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CALIFORNIA. DEPARTMENT OF WATER
RESOURCES.
BULLETIN.

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

EARL WARREN, Governor
C. H. PURCELL, Director of Public Works
EDWARD HYATT, State Engineer

BULLETIN No. 18-I

DIVISIONS 10 AND 11 OF WATER CODE

IRRIGATION DISTRICT LAWS

FINANCIAL SUPERVISION OF DISTRICTS
IRRIGATION DISTRICTS

1948

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DEPARTMENT OF PUBLIC WORKS
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IRRIGATION DISTRICTS

1948

EXPLANATORY STATEMENT

The Water Code was enacted by Chapter 368 of the Statutes of 1943, effective August 4, 1943, embracing Divisions 1 to 4, inclusive. Divisions 5, 6, 10 and 11 were added, effective the same date, by Chapters 369 to 372. As so enacted the purpose was the codification of existing law by restatement in concise form, clarification of ambiguous provisions and deletion of obsolete portions, without change in legal effect. Former acts so codified and restated, with few exceptions, have been repealed.

This pamphlet contains those portions of the Water Code consisting of General Provisions (Sections 1 to 24) and Divisions 10 and 11 pertaining to irrigation district laws, as amended to and including the 1948 Budget Session of the Legislature.

TABLE OF CONTENTS

	Sections
GENERAL PROVISIONS	1- 24
DIVISION 10. FINANCIAL SUPERVISION OF DISTRICTS	20000-20231
Chapter 1. Districts Securities Commission	20000-20108
Article 1. General Provisions	20000-20003
2. Administrative Provisions	20015-20033
3. Bond Approval	20040-20053
4. Bond Certification	20060-20065
5. Supervision of Districts	20080-20087
6. Certificates of Deposit	20100-20107
Chapter 2. County Waterworks Districts Securities Commission (Repealed)	20200-20231
DIVISION 11. IRRIGATION DISTRICTS	20500-27758
PART 1. INTRODUCTORY PROVISIONS	20500-20627
Chapter 1. Short Title	20500-20500
Chapter 2. Definitions	20510-20545
Chapter 3. General Provisions	20560-20571
Chapter 4. State Public Land	20590-20594
Chapter 5. Information by Department	20625-20627
PART 2. FORMATION	20700-20981
Chapter 1. *Petition for Formation*	20700-20742
Article 1. Petitioners and Land	20700-20702
2. Petition	20720-20724
3. Publication	20740-20742
Chapter 2. *Hearings on Formation*	20800-20850
Article 1. Preliminary Hearing	20800-20806
2. Reference to Department	20820-20824
3. Final Hearing	20840-20850
Chapter 3. *Election on Formation*	20890-20938
Article 1. Calling of Election	20890-20892
2. Conduct of Election	20910-20916
3. Contest of Election	20930-20938
Chapter 4. *Establishment of District*	20960-20963
Chapter 5. *Change of Name*	20980-20981
PART 3. INTERNAL ORGANIZATION	21100-21403
Chapter 1. *Officers*	21100-21196
Article 1. Qualification and Tenure	21100-21106
2. Consolidation and Segregation	21120-21122
3. Official Bonds	21140-21147
4. Compensation	21165-21167
5. Deputies	21185-21189
6. Misconduct	21195-21196
Chapter 2. *Selecting Officers in Certain Cases*	21265-21338
Article 1. Appointments to Fill Vacancies	21265-21267
2. Appointments in Default of Election	21285-21292
3. Appointments When Land Tax Deeded	21310-21317
4. Return to Elective Method	21335-21338
Chapter 3. *The Board*	21375-21385
Chapter 4. District Office	21400-21403

TABLE OF CONTENTS—Continued

DIVISION 11. IRRIGATION DISTRICTS—Continued — Sections

PART 4. ELECTIONS — 21550-21935

Chapter 1. *Divisions and Precincts* — 21550-21608
- Article 1. Divisions and Methods of Electing Directors — 21550-21560
- 2. Abolition and Reestablishment of Divisions — 21575-21588
- 3. Division and Precinct Boundaries — 21605-21608

