

**Letter from Ms. Marina West, General
Manager for Bighorn- Desert View
Water Agency Requesting support for
SB746 and providing Copy of the Bill**

Attachment 3

Bighorn-Desert View Water Agency

Board of Directors

Michael McBride, President
Judy Corl-Lorono, Vice President
David Larson, Secretary
Terry Burkhart, Director
J. Dennis Staley, Director



Agency Office
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Marina D West, P.G., General Manager

www.bdvwa.org

A Public Agency

April 22, 2013

RECEIVED
APR 24 2013

Ms. Kathleen Rollings-McDonald, Executive Director
San Bernardino Local Agency Formation Commission
215 North D Street, Suite 204
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

RE: 2013 Legislative Session: Senate Bill 246 for Repeal of Water Code Section 33305 AND "Modernization" of the Bighorn-Desert View Water Agency Law

Dear Ms. Rollings-McDonald:

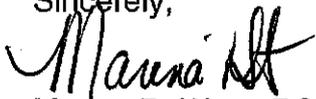
Senator Jean Fuller (District 18) introduced SB 246 on February 12, 2013 and an extensive amendment was published on April 4, 2013. The Board of Directors decision to sponsor this bill is a direct result of your suggestion and encouragement to modernize our organic statute in order to eliminate irrelevant provisions and make it a more useful resource document for staff, elected officials and the general public going forward.

Attached is the amended enabling act, Senate Governance and Finance Committee staff report analyzing SB 246 and a brief fact sheet describing its purpose.

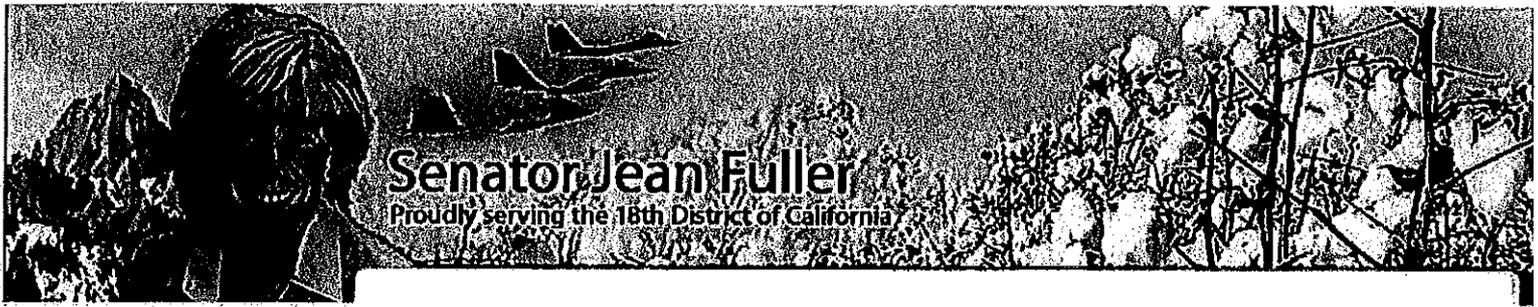
On April 17, 2013 the Senate Governance and Finance Committee moved the bill forward on a 7/0 vote without opposition. At this time, the Agency respectfully requests LAFCO's support for SB 246.

Please don't hesitate to contact me directly at (760) 364-2315 should you have any questions or seek further clarification on SB 246.

Sincerely,


Marina D. West, PG
General Manager

Enclosures



SB 246

BIGHORN-DESERT VIEW WATER AGENCY: MODERNIZATION OF ENABLING ACT

SUMMARY

SB 246 helps clarify and reorganize the law that established the Bighorn-Desert View water district within San Bernardino County. This update and modernization should provide more transparency and accountability to ratepayers in that district.

BACKGROUND

The Bighorn-Desert View Water Agency enabling Act, the "Bighorn Mountains Water Agency Law", is an Uncodified Act of the Statutes of 1969, Chapter 1175, and effective August 31, 1969. The Law was amended in 1989 (Statutes of 1989, Chapter 570) through AB 1819 (Woodruff) to facilitate a proposed consolidation of the 1969 Water Agency with the Desert View County Water District, which was completed in 1990 without further amendment to the Water Agency Law.

Furthermore, there was a requirement to keep the two water systems financially separate which would essentially negate financial efficiencies expected from the consolidation.

Revisions proposed to the Water Agency Law increase transparency by (1) eliminating all references to the "future consolidation" of Bighorn with Desert View; (2) reorganizing the Law by grouping provisions that address a common theme in order to make the Law a more useful resource for research purposes; (3) updating and modernizing certain financial provisions in order to reflect the current State of California law, especially with respect to the power of the Board of Directors to enact taxes (now regulated by Prop. 13) and water service rates (now regulated by Prop. 218) and eliminating the requirement to maintain separate finances of the pre-consolidation entities.

EXISTING LAW

The current Water Agency Law is outdated because it does not reflect important additions to the California

Constitution, such as Articles 13A, B, C and D, which affect the Board of Director's authority to enact taxes and adopt water rates. Moreover, the original Act is not well organized, thereby reducing its usefulness as a reference for Agency staff, public officials and the general public.

Additionally, the requirement to keep the two water systems financially separate works against the economic savings that consolidation was expected to bring to the rate payers.

The revisions do not significantly alter the duties and responsibilities, or the power and authority, of the Bighorn-Desert View Water Agency; rather, this legislation is proposed for the exclusive purpose of eliminating outdated and irrelevant provisions, and reorganizing the Act to assist staff, the agency's officials and the public by making the Act easier to understand, and more transparent.

THIS BILL

SB 246 reorganizes the Act and eliminates the requirement that the two water systems finances are kept separate, thereby increasing transparency for its ratepayers and providing agency staff with a better reference document for operating purposes.

SPONSOR

Bighorn-Desert View Water Agency
Marina West, General Manager
(760) 364-2315

STAFF CONTACT

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SENATE GOVERNANCE & FINANCE COMMITTEE
Senator Lois Wolk, Chair

BILL NO: SB 246
AUTHOR: Fuller
VERSION: 4/4/13
CONSULTANT: Weinberger

HEARING: 4/17/13
FISCAL: No
TAX LEVY: No

BIGHORN-DESERT VIEW WATER AGENCY
[REVISED]

Repeals and amends numerous state laws governing the Bighorn-Desert View Water Agency.

Background and Existing Law

The Legislature created the Bighorn Mountains Water Agency as a special act special district governed by the uncodified "Bighorn Mountains Water Agency Law" (SB 1175, Coombs, 1969). To allow the Agency to merge with the Desert View Water District, which was governed by the County Water District Law, the Legislature enacted the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law (AB 1819, Woodruff, 1989). The merged Bighorn-Desert View Water Agency provides retail water service to residents within a 45-square mile area encompassing the San Bernardino County communities of Flamingo Heights, Landers, and Johnson Valley.

