolution of application only after notice and hearing on the petition or resolution of application. If no written demand is filed, the commission may make those determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, a subject agency may do any of the following:

- (1) Waive the requirement of mailed notice.
- (2) Consent to the commission making determinations without notice and hearing.
- (3) Waive the requirement of mailed notice and consent to the commission making determinations without notice and hearing.

(c) The commission may waive conducting authority proceedings entirely if all of the following conditions apply:

- (1) The affected territory is uninhabited.



(2) All the owners of land within the affected territory have given their written consent to the change of organization or reorganization.

(3) All affected local agencies that will gain territory as a result of the change of organization or reorganization have consented in writing to a waiver of conducting authority proceedings.

SEC. 9. Section 60357 of the Government Code is repealed.

SEC. 10. Section 60373 of the Government Code is amended to read:

60373. (a) No district furnishing light, heat, water, or power may terminate residential service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, at least 10 days prior to the proposed termination, by means of a notice mailed, postage prepaid, to the customer to whom the service is billed not earlier than 19 days from the date of mailing the district's bill for services, and the 10-day period shall not commence until five days after the mailing of the notice.

(b) Every district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least 48 hours prior to any termination of service except that whenever telephone or personal contact cannot be accomplished, the district shall give, by mail or by posting in a conspicuous location at the premises, a notice of termination of service, at least 48 hours prior to termination.

(c) Every notice of termination of service pursuant to subdivision (a) shall include all of the following information:

(1) The name and address of the customer whose account is delinquent.

(2) The amount of the delinquency.

(3) The date by which payment or arrangements for payment is required in order to avoid termination.

(4) The procedure by which the customer may initiate a complaint or request an investigation concerning



service or charges, except that if the bill for service contains a description of that procedure, the notice pursuant to subdivision (a) is not required to contain that information.

(5) The procedure by which the customer may request amortization of the unpaid charges.

(6) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state, or federal sources, if applicable.

(7) The telephone number of a representative of the district who can provide additional information or institute arrangements for payment.

Every notice of termination of service pursuant to subdivision (b) shall include the items of information in paragraphs (1), (2), (3), (6), and (7).

All written notices shall be in a clear and legible format.

(d) If a residential customer fails to comply with an amortization agreement, the district shall not terminate service without giving notice to the customer at least 48 hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the district.

(e) No termination of service may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge for the restoration of service.

SEC. 11. Section 61100 of the Government Code is amended to read:

61100. (a) A new district may be formed pursuant to this part.

(b) A proposal to form a district may be made by a petition of registered voters or by the adoption of a resolution of application.

SEC. 12. Section 61621.8 of the Government Code is amended to read:

61621.8. (a) This section shall apply only to the Bear Valley Community Services District, the Bell Canyon Community Services District, the Wallace Community



Services District, the Lake Sherwood Community Services District, and the Saddle Creek Community Services District, and subdivisions (b) and (d) to the Cameron Estates Community Services District.

(b) Notwithstanding any other provision of law, in the case of roads which a district owns and which are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, the district may by ordinance adopt regulations which limit access to and the use of those roads to landowners and residents of the district.

(c) Notwithstanding any other provision of law, a district, other than the Cameron Estates Community Services District, may by ordinance adopt regulations that limit access to or the use of its park and recreational facilities and property to landowners and residents of the district.

(d) The Cameron Estates Community Services District may accept special district augmentation funds from the county but may not expend them for construction, maintenance, or improvement of roads on which the district has limited access to landowners and residents of the district.

(e) Violation of any regulation adopted pursuant to this section is a misdemeanor.

SEC. 13. Section 1462 is added to the Health and Safety Code, to read:

1462. (a) Except as provided in this section or Section 1461, all of the sessions of the board of directors of any hospital subject to this chapter, whether regular or special, shall be open to the public.

(b) The board of directors may order that a meeting held solely for the purpose of discussion or deliberation, or both, of reports involving hospital trade secrets to be held in closed session. Except as provided in this subdivision, the closed session shall meet all applicable requirements of Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code.

(c) “Hospital trade secrets,” as used in this section, means a “trade secret,” as defined in subdivision (d) of



Section 3426.1 of the Civil Code, and which meets both of the following:

(1) Is necessary to initiate a new hospital service or program or add a hospital facility.

(2) Would, if prematurely disclosed, create a substantial probability of depriving the hospital of substantial economic benefit.