Chapter 2. *General Elections* — 21650-21727
- Article 1. Preliminary Procedure and Nominations — 21650-21660
- 2. Conduct at Precincts — 21675-21691
- 3. Canvass — 21705-21713
- 4. Special Elections for Officers — 21725-21727

Chapter 3. *Recall Elections* — 21800-21853
- Article 1. Petition for Recall — 21800-21810
- 2. Calling and Conduct — 21825-21834
- 3. Effect of Recall — 21850-21853

Chapter 4. *Bond Elections* — 21925-21935

PART 5. POWERS AND PURPOSES — 22075-22961

Chapter 1. *Powers and Purposes Generally* — 22075-22146
- Article 1. Water — 22075-22077
- 2. Drainage — 22095-22099
- 3. Electric Power — 22115-22122
- 4. Airports and Aviation Schools — 22140-22146

Chapter 2. *Powers* — 22225-22338
- Article 1. Powers Generally — 22225-22232
- 2. Water Distribution — 22250-22263
- 3. Charges — 22280-22283
- 4. Bids — 22300-22309
- 5. Supervision by Department — 22335-22338

Chapter 3. *Property* — 22425-22561
- Article 1. Acquisition of Property — 22425-22437
- 2. Eminent Domain — 22455-22458
- 3. Power Lines on Public Property — 22475-22478
- 4. Disposition of Property — 22500-22503
- 5. Lease of Works — 22525-22530
- 6. Water Leases for Mechanical Purposes — 22550-22561

Chapter 4. *Controversies* — 22650-22754
- Article 1. Actions and Proceedings — 22650-22653
- 2. Validation of Bonds and Assessments — 22670-22684
- 3. Limitations — 22700-22701
- 4. Public Liability — 22725-22732
- 5. Settlement of Damages to Water Rights of State Land — 22750-22754

Chapter 5. *Provisions Pertaining Only to 500,000 Acre Districts* — 22825-22961
- Article 1. Introduction — 22825-22826
- 2. Internal Organization — 22840-22845
- 3. Flood Protection — 22875-22879
- 4. Power Distribution (Repealed) — 22900-22906
- 5. Assessments — 22950-22950
- 6. Miscellaneous Provisions — 22960-22961

PART 6. COOPERATION — 23100-23465

Chapter 1. *Joint Property* — 23100-23100

TABLE OF CONTENTS—Continued

DIVISION 11. IRRIGATION DISTRICTS—Continued — Sections

PART 6. COOPERATION—Continued

Chapter 2. *Cooperation with United States* — 23175-23302
- Article 1. General Provisions — 23175-23179
- 2. Contracts with United States — 23195-23204
- 3. Approval of Federal Contracts — 23220-23225
- 4. Federal Contract Assessments — 23240-23245
- 5. Construction of Works for United States — 23260-23264
- 6. Borrowing from United States — 23280-23289
- 7. County Water Districts as Irrigation Districts — 23300-23302

Chapter 3. *Cooperation with Other Districts* — 23375-23465
- Article 1. Cooperation with Districts in Other States — 23375-23383
- 2. Cooperation with County Water Districts — 23450-23465

PART 7. IMPROVEMENT DISTRICTS IN IRRIGATION DISTRICTS — 23600-24103

Chapter 1. *Formation* — 23600-23674
- Article 1. Petition for Formation — 23600-23606
- 2. Plans and Estimate of Assessment — 23625-23627
- 3. Hearing on Formation — 23645-23651
- 4. Formation and Assessment — 23665-23674

Chapter 2. *Alternative Procedure for Formation* — 23750-23776
- Article 1. Proposal by Board — 23750-23753
- 2. Hearing and Formation — 23770-23776

Chapter 2A. *Revenue Improvement Districts* — 23800-23810

Chapter 3. *Further Assessments and Inclusion* — 23850-23877
- Article 1. Supplemental Assessments — 23850-23851
- 2. Assessment for New Purposes — 23865-23865
- 3. Inclusion of Land — 23875-23879

Chapter 4. *Functioning of Improvement Districts* — 23950-24022
- Article 1. Improvement District Management — 23950-23955
- 2. Improvement District Warrants — 23975-23981
- 3. Advance Payment of Assessments — 24000-24004
- 4. Actions and Proceedings — 24020-24022