The 1989 consolidation bill required the Bighorn-Desert View Water Agency to "separately account" for specified funds of the two precursor agencies. After two decades operating as a merged district, Bighorn-Desert View officials find this requirement for segregated accounting to be unnecessary and burdensome. They want the Legislature to repeal the entire Desert View Water District-Bighorn Mountains Water Agency Consolidation Law and amend the Bighorn Mountains Water Agency Law to make it a more modern, transparent, and functional statute.

Proposed Law

Senate Bill 246 repeals the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law and deletes cross-references to the law from the Bighorn-Desert View Water Agency's special act.

SB 246 requires the Agency to separately account for and use funds derived from the operation of the Desert View Water District and the Bighorn Mountains Wa-

ter Agency for the purpose of bond debt service for each of the former systems. The bill declares that its provisions must not be construed to impair any contract entered into prior to January 1, 2014.

SB 246 reduces, from 3 months to 30 days, the period during which legal actions can be initiated to contest, question, or deny the validity of the Agency's bonds, improvement districts, annexations, or other proceedings. SB 246 allows the Agency to file legal actions, pursuant to specified statutes in the Code of Civil Procedure, to determine the validity of the Agency's bonds, warrants, promissory notes, contracts, or other evidences of indebtedness.

SB 246 deletes a 50-year limit on the length of the Agency's contracts for selling hydroelectric energy or selling the right to use falling water for electric energy. The bill also deletes a requirement that the Agency only sell hydroelectric energy at wholesale to public agencies.

SB 246 reduces, from 6 to 3, the number of public places in which the Agency must post specified hearing notices.

SB 246 deletes current statutory language governing compensation for the Agency's board of directors. The bill requires the Agency's board members to receive compensation for attending board meetings that does not exceed the maximum amount authorized by specified statutes that govern compensation for water districts' directors.

SB 246 deletes current statutory language relating to vacancies on the Agency's board of directors and specifies that the Agency must fill vacancies on its board pursuant to specified statutes in the Government Code.

SB 246 reorganizes current statutory language allowing the Agency's board to appoint, define the duties of, and provide compensation for specified offices. The bill prohibits the board from appointing a sitting member of the board to one of those offices. The bill deletes statutory language authorizing the board to appoint a treasurer and to consolidate specified offices.

SB 246 requires the Agency's board to adopt a resolution specifying the date, time, and place of its meetings and deletes conflicting and redundant statutory language relating to board meetings.

SB 246 specifies that the Agency's board can act by minute order and details specific notice, posting, and publication procedures that the board must follow to adopt an ordinance.

SB 246 deletes current statutory language governing the Agency's elections and allows the Agency's voter to pass an initiative or disapprove of an ordinance by referendum subject to specified statutes in the Elections Code.

SB 246 specifies that the Agency's powers include the power to:

- Construct, maintain, and operate water wells.
- Construct, maintain, and operate property useful or necessary to produce water.
- Enlarge any waterworks or waterworks system acquired by the Agency.

SB 246 deletes a requirement that the Agency's board regulate specified recreational facilities' use by adopting an ordinance. The bill repeals language defining a violation of those regulations as a misdemeanor. Instead, SB 246 makes a violation of the specified regulations an infraction, punishable by a fine of \$300 or less.

SB 246 specifies that the Agency's board, to restrict the use of water during a drought or water shortage, must comply with specified statutes in the Water Code governing water shortage emergencies. The bill deletes language defining a violation of specified water restrictions as a misdemeanor and deletes other related statutory language.

SB 246 deletes statutory language requiring the board to adopt an ordinance to exercise specified powers related to pensions.

SB 246 amends the current statute governing the Agency's power to enter into contracts. The bill deletes a requirement that the Agency must get 2/3-voter approval for specified contracts that incur long-term debt.

SB 246 deletes current statutory language allowing the Agency to incur debt, issue bonds and promissory notes, and impose assessments. The bill authorizes the Agency to:

- Borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness at an annual interest rate that must not exceed 12%, pursuant to state law.
- Refund or retire any indebtedness or lien against the agency or its property.
- Issue negotiable promissory notes that are general obligations of the Agency payable from revenues and taxes in the same manner as the Agency's bonds and subject to the same 12% annual interest rate limit.
- Cause taxes to be levied to pay the Agency's obligations, subject to constitutional and statutory requirements.
- To issue improvement bonds in accordance with and pursuant to the:
 - Improvement Act of 1911
 - Improvement Bond Act of 1915
 - Municipal Improvement Act of 1913
 - Refunding Assessment Bond Act of 1935
 - Revenue Bond Law of 1941

SB 246 specifies that the maximum allowable annual interest rate on debt issued by the Agency is 12%, pursuant to specified statutes in the Government Code.

SB 246 allows the Agency to sell bonds through negotiated sale or private sale subject to specified conditions. The bill prohibits bonds from being sold for less than 94% of par value.

SB 246 replaces the term "bonded debt" with the term "debt" in numerous places throughout the Bighorn-Desert View Water Agency Law and deletes outdated references to bonds' interest coupons.

SB 246 specifies the manner in which the Agency can record liens for unpaid water service charges.

SB 246 clarifies that bond proceeds and surplus revenues from water rates can be used to pay for replacement of the Agency's works.

SB 246 renames the special act governing the Bighorn-Desert View Water Agency as the "Bighorn-Desert View Water Agency Law." Throughout the Law, SB 246 replaces the name "Bighorn Mountains Water Agency" with "Bighorn-Desert View Water Agency."

SB 246 updates the statutory metes-and-bounds description of the Bighorn-Desert View Water Agency's boundaries.

The bill deletes statutory language relating to a potential future consolidation of the Bighorn Mountains Water Agency with the Desert View Water Agency.

SB 246 makes numerous technical, non-substantive amendments to the statutes governing the Bighorn-Desert View Water Agency to conform the statutes to other changes made by the bill and to modernize the statutory language.

State Revenue Impact

No estimate.

Comments

1. Purpose of the bill. The statutes that govern the Bighorn-Desert View Water Agency are outdated, disorganized, and difficult to use. Provisions of the Agency's special act have been rendered obsolete by changes that Propositions 13 and 218 made to the State Constitution. Although the District maintains separate accounting of pre-consolidation debt, it does not operate as two separate enterprise districts, as may be required under its consolidation statute. The amendments SB

246 makes to the Agency's governing statutes will eliminate legal uncertainties, reorganizes the statutes to make them more transparent, modernize the language governing some of the Agency's powers, and make the statutes easier to use.