(d) The exemption provided in subdivision (b) to the general open meeting requirements for a meeting of the board of directors, shall not apply to a meeting where there is action taken, as defined in Section 54952.6 of the Government Code.

(e) Nothing in this section shall be construed to permit the board of directors to order a closed meeting for the purposes of discussing or deliberating, or to permit the discussion or deliberation in any closed meeting of, any proposals regarding:

(1) The sale, conversion, contract for management, or leasing of any county hospital or the assets thereof, to any for-profit or not-for-profit entity, agency, association, organization, governmental body, person, partnership, corporation, or other district.

(2) The conversion of any county hospital to any other form of ownership by the county.

(3) The dissolution of the county hospital.

SEC. 14. Section 4704 of the Health and Safety Code is repealed.

SEC. 15. Section 4730.10 is added to the Health and Safety Code, to read:

4730.10. (a) Notwithstanding Sections 4730, 4730.1, and 4730.2, or any other law, beginning on January 1, 1996, the governing body of the South San Luis Obispo County Sanitation District shall be constituted as set forth in this article except that no San Luis Obispo County supervisors or designee of the San Luis Obispo County Board of Supervisors shall be a member.

(b) This section applies only to members appointed to the South San Luis Obispo County Sanitation District on or after January 1, 1996.



SEC. 16. Section 13821 of the Health and Safety Code is amended to read:

13821. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district. Except for the provisions regarding the signers and signatures, and the chief petitioners, a resolution of application shall contain all of the matters specified for a petition in Section 13816. Before submitting a resolution of application, the legislative body shall conduct a public hearing on the resolution.

(b) Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the county or city.

(c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.

(d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

SEC. 17. Section 41866 of the Health and Safety Code is amended to read:

41866. The Sacramento Valley Basinwide Air Pollution Control Council may impose, and may require that districts within the Sacramento Valley Air Basin collect, a fee not to exceed five dollars (\$5) per permit, per year on each permit issued by a district within the Sacramento Valley Air Basin, for the purpose of administering all basinwide air pollution control efforts, and may adopt a budget to expend those funds at any noticed regularly scheduled meeting, allowing for public comment.

SEC. 18. Section 2772 of the Public Resources Code is amended to read:

2772. (a) The reclamation plan shall be filed with the lead agency, on a form provided by the lead agency, by any person who owns, leases, or otherwise controls or



operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations on the lands.

(b) All documentation for the reclamation plan shall be submitted by the lead agency to the department at one time.

(c) The reclamation plan shall include all of the following information and documents:

(1) The name and address of the surface mining operator and the names and addresses of any persons designated by the operator as an agent for the service of process.

(2) The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

(3) The proposed dates for the initiation and termination of surface mining operation.

(4) The maximum anticipated depth of the surface mining operation.

(5) The size and legal description of the lands that will be affected by the surface mining operation, a map that includes the boundaries and topographic details of the lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, the lands, the location of all proposed access roads to be constructed in conducting the surface mining operation, and the names and addresses of the owners of all surface interests and mineral interests in the lands.

(6) A description of, and a plan for, the type of surface mining to be employed, and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

(7) A description of the proposed use or potential uses of the mined lands after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.



(8) A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including both of the following:

(A) A description of the manner in which contaminants will be controlled, and mining waste will be disposed.

(B) A description of the manner in which affected streambed channels and streambanks will be rehabilitated to a condition minimizing erosion and sedimentation will occur.

(9) An assessment of the effect of implementation of the reclamation plan on future mining in the area.

(10) A statement that the person submitting the reclamation plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.

(11) Any other information which the lead agency may require by ordinance.

(d) An item of information or a document required pursuant to subdivision (c) that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000), may be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the lead agency submits the reclamation plan to the director for review. To the extent that the information or document referenced in the reclamation plan is used to meet the requirements of subdivision (c), the information or document shall become part of the reclamation plan and shall be subject to all other requirements of this article.

(e) Nothing in this section is intended to limit or expand the department's authority or responsibility to review a document in accordance with Division 13 (commencing with Section 21000).

SEC. 19. Section 5780.8 of the Public Resources Code is amended to read:

5780.8. In the event of conflict between the provisions of this chapter and those of the Cortese-Knox Local



Government Reorganization Act of 1985, Division 3 (commencing with Section 56000) of Title 5 of the Government Code, the provisions of that act shall prevail.

SEC. 20. Division 26 (commencing with Section 35100) of the Public Resources Code, as added by Chapter 1287 of the Statutes of 1989, is repealed.