Chapter 5. *Dissolution of Improvement Districts* — 24100-24103

PART 8. FINANCIAL ORGANIZATION — 24250-24771

Chapter 1. *General Financial Provisions* — 24250-24275
- Article 1. Creation of Liabilities — 24250-24253
- 2. Settlements and Statements — 24270-24275

Chapter 2. *Deposits* — 24350-24393
- Article 1. Deposits Generally — 24350-24354
- 2. Deposits in County Treasury — 24370-24373
- 3. Special Accounts — 24390-24393

Chapter 3. *Funds* — 24475-24530
- Article 1. Funds Generally — 24475-24486
- 2. Payment and Purchase of Bonds — 24500-24507
- 3. Improvement District Funds — 24525-24530

Chapter 4. *Warrants* — 24600-24662
- Article 1. Payment of Claims — 24600-24604
- 2. Warrants Payable at Future Times — 24625-24634
- 3. Registration of Warrants — 24650-24662

Chapter 5. *Provisions Applicable to Bonds and Warrants* — 24735-24771
- Article 1. Surrender of Bonds and Warrants — 24735-24738
- 2. Modification of Bonds and Warrants — 24760-24771

PART 9. BONDS — 24950-25354

Chapter 1. *Construction Bonds* — 24950-24964

TABLE OF CONTENTS—Continued

DIVISION 11. IRRIGATION DISTRICTS—Continued — Sections

PART 9. BONDS—Continued

Chapter 2. *Refunding Bonds* — 25035-25119
- Article 1. General Refunding Provisions — 25035-25041
- 2. Refunding Bond Sinking Fund — 25060-25068
- 3. Authorized Refunding Modification — 25090-25092
- 4. Unauthorized Refunding Modification — 25110-25119

Chapter 3. *General Bond Provisions* — 25200-25354
- Article 1. Bond Terms — 25200-25219
- 2. Payment Solely from Revenue — 25240-25245
- 3. Allocation of Revenue to Bond Payment — 25260-25264
- 4. Allocation of Revenue to Reserve Fund — 25280-25280
- 5. Callable Bonds — 25300-25304
- 6. Bond Issuance — 25325-25336
- 7. Bond Cancellation — 25350-25354

PART 10. ASSESSMENTS — 25500-26553

Chapter 1. *Assessment* — 25500-25559
- Article 1. Assessment Book — 25500-25508
- 2. Land Escaping Assessment — 25525-25528
- 3. Equalization — 25550-25559

Chapter 2. *Levy* — 25650-25725
- Article 1. Amount of Assessments Generally — 25650-25656
- 2. Completion Assessments — 25670-25679
- 3. Particular Purpose Assessments — 25700-25705
- 4. Emergency Assessments — 25725-25725

Chapter 3. *Assessment Rate* — 25800-25835
- Article 1. Regular Rate — 25800-25808
- 2. Special Rate — 25825-25835

Chapter 4. *Collection* — 25925-26002
- Article 1. Collection Generally — 25925-25932
- 2. Installments — 25950-25953
- 3. Segregation Before Delinquency — 25975-25987
- 4. Modification and Refund of Assessments — 26000-26002

Chapter 5. *Delinquency* — 26075-26138
- Article 1. Dates and Penalties for Delinquency — 26075-26083
- 2. Publication of List of Delinquencies — 26100-26108
- 3. Assessment Sale — 26125-26138

Chapter 6. *Redemption and Its Termination* — 26225-26331
- Article 1. Redemption Generally — 26225-26232
- 2. Partial Redemption — 26250-26259
- 3. Deed on Termination of Redemption — 26275-26281
- 4. Effect of Deed — 26300-26307
- 5. Recordation of Deed to District — 26325-26331

Chapter 7. *Assessment and Collection by County* — 26500-26553
- Article 1. Assessment and Levy by County — 26500-26504
- 2. Collection by County — 26525-26529
- 3. Supervision by District Attorney and Attorney General — 26550-26553