2. Validations. Public officials can file validating lawsuits, asking the courts to validate their actions, contracts, agreements, and bonds. Successful validation suits reassure private investors and public agencies that their decisions are reliable. Generally, the Code of Civil Procedure allows public officials to initiate a validation suit within 60 days of taking the action to be validated. SB 246 reduces, from 3 months to 30 days, the amount of time during which members of the public can initiate a legal challenge against some of the Agency's actions. To make the deadline for legal challenges consistent with the Code of Civil Procedure's deadline for validation suits, *the Committee may wish to consider amending SB 246 to give individuals up to 60 days to initiate a legal challenge to specified Agency actions.*

3. Electricity contracts. SB 246 deletes a 50-year limit on the length of the Agency's hydroelectric contracts and deletes a requirement that the Agency only sell hydroelectric energy at wholesale to public agencies. These deletions may raise questions about the Agency's ability to enter into long-term retail contracts for hydroelectricity. *To eliminate uncertainty, the Committee may wish to consider amending SB 246 to restore the restrictions that current law places on the Agency's hydroelectric contracts.*

4. Findings and declarations. Proposition 59 (2004) requires that new statutes which limit public access to meetings of public bodies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. Because SB 246 reduces the number of public locations in which the Agency must post notices of some hearings, it could be interpreted as limiting access to public meetings. *The Committee may wish to consider amending SB 246 to include findings and declarations that comply with Proposition 59's requirements.*

Support and Opposition (4/11/13)

Support: Bighorn-Desert View Water Agency.

Opposition: Unknown.

AMENDMENTS TO SENATE BILL NO. 246

Amendment 1

In the title, in line 1, strike out "amend Section 33305" and insert:

repeal Part 9.2 (commencing with Section 33300) of Division 12

Amendment 2

In the title, in line 1, after "Code," insert:

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 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),

Amendment 3

On page 1, before line 1, insert:

SECTION 1. Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code is repealed.

SEC. 2. Section 1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 570 of the Statutes of 1989, is amended to read:

Section 1. This act is designated, and may be cited and referred to as, the "~~Bighorn Mountains~~"Bighorn-Desert View Water Agency Law."

~~If the Desert View Water District and the Bighorn Mountains Water Agency consolidate, this act shall thereafter be designated, and may be cited and referred to, by the full name of the consolidated successor district, followed by the word "Law."~~

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

Sec. 2. ~~The Bighorn Mountains~~ Bighorn-Desert View Water Agency, formed by the consolidation of agencies authorized pursuant to former Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, is hereby created, organized, and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory, ~~other than territory included in any public district having identity of purpose or substantial identity of purpose, without the prior consent of such public district, evidenced by a resolution duly adopted by the governing board thereof,~~ territory and shall include all territory lying within the following described boundaries:

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



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

Section 7

Section 8

Section 11

South- $\frac{1}{2}$ $\frac{1}{4}$ Section 2

Southwest- $\frac{1}{4}$ $\frac{1}{4}$ Section 12

Section 13, excluding the North- $\frac{1}{2}$ $\frac{1}{2}$ of the Northeast- $\frac{1}{4}$ $\frac{1}{4}$

Section 14

Section 15

Section 16

Section 17

East- $\frac{1}{2}$ $\frac{1}{2}$ Section 18

Northeast- $\frac{1}{4}$, $\frac{1}{4}$, Northeast- $\frac{1}{4}$, $\frac{1}{4}$, Section 20

North- $\frac{1}{2}$ $\frac{1}{2}$ Section 21

North- $\frac{1}{2}$ $\frac{1}{2}$ Section 22

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

South- $\frac{1}{2}$, South- $\frac{1}{2}$, $\frac{1}{2}$, Southwest- $\frac{1}{4}$, $\frac{1}{4}$, Section 4

Section 8

Northwest- $\frac{1}{4}$ and South- $\frac{1}{2}$, Section 9, excluding the Northeast $\frac{1}{4}$

Southwest- $\frac{1}{4}$ $\frac{1}{4}$ Section 10

Section 13

South- $\frac{1}{2}$ $\frac{1}{2}$ Section 14

Northwest- $\frac{1}{4}$ and South- $\frac{1}{2}$, Section 15, excluding the Northeast $\frac{1}{4}$

Section 16

Section 17

Section 18

Section 21

Section 22

Section 23

Northwest- $\frac{1}{4}$, Northwest- $\frac{1}{4}$, Section 24

West- $\frac{1}{2}$ $\frac{1}{2}$ Section 26

Section 27

Southeast- $\frac{1}{4}$ $\frac{1}{4}$ Section 33

Section 34

Northwest- $\frac{1}{4}$ and South- $\frac{1}{2}$, Section 35, excluding the Northeast $\frac{1}{4}$

West $\frac{1}{2}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 36

Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 36

(c) Township 2 North, Range 5 East, San Bernardino Base and Meridian:

Section 2

Section 3

- Section 10
- Section 11
- Section 12
- Section 13
- Section 14
- Section 15
- Section 22
- Section 23
- Section 26
- Section 27
- Section 34

(d) Township 2 North, Range 6 East, San Bernardino Base and Meridian:

- ~~Section 3~~
- ~~Section 4~~
- Section 5
- Section 6

Section 7, except certain parcels described as:

- 630-032-04 W 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC
- 630-032-05 E 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RDS
- 630-032-09 W 1/2 NE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
- 630-032-10 W 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
- 630-032-11 W 1/2 NE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
- 630-032-15 E 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC
- 630-032-49 W 1/2 SE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX W 100 FT S 422

FT THEREOF AND EX RDS

- 630-041-26 W 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD MNL RTS

AS RESERVED BY USA 5 AC

- 630-041-30 E 1/2 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC
- 630-041-39 W 1/2 SE 1/4 NE 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC
- 630-041-42 N 280 FT W 1/2 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD
- 630-041-54 N 130 FT S 380 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E

5 EX RD

- 630-041-55 S 250 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 EX RD
- 630-041-56 N 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD
- 630-041-57 S 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E

- ~~Section 8~~
- ~~Section 9~~
- ~~Section 10~~
- ~~Section 14~~
- ~~Section 16~~

Section 18, except certain parcels described as:

630-021-18 E ½ SW ¼ NW ¼ NE ¼ SEC 18 TP 2N R 6E EX RD
630-021-67 N ½ E ½ NW ¼ NW ¼ NE ¼ SEC 18 TP 2N R 6E EX S 130 FT
W 100 FT E 230 FT THEREOF AND EX MNL RTS AS RESERVED BY USA EX
RDS

West-½ ½, Section 19

~~Section 22~~

~~Section 30~~

North ½, Northwest ¼, Section 31

SEC. 4. Section 3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as added by Section 3 of Chapter 570 of the Statutes of 1989, is repealed.