SEC. 21. Section 55310.2 of the Water Code is repealed.

SEC. 22. Section 55310.2 is added to the Water Code, to read:

55310.2. (a) Notwithstanding Section 55301, the Board of Directors of the Mendocino County Waterworks District #2 shall be elected. The elected board of directors shall act as the governing board of the district.

(b) There shall be five members of the board who shall be elected at large throughout the district. The directors shall be residents of the district at the time of election and shall remain residents throughout their term. Failure to maintain residency shall cause the director to vacate the office. Except as provided in subdivision (f), the directors shall serve four-year terms. The election of directors shall be held at the time of, and consolidate with, the statewide direct primary.

(c) Elections for the directors shall be conducted by the county clerk or by another election officer designated by the Mendocino Board of Supervisors. The district shall be responsible for the cost of the district elections.

(d) Unless otherwise provided or required by this section, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code shall apply to the conduct of the district election.

(e) Any vacancy on the board, other than upon the expiration of a term, shall be filled by a majority vote of the directors. However, no vacancy shall be filled by less than three members' affirmative votes. If the board fails to fill a vacancy within 60 days of the vacancy or if the membership of the board is less than four, the Mendocino County Board of Supervisors may appoint members to fill the vacancies. Appointed members shall serve until the next district election at which time the remainder of the



unexpired term shall be filled at that election in the manner provided in this section.

(f) The first district election shall be held at the statewide direct primary election in 1996. The five candidates receiving the greatest number of votes shall be elected. The two candidates receiving the greatest number of votes shall serve four-year terms, and the three candidates receiving the next greatest number of votes shall serve two-year terms.

(g) Directors shall be elected without reference to districts and, except for the filling of unexpired terms, without reference to a specific directorship. All candidates for open seats, except for the filling of unexpired terms, shall appear on the same ballot. Voters shall be allowed to vote for the number of candidates equal to the open seats; that number of candidates equal to the number of open seats that receive a plurality shall be elected. Write-in votes shall be counted, provided that the write-in candidate shall have complied with the requirements of subdivision (d) of this section pertaining to the filing of a nomination form and signatures with the county clerk no less than 14 days prior to the election.

(h) Directors duly elected and certified at the first election shall assume office on July 1, 1996. The two-year terms shall expire on June 30, 1998. The first four-year terms shall expire on June 30, 2000. All subsequent terms shall expire on the last day of June in even numbered years.

(i) Directors shall receive no compensation for service, but may be reimbursed only for necessary and actual expenses. Regulations governing reimbursement may be adopted by the board.

(j) Effective July 1, 1996, the elected Mendocino County Waterworks District #2 board of directors shall succeed to and have all the powers previously conferred upon the board of supervisors and the appointed board of directors in reference to this district.

SEC. 23. Section 6 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is amended to read:



Sec. 6. Election to Determine Proposed Organization. Election of Directors. Notice. Ballots. Candidates for Office of Director. Qualification of Electors. Conduct of Election. The board of supervisors shall then call an election within the proposed district for the determination of the question whether the proposed district shall or shall not be organized, and also to elect the number of directors which shall be prescribed pursuant to the next preceding paragraph of this act. The board of supervisors shall divide said district, and the divisions thereof, into convenient precincts and fix a polling place in each precinct; provided, there shall be at least one precinct in each division of the district, where the district is divided into divisions. The board of supervisors shall appoint an inspector, a judge and two clerks for each of the precincts thus established to conduct said election. The inspector, judge and clerks of election in each precinct shall constitute the board of election for that precinct. The inspector shall be chairperson of the election board, and may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of the election, any judge or clerk ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. If the board of election, or any member thereof fails to appear at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint a board or supply the place of an absent member thereof. The election must be held within 40 days from the date of the order calling the election.

Notice. The election shall be called by publication of notice thereof pursuant to Section 6063 of the Government Code in a newspaper in each of the counties in which the district is situate, if there be one, and by posting notice thereof in three public places in the proposed district. If the district is divided into divisions, notices of the election shall be posted in three public places in each division. The notice shall designate a name for the proposed district, and describe the boundaries



thereof and designate the respective election precincts and the polling place in each, and the election officers, and the time of the election, and the hours during which the polls will be kept open; provided, that the polls must be opened not later than 1 o'clock p.m. and kept open until 7 o'clock p.m.