PART 11. CHANGES IN ORGANIZATION — 26700-27758

Chapter 1. *Exclusion* — 26700-26804
- Article 1. Petition and Notice — 26700-26707
- 2. Hearing and Order — 26725-26734
- 3. Bondholders' Assent to Exclusion — 26750-26755
- 4. Liability of Excluded Land — 26775-26780
- 5. Exclusion of District-Owned Land — 26800-26804

TABLE OF CONTENTS—Continued

DIVISION 11. IRRIGATION DISTRICTS—Continued

PART 11. CHANGES IN ORGANIZATION—Continued — Sections

Chapter 2. *Inclusion* — 26875-26993
- Article 1. Petition and Notice — 26875-26885
- 2. Hearing and Order — 26900-26915
- 3. Inclusion Subject to Conditions — 26930-26948
- 4. Protest Against Inclusion — 26965-26970
- 5. Inclusion Elections — 26985-26993

Chapter 3. *Consolidation* — 27150-27233
- Article 1. Resolutions for Consolidation — 27150-27153
- 2. Reference to Department — 27175-27178
- 3. Consolidation Elections — 27200-27205
- 4. Consolidation Order and Its Effect — 27225-27233

Chapter 4. *Voluntary Dissolution* — 27400-27546
- Article 1. Petition for Dissolution — 27400-27405
- 2. Alternative Petition for Dissolution — 27420-27424
- 3. Dissolution Elections — 27440-27447
- 4. Court Proceedings Upon Dissolution — 27465-27473
- 5. Dissolution Contests — 27490-27495
- 6. Dissolution Decree — 27510-27519
- 7. Redemptiton and Its Termination Upon Dissolution — 27540-27546

Chapter 5. *Involuntary Dissolution* — 27700-27758
- Article 1. Commencement of Proceeding — 27700-27704
- 2. Reference to Department — 27725-27727
- 3. Procedure Upon Dissolution — 27750-27758

PART 12. REPEALS — 29975-29978

WATER CODE

An act to establish a Water Code, thereby consolidating and revising the law relating to water, including the use of water, the acquisition and regulation of water rights, the control and utilization of water, the distribution of water, the supervision of dams, the use of and rights in streams, wells, pumping plants, and conduits, the establishment and operation of public districts relating to water, and to repeal certain acts and parts of acts specified herein.

[Approved by Governor May 13, 1943. Filed with Secretary of State May 13, 1943]

In effect August 4, 1943

NOTE—The Water Code, as prepared by the California Code Commission, consisted of Chapter 368 and Chapters 369 to 372, inclusive, all as originally enacted in 1943. As revised to date the Water Code contains the provisions of these chapters and also all amendments to the code passed at the 1943 and subsequent sessions of the Legislature, namely:

Statutes of 1943, Chapters 230, 373, 374, 375, 376, 382, 423, 489, 531, 532, 648, 657, 674, 683, 684, 685, 686, 687, 693, 698, 916, 945 and 1054.

Statutes of 1945, Chapters 34, 118, 189, 227, 228, 233, 234, 235, 262, 301, 312, 321, 329, 831, 1157 and 1344.

Statutes of 1947, Chapters 26, 119, 187, 222, 282, 499, 511, 536, 653, 717, 718, 725, 745, 746, 749, 755, 784, 786, 816, 928, 933, 965, 1313, 1524 and 1528.

The chapters constituting the original code were in effect August 4, 1943. For approval, filing and effective dates of the amendatory chapters see the respective chapters in their numerical sequence.

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

GENERAL PROVISIONS

Title

1. This act shall be known as the Water Code.

Continuation of existing law

2. The provisions of this code, in so far as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations thereof, and not as new enactments.

Tenure

3. All persons who, at the time this code takes effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold them according to their former tenure.

Pending proceedings

4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.

Construction

5. Unless the provision or the context otherwise requires, these definitions, rules of construction, and general provisions shall govern the construction of this code.

Headings

6. Division, part, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

Delegation of powers

7. Whenever a power is granted to, or a duty is imposed upon, a public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person

authorized, pursuant to law, by the officer, unless this code expressly provides otherwise.

Writings

8. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, petition, or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Reference to statutes

9. Whenever reference is made to any portion of this code or of any other law of this State, the reference applies to all amendments and additions heretofore or hereafter made.