~~Sec. 3. If the Desert View Water District and the Bighorn Mountains Water Agency consolidate, the board of directors of both entities may accept, as a San Bernardino County Local Agency Formation Commission condition of that consolidation, the selection of a different name for the agency. Thereafter, all statutory references to "Bighorn Mountains Water Agency" shall, from the effective date of the consolidation, be deemed to refer to the name of the consolidated successor district.~~

SEC. 5. Section 5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 4 of Chapter 570 of the Statutes of 1989, is amended and renumbered to read:

~~Sec. 5:~~

~~Sec. 3. The Board of Directors of the Bighorn Mountains Bighorn-Desert View Water Agency organized under this act shall consist of five members. The Board of Supervisors of San Bernardino County shall appoint the first board of directors members, each of whom shall be a resident of the agency, and shall hold office until his or her successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).~~

~~If the Desert View Water District and the Bighorn Mountains Water Agency consolidate, the board of directors of the consolidated successor district shall consist of five members, in accordance with Section 33302 of the Water Code. In that event, the San Bernardino County Local Agency Formation Commission may, pursuant to Section 56844 of the Government Code, change or terminate existing elective terms of the directors of both the Desert View Water District and the Bighorn Mountains Water Agency in a manner approved by actions of the board of each of those entities in their respective applications for formation of a consolidated successor district.~~

SEC. 6. Section 7 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 7:~~

~~Sec. 4. No person shall vote at any Bighorn Mountains Bighorn-Desert View Water Agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code. For the purpose of registering voters who shall be entitled to vote at Bighorn Mountains Water Agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the Bighorn Mountains Water Agency to indicate upon the affidavit of registration whether the voter is a voter of the Bighorn Mountains Water Agency.~~

Substantive

In case the boundary line of the ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency crosses the boundary line of a county election precinct only those voters within such ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency and within such ~~the~~ precinct who are registered as being voters within the ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such ~~these~~ precincts, one containing the names of candidates for office in said ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency, and the other not containing such ~~the~~ names, and it shall be the duty of the election officers in such ~~these~~ precincts to furnish only those persons registered as voters within such ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency with the ballots upon which are printed the names of the candidates for office in the ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency.

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

~~Sec. 8:~~

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

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

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

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

~~Sec. 9. The Board of Directors of Bighorn Mountains Water Agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.~~

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

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

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

~~Sec. 10:~~

Sec. 6. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the ~~Bighorn Mountains~~ Bighorn-Desert View Water Agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the state with reference to cities.

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

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

SEC. 13. Section 11 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 11.~~

~~Sec. 7. The board of directors shall be the governing body of the Bighorn Mountains Bighorn-Desert View Water Agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it The board of directors shall, by resolution, provide for the date, time, and place of holding of its meetings. All meetings of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January in each even-numbered year, the board of directors shall choose one of from among its members a president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each even-numbered year, the board of directors shall choose one of its members president, vice president, and secretary.~~

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

Sec. 11. The general manager shall:

- (a) Have full charge and control of the maintenance, operation, and construction of the waterworks of the agency.
- (b) Have full power and authority to employ and discharge all employees and assistants at pleasure.
- (c) Prescribe the duties of employees and assistants.
- (d) Fix and alter the compensation of employees and assistants subject to approval by the board of directors.
- (e) Perform other duties imposed by the board of directors.
- (f) Report to the board of directors in accordance with rules and regulations adopted by the board.

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

Sec. 12. The board of directors shall act only by ordinance, resolution, or ~~motion~~: ~~On all ordinances, the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but, on demand of any member, the roll shall be called.~~ minute order. No ordinance, ~~motion~~, or resolution, or minute order shall be passed or become effective without the affirmative vote of a majority of the members of the ~~board~~: board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn Mountains Bighorn-Desert View Water Agency as

follows:" Except as otherwise required by law, ordinances shall be adopted by one of the following procedures:

~~Each of the members of the board of directors shall receive for each attendance at the meetings of the board compensation in an amount not to exceed the then current maximum amount which may be received by directors of a county water district organized under Division 12 (commencing with Section 30000) of the Water Code for attendance at meetings of the board of directors. No directors, however, shall receive pay for more than three meetings in any calendar month. A director shall be compensated for a meeting of the board if, at the time of the holding of the meeting, the director is on other business of the district, at the request of the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors; the person so chosen shall be a resident of, and otherwise qualified to be a director of, the agency and shall hold office for the remainder of the unexpired term.~~

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

(b) The general manager may cause a summary of the ordinance or amendment to be published at least once in a newspaper of general circulation, and a copy of the full text of the ordinance or amendment shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the general manager shall cause the ordinance or amendment to be published at least once in a newspaper of general circulation, published, and circulated within the agency's boundaries, and shall cause the ordinance or amendment to be posted in at least three public places.

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

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

~~Sec. 13. No informality in any proceeding not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the legal existence of said Bighorn Mountains Water Agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.~~

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

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

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

~~Sec. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a vice president, secretary, treasurer, attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said agency. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.~~

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

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

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

Sec. 15. ~~The Bighorn Mountains Bighorn-Desert View Water Agency, which is incorporated as provided in this act may exercise only the powers expressly granted and those necessarily implied by this act, has all of the following powers:~~

1. To have perpetual succession.
2. To sue and be sued, ~~except as otherwise provided in this act or by law, sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.~~
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, ~~condemnation~~, or lease, hold, use, enjoy, and to lease, ~~with or without the privilege of purchase, sell, or dispose of real and personal property of every kind, within or without the Bighorn Mountains Water Agency agency.~~
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain, and operate water wells, conduits, pipelines, reservoirs, works, machinery, and other property useful or necessary to produce, store, convey, supply, or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, enlarge, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as authorized the agency.
6. To construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Bighorn Mountains Water Agency, waterworks and to provide, by ordinance, provide regulations binding upon all persons to govern the use of those facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation is a misdemeanor, an infraction punishable by a fine of not more than three hundred dollars (\$300).

~~7. To lease of and from any person, firm, or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation, or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of those cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within the agency without any preference; and it may, whenever the board finds that there is a surplus of water above that which may be required by consumers within the agency, sell or otherwise dispose of surplus water to any persons, firms, public or private corporations or public agencies, or other consumers:~~

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

~~8. The agency may~~ To supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as determined by the board for that service of directors.

~~9. To exercise the right of eminent domain to take any property necessary to supply the agency, or any portion thereof, with water. In lieu of compensation and damages for the taking or damaging of any public utility facility which is required to be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning the facility its actual cost incurred to replace in kind the facility so taken or damaged, less property deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of the public utility not taken or damaged, but required to be rearranged or rehabilitated by reason of the taking or damaging:~~

~~10. To issue bonds, borrow money, and incur indebtedness as authorized by law or in this act; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants; and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings:~~

~~11. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that the notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of the notes outstanding at any one time may be at least equal to seventy-five thousand dollars (\$75,000) in the Bighorn Mountains Water Agency, but shall not otherwise exceed the lesser of either one million five hundred thousand dollars (\$1,500,000) or 3 percent of the assessed valuation of~~

~~the taxable property in the Bighorn Mountains Water Agency or, if the assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his or her certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision.~~

~~12. To cause taxes to be levied, in the manner provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor.~~

~~13.~~

~~9. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the improper use of agency water during those periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of water during those periods for specific uses which the agency may, from time to time, find to be nonessential in accordance with Chapter 3 (commencing with Section 350) of Division 1 of the Water Code.~~

~~14. To prescribe and define, by ordinance, the restrictions, prohibitions, and exclusions referred to in subdivision 13 of this section. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect immediately upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published, and circulated in the agency within 10 days after adoption or, if there be no such newspaper, shall be posted within that time in three public places within the agency.~~

~~15.~~

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

~~16.~~

~~11. To provide, by ordinance of its board of directors, for the pensioning of officers or employees and the creation of a special fund for the purpose of paying the pensions, and the accumulation of contributions to the fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of the officers or employees, and to provide in the ordinance for the terms and conditions under which pensions shall be awarded, and for the time and extent of service of officers or employees before pensions shall be available to them.~~