Ballots. Candidates for Office of Director. The board of supervisors shall require the clerk of said board to provide and furnish ballots for said election. No particular form of ballot shall be required except that the same shall contain the words "Water Conservation District—Yes" or "Water Conservation District—No," or words equivalent thereto, and shall also contain the names of candidates for the position of director of the district who shall have been endorsed by a petition to the board of supervisors containing the names of 10 or more electors of the district (or 50 percent of the qualified electors if the same is less than 10), petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at the election; provided, that, when the district is divided into divisions, the nominating petitions for a director in any division must be signed by 10 or more electors entitled to vote in the division (or 50 percent of the qualified electors if the same is less than 10); and provided, that, in any case, the petitions be filed with the board of supervisors calling the election within 15 days from the first publication of the notice calling the election. The ballots shall contain instructions that the voter shall write or print or stamp a cross after the words that indicate his or her choice, together with the number of votes he or she is entitled to cast therefor, as hereinafter provided, and that the voter shall vote for one or more persons to fill the office of director (designating the number), according to the divisions of the proposed district as prayed for in the petition and ordered by the board of supervisors, with the right to vote for each director to be elected the number of votes which the voter shall be entitled to cast as hereinafter provided. The ballots shall contain as many blank spaces for the names of directors as there are directors to be elected, and the

writing of the name of any qualified person in any of the spaces shall be deemed to be a vote for that person according to the number of votes set opposite that name, not in excess of the number of votes which the voter shall be entitled to cast.

Qualification of Electors. No person shall be entitled to vote at any election held under the provisions of this act, unless he or she is the owner of land situate within the district. Each and every owner of land within the district shall be entitled to vote in person or by proxy, at any election held under the provisions of this act, and shall have the right to cast one vote for each acre of real estate owned by him or her in the district. An owner of land within the district comprising less than one acre shall be entitled to one vote. In calculating the number of acres owned by any voter any fraction of an acre in excess of the integral number owned by him or her shall be disregarded. Ownership shall be determined from the next preceding assessment roll of the county or counties in which the lands of the district are situated, and the board of supervisors of each county in which any part of the district is located, prior to each election held under the provisions of this act, at the expense of the district holding the election, shall cause to be prepared and certified and furnished to the board of election at each voting place a true and correct copy of the entries upon the next preceding assessment rolls of those counties, so far as those assessment rolls apply to any lands within that district, to the extent of showing the names of the owner and the number of acres assessed to each owner and the certified entries from those rolls shall be used by the boards of election in determining the number of votes each voter is entitled to cast. In the event the district is divided into divisions, the copies of the entries upon those assessment rolls shall show the number of acres owned by each voter within each division. And, in that case, each voter shall be entitled to vote in each division the number of votes equal to the number of acres owned by him or her in the division.



Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners any person producing an affidavit of a searcher of records certifying the true ownership of the land at the date of the election or at any time five days previous thereto, accompanied by an affidavit by the person certified to be the owner that he or she is the owner of the property at that time, the person so certified to be the owner shall be entitled to vote in like manner as if his or her name appeared upon the assessment rolls as above mentioned. Where corporations or partnerships appear as the owners of property, the votes of the owners shall be cast by any person holding a proxy from that corporation or firm. Executors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at the election unless authority to cast a proxy vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Conduct of Election. The election shall be conducted pursuant to this act or the Uniform District Election Law (Part 3 (commencing with Section 23400) of Division 14 of the Elections Code). The election officer in delivering to each voter his or her ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes that voter was entitled to cast. If there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after close of the election, and make a report of the result of the election to the board of supervisors within five days after the election.



SEC. 24. Section 6.6 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 6.6. The district, by resolution may fix, on or before the first day of March in any calendar year, a water standby or availability charge within any zone of the district to which water is made available by the district through underground or by surface facilities, whether the water is actually used or not, except that the charge shall not apply to lands permanently dedicated exclusively to public transportation of persons or property. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within any zone of the district or ten dollars (\$10) per year for any parcel of less than one acre. The resolution fixing a standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established and after notice and hearing in the manner prescribed in the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code). The resolution fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in March, the board shall furnish in writing to the board of supervisors and the county auditor of the county a description of each parcel of land, by official county assessor's parcel number, within the district upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect district standby charges with the regular tax payments to the county. The charges shall be collected in the same form and manner as county taxes are collected



and shall be paid to the district. The charges fixed by the district shall be a lien on all the property benefited thereby. Liens for the charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 25. Section 7.2 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 7.2. As used in connection with the groundwater charge, the following words shall mean:

“Person” or “operator” means public agencies, federal, state, and local, private corporations, firms, partnerships, limited liability companies, individuals or groups of individuals, whether legally organized or not; “owner” or “operator” also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

“Groundwater” means all water beneath the earth’s surface, but does not include water which is produced with oil in the production of oil and gas, or in a bona fide mining operation, or during construction operations, or from gravity or artesian springs.