"Section"
"Subdivision"

10. "Section" means a section of this code unless some other statute is specifically mentioned. "Subdivision" means a subdivision of the section in which that term occurs unless some other section is expressly mentioned.

Tense

11. The present tense includes the past and future tenses, and the future, the present.

Gender

12. The masculine gender includes the feminine and the neuter.

Number

13. The singular number includes the plural, and the plural, the singular.

"County"

14. "County" includes city and county.

"Shall" and "may"

15. "Shall" is mandatory and "may" is permissive.

"Oath"

16. "Oath" includes affirmation.

"Signature" and "subscription"

17. "Signature" or "subscription" includes mark when the signer or subscriber can not write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

"State"

18. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories.

"Person"

19. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company.

"United States"

20. "United States" means the United States of America, and in relation to any particular matter includes the officers, agents, employees, agencies, or instrumentalities authorized to act in relation thereto.

Constitutionality

21. If any provision of this code, or the application thereof to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"Department"

22. "Department," unless otherwise specified, means the Department of Public Works.

"State Engineer"

23. "State Engineer" means the Chief of the Division of Water Resources in the Department of Public Works.

Miner's inch of water

24. The standard miner's inch of water is equivalent to one and one-half cubic feet of water per minute, measured through any aperture or orifice.

DIVISION 10. FINANCIAL SUPERVISION OF DISTRICTS

(Division 10 added by Stats. 1943, Ch. 371, as part of codification.)

CHAPTER 1. DISTRICTS SECURITIES COMMISSION

Article 1. General Provisions

20000. This chapter shall be known and may be cited as the Districts Securities Commission Law. Title

20001. As used in this chapter "commission" means the California Districts Securities Commission. "Commission"

20002. As used in this chapter except in Section 20003 "district" means both: "Districts"

(a) Every irrigation district.

(b) Every other district subject to this chapter pursuant to Section 20003 while so subject.

20003. Whenever the governing board of any water storage district, water conservation district, county water district, county water works district, public utility district, reclamation district, drainage district, or any district other than an irrigation district, the primary function of which is the irrigation, reclamation, or drainage of land, or the development of water for domestic use or the distribution thereof, or the generation of power or the distribution thereof, which district exists under the law of this State, declares by resolution that it deems it desirable that the bonds of the district should be certified pursuant to this chapter, the governing board of the district shall file a certified copy of the resolution with the commission. Then, and in that event, all of the provisions of this chapter apply to the district. Certification of bonds

If the bonds of the district are thereafter certified, then the district is subject to all of the provisions of this chapter so long as any of the bonds so certified remain outstanding. Effect of certification

(Amended by Stats. 1945, Ch. 321.)

Article 2. Administrative Provisions

20015. There is in the State Government the California Districts Securities Commission. California Districts Securities Commission

20016. The commission consists of the following five members: Composition of commission

(a) The Attorney General.

(b) The State Engineer.

(c) The Superintendent of Banks.

(d) Two other members appointed by the Governor.

20017. Each member appointed to the commission by the Governor shall at the time of his appointment have had at least five years actual experience in the affairs of an irrigation district in this State as an officer or employee. Qualification for appointment

20018. The term of office of each member appointed to the commission by the Governor shall be four years from the date of his appointment and until his successor is appointed. Term of office

Compensation: Exceptions

20019. Each member of the commission other than the Attorney General, the State Engineer, and the Superintendent of Banks shall be entitled to receive as compensation ten dollars ($10) for each day while on official business of the commission.

Necessary expenses

All members shall be entitled to receive their actual necessary expenses while on official business of the commission.

Duties

20020. The commission shall:

(a) Establish an office.

(b) Select one of its members as chairman.

(c) Appoint an executive secretary.

(d) Appoint any other employees it deems necessary to carry out its functions.

Employees' compensation

20021. The compensation of all employees of the commission shall be fixed by the commission in accordance with law.

Rules

20022. The commission shall adopt reasonable rules for the conduct of its affairs, which rules shall not conflict with law.

Time and place of meetings

20023. The commission shall by rule fix the time for its regular meetings, which shall be held at the office of the commission.