~~17.~~

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

~~18. Subject to the limitations in subdivision 9 of this section, to join with one or more~~

~~13. To contract with the federal government, the state, any state agency, a county, or other public agencies agency, a private corporations corporation, or other persons person for the purpose of carrying out any of the powers of the agency and, for that~~

Substantive

purpose, to contract with the other public agencies, private corporations, or persons for the purpose of financing acquisitions, constructions, and operations. ~~The contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of the acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect the acquisitions and to carry on the operations, and shall provide in the powers and methods of procedure for the agency the method by which the agency may contract. The contracts with other public agencies, private corporations, or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, means and includes the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, or other public district of this state. The term "private corporation," as used in this subdivision, means and includes any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts include those made with the United States, under the Federal Reclamation Act of June 17, 1902, 1 and all acts amendatory thereof or supplementary thereto or any other act of Congress previously or hereafter enacted permitting cooperation. Any contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for that year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or the improvement district thereof, voting at a special election to be held for that purpose, the election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of the contract need not be available at the time of the special election, but the (a) purpose of the contract, (b) maximum amount of indebtedness created thereby, (c) maximum term of repayment, and (d) maximum interest rate on the indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or the improvement district thereof, at the special election. These contracts may contain any other and further covenants and agreements as may be necessary or convenient to accomplish the purposes of the contract.~~

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

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15. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, proceedings to prevent, control, or abate the pollution of water used or useful for any purpose of

the agency, or to protect or provide a common benefit to lands within the agency; agency or to the inhabitants of the agency, or to protect or control any watershed or basin overlain, in whole or in part, by the agency or which contributes or may contribute to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing groundwater extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of groundwater, and to that end the agency may become a party to such a contract and pay from the agency funds that portion of the cost of the replenishment waters that will encourage the purchase and use of replenishment water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which revenue bonds could be issued under the Revenue Bond Law of 19412 or any other law which by its terms is applicable to this agency.

23. To use the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) for the construction of any facilities authorized to be constructed under this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the Bighorn Mountains Water Agency. In the application of the Improvement Act of 1911 to proceedings instituted by the Bighorn Mountains Water Agency, the terms used in the Improvement Act of 1911 have the following meanings:

- (a) "City council" and "council" mean the Board of Directors of the Bighorn Mountains Water Agency.
- (b) "Municipality" and "city" mean the Bighorn Mountains Water Agency.
- (c) "Clerk" and "city clerk" mean the secretary.
- (d) "Superintendent of streets," "street superintendent," and "city engineer" mean the chief engineer of the agency.
- (e) "Tax collector" means the county tax collector.
- (f) "Treasurer" and "city treasurer" mean the treasurer of the Bighorn Mountains Water Agency.
- (g) "Mayor" means the president of the board of directors of the Bighorn Mountains Water Agency.

(h) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Bighorn Mountains Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Bighorn Mountains Water Agency.

24. To use the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) for the construction of any facilities authorized to be constructed under this act. The powers and duties conferred by the Improvement Bond Act of 1915 on the various boards, officers, and agents of cities or counties shall be exercised by the respective boards, officers, and agents of the Bighorn Mountains Water Agency. In the application of the Improvement Bond Act

of 1915 to proceedings instituted by the agency, the terms used in the Improvement Bond Act of 1915 have the following meanings:

- (a) "City" means the Bighorn Mountains Water Agency.
- (b) "Clerk" means the secretary of the Bighorn Mountains Water Agency.
- (c) "Legislative body" means the Board of Directors of the Bighorn Mountains Water Agency.
- (d) "Mayor" means the president of the board of directors of the agency.
- (e) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.
- (f) "Street superintendent," "superintendent of streets," and "engineer" mean, respectively, the officers or entities designated, from time to time, by the board of directors to perform the duties imposed on the street superintendent, superintendent of streets, and the engineer.
- (g) "Tax collector" and "auditor" mean the county tax collector and county auditor, unless otherwise designated by the board of directors.
- (h) "Treasurer" means the treasurer of the Bighorn Mountains Water Agency, or the county treasurer if so designated by the board of directors.

Any certificates or documents to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the agency.

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

17. To issue negotiable promissory notes that shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency, at the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

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

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

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20. To prescribe, by ordinance, a system of revise, and collect water system connection charges and, if deemed appropriate by the board of directors, a refunding mechanism through water rates or pursuant to contract and capacity charges in the manner provided by the California Constitution and state law.

21. To record a certificate in the office of the county recorder of any county specifying the amount of unpaid charges for water or other services, plus interest and penalties. From the time of recordation of the certificate, the amount required to be

paid, together with interest and penalty, constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by the person. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. Within 10 years from the filing of the certificate or within 10 years of the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of that filing the lien shall be extended to the real property in the county for 10 years unless sooner released or otherwise discharged.

22. To construct, operate, and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation, and maintenance of its projects for the control, conservation, diversion, and transmission of water, and to enter into contracts for the sale of this energy.

23. To contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy.

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

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

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

~~Sec. 15.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.~~

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

~~Sec. 15.2. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.~~

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

~~Sec. 15.3. In addition to the powers granted in Section 15, the agency may exercise all powers previously or hereafter granted to or possessed by county water districts organized and governed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) to finance the acquisition of waterworks or waterworks systems, waters, water rights, lands, rights or privileges; and may exercise all those powers to fund construction, maintenance, or operation of new waterworks systems constructed after January 1, 1986.~~

~~The board of directors may, with respect to any improvement, assessment, special tax, or taxation district or area originally formed or existing under the County Water District Law, continue to exercise all of the powers held by a board organized under that law to fund, set, levy, or collect moneys, taxes, fees, or assessments reasonably required to be raised and collected from the improvement, assessment, special tax, or taxation district or area.~~

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

~~Sec. 16. All powers, privileges and duties vested in or imposed upon the Bighorn Mountains Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the officers created hereby and by the board of directors acting hereunder.~~

~~The board of directors shall have the power:~~

~~(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings;~~

~~(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder;~~

~~(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency;~~

~~(4) To prescribe by ordinance a system of civil service;~~

~~(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal, and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract;~~

~~(6) To prescribe a method of auditing and allowing or rejecting claims and demands;~~

~~(7) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation, shall be deemed to be a rate for a different class or condition of service.~~

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

~~Sec. 17. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 13 or 14 of Section 15 of this act,~~

shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

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

~~Sec. 18. From and after the publication or posting of any ordinance as provided in subdivision 14 of Section 15 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars (\$300), or by both such fine and imprisonment.~~

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

~~Sec. 19.5. An action to determine the validity of any contract authorized by paragraph 19 of Section 15 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

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

~~Sec. 21. The president, vice president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.~~

~~If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.~~

~~The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of the agency with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board of directors.~~

~~The general manager shall perform such duties as may be imposed on him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may direct.~~

~~The chief engineer shall be the engineering adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.~~

~~The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.~~

~~The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe:~~

~~The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency:~~

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

~~Sec. 22. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume; or across any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property; and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right-of-way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street or public highway and over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the state. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highways Code:~~

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

~~Sec. 23:~~

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

SEC. 31. Section 25 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 25:~~

~~Sec. 17. The board of directors, so far as practicable, in compliance with the applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.~~

SEC. 32. Section 26 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 26:~~

Sec. 19. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including payment of principal or interest on any bonded debt of the agency; or any improvement district thereof, as it becomes due, then the board of directors of this the agency must shall provide, in accordance with the provisions of the California Constitution and state law, for the levy and collection of a special tax sufficient to raise the amount of money determined by such the board of directors to be necessary for the purpose of paying such charges and the expenses, as well as providing in addition to the funds required under Section 25 17 of this act.