“Production” or “producing” means the act of extracting groundwater by pumping or otherwise.

“Water-producing facility” means any device or method, mechanical or otherwise, for the production of water from the groundwater supplies within the district or a zone thereof.

“Accumulated overdraft” means the amount of water necessary to be replaced in the intake areas of the groundwater basins within the district or any zone or zones thereof to prevent the landward movement of salt water into the fresh groundwater body, or to prevent subsidence of the land within any zone or zones, as determined by the board from time to time.

“Annual overdraft” means the amount, determined by the board, by which the production of water from the



groundwater supplies within the district or any zone or zones thereof during the water year exceeds the natural replenishment of those groundwater supplies in that water year.

“Water year” means March 1st of one calendar year to the last day of February of the following calendar year.

“Agricultural water” means water first used on lands in the production of plant crops or livestock for market.

SEC. 26. Section 1 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 1. A district is hereby created to be known as the Amador Water Agency. The agency shall consist of all the territory lying within the exterior boundaries of the County of Amador.

SEC. 27. Section 2 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) “Agency” means the Amador Water Agency.

(b) “County” means the County of Amador of the State of California.

(c) “United States” means the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) “State” means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) “Work” or “works” includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission, distribution, storage, spreading, treatment, purification, reclamation, recapture, and salvage of any water, including sewage, waste, and storm water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land,



property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) “District” means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and deliver water to water users.

(g) “Member unit” means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or the district, or for (ii) the underwriting in whole or in part of any or all of the construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or the district or the underwriting in whole or in part of the cost, or for (iv) the payment in whole or in part for water to be furnished or sold to the district by the agency or the United States.

(h) “Elector” or “qualified elector” or “voter” or “qualified voter” means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) “May” is permissive and “shall” is mandatory.

(j) “Board” means the board of directors of the agency.

SEC. 28. Section 3 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 3. The Amador Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act



and other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors.

SEC. 29. Section 7.2 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 7.2. Within 30 days after the election prescribed in Section 7 and thereafter within 30 days after those who are elected at the succeeding elections take office, the directors shall meet and organize as a board. The board shall:

Elect one of its members president; provide for the time and place of holding its regular meetings; and provide for the manner of calling special meetings. The board shall act only by ordinance, resolution, or motion and the enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Amador Water Agency as follows:". All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board shall constitute a quorum for the transaction of business, and the board may transact any business of the agency at its organization meeting.

The board shall establish rules for its proceedings and all legislative sessions of the board shall be public.

The board may authorize each director to receive compensation not exceeding one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or committee thereof, or for each day's services rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board.

SEC. 30. Section 14.13 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 14.13. The resolution declaring an improvement district to be formed shall contain the following:



(a) A description of the boundaries thereof and the name of the improvement district, which shall thereupon constitute and be known as “Improvement District No. \_\_\_\_ of the Amador Water Agency.”

(b) A brief description of the project which may be undertaken for the benefit of the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal and of interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount set forth in the resolution adopted pursuant to Section 14.3 or 14.11. No tax may be levied unless the maximum amount thereof has been established by the voters within the improvement district to the extent required by Section 2263.2 of the Revenue and Taxation Code or other applicable law.

After adoption of the resolution, a certified copy thereof together with a map of the improvement district shall be filed with the county assessor, the county tax collector and the State Board of Equalization.

SEC. 31. Section 23 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 23. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Amador Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.



SEC. 32. Section 29 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 29. This act may be designated and referred to as “the Amador Water Agency Act,” and any reference thereto by this designation shall be sufficient for all purposes.

SEC. 33. With respect to Sections 2, 3, 13, 17, 22, and 24 of this act, the Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the special district serving Ventura County, the County of Alameda, the special districts serving Calaveras and Kern Counties, the air pollution control council serving the Sacramento Air Basin, the water district serving Mendocino County, and the water district serving San Benito County.

SEC. 34. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

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

SEC. 35. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for local agencies to implement the changes authorized by this act at the earliest possible time, it is necessary that this act take effect immediately.



Approved \_\_\_\_\_, 1995

\_\_\_\_\_  
*Governor*