Power of examination

20024. The commission may examine the books and records of any district.

Annual report by districts

20025. Each district shall annually file with its secretary and in the office of the commission a report upon a form prescribed by the commission.

Compromising indebtedness of district

20026. Upon the written request of the governing board of any district, either before or after default in the payment of interest on or principal of its bonds, the commission may act for the district in negotiating with the holders of bonds or other evidences of indebtedness of the district for the purpose of compromising or adjusting the indebtedness.

Compensable services

20027. Any district requesting the commission to make an investigation or report authorized by this chapter shall pay to the commission for the purpose an amount agreed upon between the district and the commission.

Noncompensable services

The benefit of any services performed and any data obtained by any member of the commission or any other public official in pursuance of the requirements of any law other than this chapter shall be available for the use of the commission without charge to the district whose affairs are under investigation.

Contributions

20028. The commission may accept contributions from any source to pay the cost of making investigations or reports under the provisions of this chapter.

Powers: To pass on exchange of securities

20029. The commission has been and is authorized in the instance of any application for the issuance of securities in exchange for one or more bona fide outstanding securities, claims, or property interests or partly in exchange and partly for cash to approve the terms of the issuance and exchange and the fairness of the terms after a hearing upon the fairness of the terms at which all persons to whom it is proposed to issue securities in the exchange may appear.

Same: Modification of refunding plan

20030. The commission has been and is authorized to approve the terms of any modification of any refunding plan of any district or of the terms of the refunding bonds issued

thereunder and the fairness of all the terms after a hearing upon the fairness of the terms at which all persons interested, including all persons owning or holding any refunding bonds issued under the refunding plan, may appear.

Same: Provisions regarding hearing

20031. The commission has been and is authorized to fix the time and manner of giving notice and the place of hearing.

Transfer of powers and duties from another commission

20032. Whenever by any other law a duty, jurisdiction, or authority is conferred upon the California Bond Certification Commission, sometimes designated the State Irrigation District Bond Commission, the duty, jurisdiction, and authority are imposed upon the California Districts Securities Commission with the same effect as though the California Districts Securities Commission were named in the law instead of the California Bond Certification Commission.

Amendment and revocation of orders and reports

20033. The commission has been and is authorized, to amend or revoke any order or report other than a certification report upon 10 days notice upon any ground deemed by the commission to warrant amendment or revocation.

(Added by Stats. 1945, Ch. 312.)

Article 3. Bond Approval

Resolution regarding certification of bonds

20040. Whenever the governing board of any district by resolution declares that it deems it desirable that any of its bonds, whether contemplated, authorized but not issued, or outstanding, should be certified pursuant to this chapter, the board shall file a certified copy of the resolution with the commission.

Investigation and report on district

20041. The commission upon receipt of a certified copy of the resolution shall without delay make an investigation of the affairs of the district and report thereon in writing.

No previous approval: Extent of report

20042. If no bonds of the district have theretofore been approved for certification by the commission or any statutory predecessor of it, the report shall be made upon each detail that may in the opinion of the commission have any bearing upon the feasibility and economic soundness of the project.

Previous approval: Extent of report

20043. If bonds of the district have theretofore been approved for certification, the report shall be upon the feasibility of the specific project for which the bonds under consideration are desired or have been issued.

(Amended by Stats. 1943, Ch. 683.)

[ORIGINAL SECTION]

20043. If bonds of the district have theretofore been approved for certification, the report shall be upon the following points:

(a) The supply of water available for the project and the extent of the right of the district thereto.

(b) The nature of the soil as to fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation, and the probable need of drainage.

(c) The feasibility of the specific project for which the bonds under consideration are desired or have been used.

Data report must include

20044. In either case the commission shall set forth in the report all of the following:

(a) Its estimate of the reasonable value of the water, water rights, canals, reservoirs, reservoir sites, tanks, pipe lines, machinery, irrigation and power works, and other property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district.

(b) Its estimate of the reasonable value of the land within the district.

(c) If bonds authorized, whether issued or unissued, are entitled to certification, the numbers, date or dates of issue, and denominations of the bonds.

Restriction on approval for certification

20045. No bond issue of any district shall be approved for certification which together with any other outstanding bonds and bonds authorized but not issued of the district exceeds 60 per cent of the aggregate value of the property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district and the reasonable value of the land within the district.