SEC. 33. Section 27 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 27:~~

Sec. 20. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within by continuing to impose any ad valorem taxes or any other special taxes, or by levying assessments, in accordance with the provisions of the California Constitution and state law. Subject to Section 4 of Article XIII C of the California Constitution, the agency may impose new special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. Within a reasonable time previous to the time when before the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the agency, or of an improvement district thereof, as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, such the board of supervisors shall levy to collect, in addition to such any other tax as may be levied by such the board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required be. Taxes for the payment of the interest on or principal of any bonded debts debt shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the agency or improvement district or portion thereof subject to the particular tax. And it It shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in the time, form, and manner as county taxes are collected, and when

collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, 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. 34. Section 28 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 28:~~

Sec. 21. (a) Whenever the board of directors ~~deem~~ deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said the agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said the agency. Said The resolution shall state: (a) the state all of the following:

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

(2) The amount of debt to be incurred; (c) the incurred.

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

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

(5) The measure to be submitted to the voter; (f) the voters.

(6) The date upon which an election shall be held for the purpose of authorizing said the bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The incurred.

(b) The board of directors shall provide for holding such the special election on the day so date fixed and in accordance with the applicable provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such the election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such the agency, if there is a newspaper published in the agency, then such and the resolution shall be posted in three public places in such the agency not less than two weeks prior to the date of the proposed election. No other notice of such the election need be given. The returns of such the election shall be made, the votes canvassed by said board of directors within seven days following said

election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of ~~such the~~ board a statement of ~~such the~~ results. No irregularities or informalities in conducting ~~such the~~ election shall invalidate the ~~same result~~, if the election ~~shall have~~ has otherwise been fairly conducted.

~~Any~~

~~(c) Any action or proceeding, wherein proceeding contesting, questioning, or denying the validity of any such these bonds, or of the proceedings in relation thereto is contested, questioned or denied to these bonds, shall be commenced within three months 30 days from the date of such election; otherwise, said the election, or the bonds and all proceedings in relation thereto to these bonds shall be held to be valid and in every respect legal and incontestable.~~

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

~~Sec. 29.~~

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

~~(1) The purpose for which the proposed debt is to be incurred; (b) the incurred.~~

~~(2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and the sale of the bonds; (c) that bonds.~~

~~(3) That the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such that proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said that improvement district; (d) that district.~~

~~(4) That taxes for the payment of said the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that district.~~

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

~~(6) The time and place for a hearing by the board on the questions question of the formation of said the proposed improvement district, the extent thereof, the proposed improvement improvements and the amount of debt to be incurred; and (g) that incurred.~~

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

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

~~At~~

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

~~The~~

~~(d) The~~ purpose, amount of bonded debt, or boundaries shall not be changed by ~~said the~~ board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in ~~said Bighorn Mountains the Bighorn-Desert View Water Agency~~, if there is a newspaper printed and published in ~~such the~~ agency, and by posting in ~~six three~~ public places within ~~said the~~ proposed improvement district. ~~Said The~~ notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on ~~such the~~ change, which time shall be at least 10 days after publication or posting of ~~said the~~ notice. At the time and place ~~so fixed~~, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing, the board shall, by resolution, determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which ~~said the~~ proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency ~~which that~~ will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that ~~said the~~ portion of the agency set forth on ~~said the~~ map shall thereupon constitute and be known as "Improvement District No. ... of Bighorn Mountains Bighorn-Desert View Water Agency," and the determinations made in ~~said the~~ resolution shall be final and conclusive. After the formation of ~~such an~~ improvement district within the Bighorn

Mountains Bighorn-Desert View Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of ~~said the~~ bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After

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

~~(1) That the board deems it necessary to incur the bonded indebtedness; (b) the indebtedness.~~

~~(2) The purpose for which the bonded indebtedness will be incurred; (c) the incurred.~~

~~(3) The amount of debt to be incurred; (d) the incurred.~~

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

~~(5) That taxes for the payment of ~~such the~~ bonds and the interest thereon shall be levied exclusively upon the taxable property in ~~said the~~ improvement district; (f) the district.~~

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

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

~~(8) The measure to be submitted to the voters; (i) the voters.~~

~~(9) The date upon which an election shall be held for the purpose of authorizing ~~said the~~ bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election; who shall consist of one judge, one inspector and two clerks in each precinct incurred.~~

The

(f) The board of directors shall provide for holding ~~such the~~ special election on the day so fixed and in accordance with the provisions of the Elections Code ~~so far as the same shall be, as~~ applicable, except as herein otherwise provided. Notice of the holding of ~~such the~~ election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in ~~such the~~ agency. ~~Such The~~ resolution shall also be posted in three public places in ~~such the~~ improvement district not less than two

weeks prior to the date of the proposed election. No other notice of ~~such the~~ election need be given.

~~The~~

~~(g) The returns of such the election shall be made, the votes canvassed by said board of directors within seven days following said election; canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided applicable. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such the board a statement of such the results. No irregularities or informalities in conducting such the election shall invalidate the same it, if the election shall have otherwise been fairly conducted.~~

~~Any~~

~~(h) Any action or proceeding, wherein proceeding contesting, questioning, or denying the validity of the formation of the improvement district or, of any such the bonds, or of the proceedings in relation thereto is contested, questioned or denied, to the bonds shall be commenced within three months 30 days from the date of such election; otherwise, said election, or the bonds and all proceedings in relation thereto to the bonds, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.~~

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

~~Sec. 30;~~

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

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

~~(2) The terms and conditions upon which said the proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that agency.~~

~~(3) A request that the board of directors declare such the area to be annexed to the improvement district. Said~~

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

~~Within~~

~~(c) Within 10 days of the date of the filing of such petition the petition, the secretary of the agency shall examine the same it and ascertain whether or not such the petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him the general~~

manager to employ persons especially for that purpose, in addition to the persons regularly employed in his or her office, and shall provide for their compensation. When the secretary of the agency general manager has completed his or her examination of the petition, he or she shall attach to the same his or her certificate, properly dated, showing the result of such the examination; and if from such the examination he shall find that said he or she finds the petition is signed by the requisite number of property owners, or is not so signed, he or she shall certify that the same petition is sufficient, or insufficient, as the case may be.