Filing reports

20046. The written report of the commission shall be filed in the office of the State Controller, and a copy of the report shall be forwarded by the commission to the secretary of the district for which the investigation was made.

Entitled to certification

20047. If the commission finds as set out in the report that the project of a district is economically sound and feasible, the bonds of the district enumerated in the report filed with the State Controller are entitled to certification by the State Controller as provided in this chapter.

Supplementary report on unenumerated bonds

20048. If the commission is notified by the governing board of any district whose project has been found in a report of the commission to be economically sound and feasible, that the district has authorized bonds approved but not enumerated in the report, and the commission finds that the bonds are for any project approved in the report, the commission shall prepare and file with the State Controller a supplementary report giving the numbers, date or dates of issue, and denominations of the bonds. Upon the filing of the supplementary report with the State Controller, the bonds described in it shall be entitled to certification by him.

Approval of subsequent issues

20049. Subsequent issues of bonds may be approved for certification upon similar proceedings.

Restriction on further issues

20050. After any bonds of a district become entitled to certification by the State Controller, the district shall not issue bonds not entitled to certification as provided in this chapter.

Revocation of bond approval

20051. The commission is authorized, on not less than five days' notice to the district, to revoke any report validating bonds for certification by the State Controller prior to actual certification of the bonds described therein by the State Controller, whenever in the opinion of the commission such revocation is desirable.

(Added by Stats. 1945, Ch. 228.)

Same: Grounds

20052. The revocation of any certification report of the commission may be based upon any change in the economic or financial condition of the district which has occurred subsequent to

the date of the original report, or upon any other ground deemed by the commission to warrant the exercise of the power of revocation.

(Added by Stats. 1945, Ch. 228.)

Filing

20053. A copy of the order of revocation shall be forthwith filed with the State Controller and thereafter the State Controller shall not certify the bonds described therein unless and until a new report, based upon a new application by the district, shall be made by the commission.

(Added by Stats. 1945, Ch. 228.)

Article 4. Bond Certification

Duties of State Controller

20060. The State Controller shall provide for both:

(a) Filing and preserving each report of the commission made upon an application for approval of bonds for certification.

(b) Making and preserving a record of the bonds certified by him, including in the record all of the following:

(1) The date of certification.
(2) The name of the district.
(3) The number of each bond.
(4) Its par value.
(5) The date of its issue.
(6) The date of its maturity.

Certificate attached to bond

20061. Whenever any bond entitled to certification is presented to the State Controller, he shall certify it by attaching to it a certificate in substantially the following form:

Sacramento, Cal._____ (insert date), I, _____, Controller of the State of California, certify that the within bond, No._____ of issue No._____ of the_____ District, issued_____ (insert date), is a legal investment for all trust funds, for the funds of all insurance companies, banks, both commercial and savings, trust companies, the State school funds, and any funds which may be invested in county, municipal, or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, including deposit as security for public money, it being entitled to these privileges by virtue of an examination by the California Districts Securities Commission.

_____

Controller of State of California

Modification of certificate

20062. In case of a change in the Constitution or any laws of this State relating to the bonds of a district or any difference in them, the State Controller shall if necessary modify the certificate to conform to the facts.

Sufficiency of facsimile signature

20063. A facsimile of the Controller's signature, printed or otherwise, impressed upon the certificate is a sufficient signature if the imprint of the Controller's seal appears upon both the certificate and the bond over and through the signature.

Legal investments

20064. All bonds certified in accordance with this chapter are legal investments for all trust funds, for the funds of all insurance companies, banks both commercial and savings, trust companies, the State school funds, and any funds which may be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State.

Bonds as security

20065. Whenever bonds of cities, cities and counties, counties, school districts, or municipalities may by any law be used as security for the performance of any act, bonds certified under the limitations in this chapter may be so used.

Article 5. Supervision of Districts

Approval for sale of certified bonds

20080. Whenever the survey, examination, drawings and plans of a district, and the estimate of cost based thereon provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with a plan or schedule, no portion of the bonds so voted and certified shall be sold until after the written approval of the commission.