If

(d) If by the certificate of the secretary of the agency general manager, the petition is found to be insufficient, said the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such the certificate. The secretary of the agency general manager shall, within 10 days after the filing of such the supplemental petition or petitions, make like examination of the same examine them and certify to the result of such the examination as hereinbefore provided.

If

(e) If by the certificate of the secretary such general manager, the petition, or petition as amended, is shown to be sufficient, the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The

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

The

(g) The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in said the agency or improvement district shall be entitled to appear and be heard at such the hearing. Such The hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area the area is proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such the annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and

conditions of annexation as theretofore determined by resolution of the board of directors.

From

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

Any

~~(i) Any~~ action or proceeding wherein the validity of ~~any such an~~ annexation is contested, questioned or denied must be commenced within ~~three months~~ 30 days after the date of ~~issuance by the Secretary of State of his certificate; otherwise said adoption of the resolution approving the annexation, or the~~ annexation shall be held to be valid and in every respect legal and incontestable.

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

~~Sec. 31.~~

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

The

~~(b) The~~ board of directors shall, by resolution, prescribe the form of the bonds ~~and the form of the coupons attached thereto~~ and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds ~~or the date of the bonds of each series respectively.~~ The bonds shall bear interest at a rate or rates not to exceed ~~7 percent per annum, payable semiannually;~~ except that interest for the first year may be payable at the end of said year the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable on a fixed or variable basis, or payable on the dates specified in the resolution. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption

prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The

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

The

(d) The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. ~~The interest coupons of such bonds shall be signed by the treasurer of said agency. All such of these~~ signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of ~~said these~~ signatures or countersignatures ~~to said bonds~~ shall be manually affixed.

If

(e) ~~If the bond election proceedings have been limited to and have applied only to an improvement district within said the agency, said the bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Bighorn Mountains Bighorn-Desert View Water Agency for Improvement District No. ____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said that improvement district.~~

Before

(f) ~~Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale negotiate the sale of the bonds. The board of directors may determine by a two-thirds vote of the total vote of the board that the interest of the district and the public interest or necessity require that the bonds may be sold at private sale upon those terms and conditions as the board may deem necessary, convenient, or desirable. In addition to interest paid on a bond or evidence of indebtedness of the district, the board, in its discretion, may sell the bonds or evidence of indebtedness at less than its par or face value, but not at less than 94 percent of the par or face value thereof.~~

(g) The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when ~~said that~~ purpose has been accomplished any moneys remaining ~~in said the~~ special improvement fund may be transferred to the water operating fund to be used for the payment of principal of and interest on the bonds. ~~Said remaining~~ The moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. ~~Such moneys~~ Moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose ~~which that~~ will benefit

Substantive

the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

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

SEC. 38. Section 32 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 32.~~

Sec. 25. Any bonds issued by the Bighorn Mountains Bighorn-Desert View Water Agency are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

SEC. 39. Section 33 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 33.~~

Sec. 26. (a) Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 29.22 of this act it shall by resolution so declare and state: (a) the state all of the following:

(1) The purpose for which the proposed improvement district is to be formed;
~~(b) the formed.~~

(2) The estimated expense of carrying out said purpose; ~~(c) that the purpose.~~

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

(4) That taxes for carrying out said the purpose shall be levied exclusively upon the taxable property in said the proposed improvement district; ~~(e) that district.~~

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

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

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

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

~~At~~

~~(c) At the time and place so fixed of the hearing, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing, at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to form said the proposed improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, the estimated expense of carrying out said the purpose, that the exterior boundaries of the portion of the agency which that will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said the portion of the agency set forth on said map, the map shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Bighorn Mountains Bighorn-Desert View Water Agency," and the determinations made in said the resolution shall be final and conclusive. After the formation of such the improvement district within the Bighorn Mountains Bighorn-Desert View Water Agency pursuant to this section all taxes levied for the carrying out of said purpose for which the improvement district is formed shall be levied exclusively upon the taxable property in the improvement district.~~

~~A~~

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

~~The~~

~~(e) The board of directors shall provide for holding such fix a date for this special election on the day so fixed and in accordance with the applicable provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such the election shall be given by publishing the~~

resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, ~~election~~ in at least one newspaper printed and published in the ~~Bighorn Mountains Bighorn-Desert View~~ Water Agency, if there is a newspaper printed and published in ~~such the~~ agency. ~~Such The~~ resolution shall also be posted in three public places in ~~such the~~ improvement district not less than two weeks prior to the date of the proposed election. No other notice of ~~such the~~ election need be given.

~~The~~

(f) ~~The~~ returns of ~~such the~~ election shall be made, the votes canvassed by said board of directors within seven days following said election, ~~canvassed~~, and the results thereof ascertained and declared in accordance with the applicable provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of ~~such the~~ board a statement of ~~such the~~ results. No irregularities or informalities in conducting ~~such the~~ election shall invalidate the same if, if the elections ~~election~~ shall have otherwise been fairly conducted.

~~If~~

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

~~Any~~

(h) ~~Any~~ action or proceeding ~~wherein questioning, contesting, or denying~~ the validity of the formation of the improvement district, or of any of the proceedings in relation thereto ~~is contested, questioned or denied to that formation~~, shall be commenced within ~~three months~~ 30 days from the effective date of the resolution forming ~~such the~~ district, or, if an election is held, within ~~three months~~ 30 days from the date of ~~such the~~ election, ~~otherwise or~~ the formation of the improvement district, and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

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

~~Sec. 34:~~

~~Sec. 27.~~ The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district ~~formed in accordance with Sections 29 or 33 and, if the improvement district is formed under Section 29, may and the district may~~ repay the agency from the proceeds of the sale of bonds authorized for ~~such purpose those purposes~~, or if the improvement district is formed under Section 33 ~~may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 7 percent from the special taxes levied exclusively upon the taxable property in said the improvement district, at the rate of interest authorized by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.~~

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

~~Sec. 35:~~

~~Sec. 28.~~ Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of ~~said the~~ bonds are available, and interest on any bonds issued by the agency coming due before the

expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of such ~~those~~ bonds.

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

~~Sec. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency.~~

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

~~Sec. 40. Ordinances may be passed by the voters of the Bighorn Mountains Water Agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.~~

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

~~Sec. 41. Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.~~

SEC. 45. Section 42 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

~~Sec. 42. It is the intention that the Bighorn Mountains Water~~

~~Sec. 29. The Bighorn-Desert View Water Agency shall not be disincorporated dissolved until all bonded indebtedness shall have been fully paid.~~

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

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

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

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

~~Sec. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by cities within this state. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the Bighorn Mountains Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The term "indebtedness" shall mean all indebtedness other than bonded indebtedness unless the latter is expressly used. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.~~

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

~~Sec. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the Bighorn Mountains Water Agency is hereby incorporated, or incorporated, under the provisions of this act, is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.~~

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

~~Sec. 48:~~

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

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

~~Sec. 49. The inclusion in, or annexation or addition to this agency, of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose of this agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within this agency, whether by incorporation or annexation, without the consent of the board of directors of this agency.~~

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

~~Sec. 50. The agency;~~

~~Sec. 18. The board of directors, by ordinance or resolution, may fix and impose, on or before the first day of July in any calendar year, a water standby or availability charge on lands within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars (\$10) per year for any parcel of less than one acre. The ordinance fixing a Alternatively, the board of directors may fix a water standby charge in accordance with the provisions of the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code). 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 by ordinance and after two weeks' notice and a public hearing. Notice to all landowners whose property may be made subject to a water standby or availability charge shall be by publication pursuant to Section 6061~~

~~of the Government Code and by first-class mail addressed to each person or entity to whom land is assessed, as shown on the last equalized roll of the county, at the address shown on the assessment roll in compliance with the applicable provisions of the California Constitution and state law. The ordinance fixing a standby charge board of directors may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the agency 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 agency standby charges with the regular tax payments to the county. The board of directors shall certify to the county board of supervisors the charge or charges so fixed in accordance with the applicable procedures of the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property benefited thereby charged pursuant to this section. 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.~~

~~Notwithstanding any other provision, the water standby or availability charge for Improvement District "B" of the agency and the charge for any improvement district of the agency formed after January 1, 1986, shall not exceed thirty dollars (\$30) per year for each acre of land within the improvement district, or thirty dollars (\$30) per year for any parcel of less than one acre within the improvement district.~~

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

~~Sec. 51. The agency may issue negotiable promissory notes pursuant to this section, bearing interest at a rate not to exceed the rate specified in Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar agency purposes and for the acquisition of land for agency purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to one hundred thousand dollars (\$100,000), but shall not exceed the lesser of either five hundred thousand dollars (\$500,000) or 1 percent of the assessed valuation of the taxable property in the agency or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to subdivision 11 of Section 15 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.~~

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

~~Sec. 52.~~

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

For

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

The

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

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

(a)

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

(b)

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

(c)

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

~~The resolution of intention shall also state that~~

(4) That a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary agency and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

~~The resolution of intention shall also state:~~

(a)

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

(b)

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

Notice

(d) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing

in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. ~~Such notice~~ Notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

~~A~~

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

~~At~~

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

~~If~~

~~(g)~~ If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. ~~If such written protests are not made filed by the owners of one-half of the value of the property,~~ the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state all of the following:

~~(a)~~

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

~~(b)~~

~~(2)~~ The amount of the proposed debt.

~~(c)~~

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

~~(d)~~

~~(4)~~ That ~~such the~~ portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. of ~~Bighorn Mountains Bighorn-Desert View Water Agency~~²² Agency."

~~The~~

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

~~After~~

~~(i)~~ After the formation of the uninhabited improvement district pursuant to this law the board may, by resolution, at ~~such the~~ time or times ~~as that~~ it deems proper, issue bonds of the agency, pursuant to Section 31 of this law, ~~agency~~ for the whole or any part of the amount of the indebtedness authorized by the resolution of formation.

All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

~~Any~~

~~(j) Any action or proceeding in which contesting, questioning, or denying the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months, 30 days from the date of the resolution forming district, otherwise that district, or the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.~~

~~The~~

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

~~The~~

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

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

~~Sec. 53:~~

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

~~The~~

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

~~(a)~~

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

~~(b)~~

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

~~(c)~~

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

~~(d)~~

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

~~(e)~~

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

~~(f)~~

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

~~The~~

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

~~A~~

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

~~The~~

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

~~If~~

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

~~If~~

~~(g)~~ If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines for the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve ~~such~~ the annexation.

~~The~~

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

~~If~~

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

~~From~~

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

~~The~~

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

~~The~~

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

~~Any~~

~~(m)~~ Any action or proceeding ~~in which contesting, questioning, or denying the~~ validity of an annexation to an improvement district pursuant to this section ~~is contested;~~

~~questioned, or denied~~ shall be commenced within ~~three months~~ 30 days after the date of the resolution of the board approving the annexation of the territory to an ~~improvement district, otherwise, district,~~ or the annexation shall be held valid and in every respect legal and incontestable.

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

~~Sec. 53.1:~~

Sec. 32.5. Notwithstanding the provisions of Section ~~53 32~~, if the petition for annexation of land to an improvement district formed under Section ~~33 26~~ is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

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

~~Sec. 53.2:~~

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

Upon

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

(a)

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

(b)

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

(c)

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

~~The resolution of intention to exclude shall also state that~~

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

~~This map shall govern for all details as to the extent of the proposed exclusion:~~

~~The resolution of intention shall also state:~~

(a)

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

(b)

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

Notice

(c) ~~Notice~~ of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper printed and published in the agency. ~~Such This~~ notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

At

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

At

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

(a)

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

(b)

(2) That the exterior boundaries of the improvement district following ~~such the~~ exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of ~~said, then existing, the resulting~~ improvement district.

The

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

After

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

A

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

The

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

Any

~~(j) Any action or proceeding in which contesting, questioning, or denying the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months 30 days from the effective date of the resolution of exclusion; otherwise, exclusion, or the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.~~

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

~~Sec. 54.~~

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

~~As~~

(b) ~~As~~ used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section ~~52~~ 31.

(c) The resolution of intention shall state:

~~(a)~~

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

~~(b) If the improvement district was formed pursuant to Section 29 or Section 52 of this act, that~~

~~(2) That no bonds have bond, indebtedness, or liability has been issued or incurred for the improvement district or are that remains outstanding.~~

~~(c) If the improvement district was formed pursuant to Section 33 of this act, that no indebtedness or liability was incurred for the improvement district or is outstanding.~~

~~(d)~~

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

~~(e)~~

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

~~(f)~~

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

Notice

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

At

(e) At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency,

or in the improvement district, may appear and present any matters material to the proposed dissolution.

~~At~~

~~(f) At the conclusion of the hearing the board shall, by ordinance resolution, determine whether it is necessary to dissolve the improvement district. If so, the ordinance resolution shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance resolution shall be final and conclusive.~~

~~When~~

~~(g) When the ordinance resolution declaring an improvement district dissolved becomes effective, the dissolution of such the improvement district is complete.~~

~~The~~

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

~~Any~~

~~(i) Any action or proceeding in which contesting, questioning, or denying the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months 30 days from the effective date of the ordinance resolution dissolving the improvement district; otherwise, or the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.~~

~~After~~

~~(j) After a bond election has been held in an improvement district formed pursuant to Section 29 of this law and less than two-thirds of the votes cast in such the election were in favor of the measure, the board may within one year of the date of such that election, call and hold another election as provided in Sections 28 and 29 of this law for the purpose of resubmitting said the measure to the electors of said the improvement district. If said the measure is not so resubmitted said, the improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said the measure is resubmitted and fails to receive more than two-thirds of the votes cast in such the election in favor of said the measure said, the improvement district is dissolved following the canvass of the election returns.~~

Amendment 4

On page 1, strike out lines 1 and 2 and strike out page 2