Approval of expenditures from proceeds

20081. Whenever the bonds of any district have been certified, no expenditure shall be made from the proceeds of the bonds nor shall any liability to be met from the proceeds be incurred until there has been filed with and approved by the commission a schedule of proposed expenditures of the proceeds setting forth to the satisfaction of the commission the plan proposed for carrying out the purposes for which the bonds were authorized or for any of the purposes the district may at the time of filing the schedule desire to commence to fulfill.

Limitation upon expenditures

20082. No expenditures from the proceeds of certified bonds shall be made by the treasurer, or any other person in custody of the proceeds, of a district for any purpose not specified in the approved schedule or for any approved purpose in excess of the amount allowed therefor in the approved schedule without the consent of the commission or the State Engineer on behalf of the commission. A certified copy of such approved schedule shall be filed with the treasurer, or person in custody of the proceeds, of the district before any expenditures from the proceeds of certified bonds may be made.

(Amended by Stats. 1945, Ch. 227.)

Inspection of work

20083. During the progress of any work to be paid from the proceeds of any ceritfied bond issue, the State Engineer on behalf of the commission shall make from time to time an inspection of the work and report thereon to the commission in order that the commission may be advised as to the progress of the work.

(Amended by Stats. 1945, Ch. 227.)

Deviation from plans

20084. The State Engineer on behalf of the commission is empowered to approve any deviation from the plans or expenditure schedules previously approved by the commission, if in his judgment such deviations are reasonable and proper.

(Added by Stats. 1945, Ch. 227.)

20085. Upon completion of the work to his satisfaction, the State Engineer shall make a written report to the commission to that effect submitting therein a schedule of the expenditures as actually made from the proceeds of the certified bond issue. Report of completion of work

(Added by Stats. 1945, Ch. 227.)

20086. Upon receipt of the report from the State Engineer upon the completed project advising that the work performed from the proceeds of certified bonds has been completed to his satisfaction, commission shall forthwith make a report to the district approving the expenditures made from the proceeds of the certified bonds. Approval of expenditures

(Added by Stats. 1945, Ch. 227.)

20087. If any moneys remain from the proceeds of any certified bond issue after all work contemplated under the issue has been completed and all payments therefor have been made, the amount of moneys remaining shall be immediately reported to the commission and these remaining moneys shall not be expended without commission approval. Remaining funds

(Added by Stats. 1945, Ch. 227.)

Article 6. Certificates of Deposit

20100. No person shall issue or cause to be issued any certificate of deposit for any security certified pursuant to this chapter until application in the form prescribed by the commission has been made for and a permit to issue the certificate of deposit has been secured from the commission. Application

20101. No certificate of deposit for certified securities of a district issued without the consent of the commission is valid or has any effect. Validity

20102. Upon the filing of an application the commission shall examine the application and other papers and documents filed therewith and may make a detailed examination, audit, and investigation of the applicant and its affairs. Examination, audit and investigation

20103. The commission shall issue to the applicant a permit authorizing it to issue or cause to be issued certificates of deposit in this State for certified district securities if it finds that all of the following are true: Permit

(a) The proposed plan of readjustment or compromise, the agreement under which the securities are to be deposited, and the certificates of deposit issued are not unfair or contrary to public policy. Conditions

(b) The certificates of deposit proposed to be issued and the methods to be used in issuing them and in soliciting the deposit of securities in exchange therefor will not work a fraud or injustice on the depositing security holders.

20104. The commission shall deny an application not meeting the requirements set forth in Section 20103 and refuse to issue a permit and so notify the applicant in writing of its decision. Denial

20105. The permit may specify the amounts and terms for and upon which the certificates of deposit may be issued. Terms of permit

Amendment, revocation, etc.

20106. The commission may from time to time amend or revoke any permit for a certificate of deposit issued by it or temporarily suspend the rights of the applicant under the permit.

Provisions not applicable

20107. The provisions of this article do not apply to certificates of deposit issued by the district that has issued the securities.

Chapter 2. County Water Works District Securities Commission

(Repealed by Stats. 1945, Ch. 321)

Article 1. (Repealed by Stats. 1945, Ch. 321)

20200. (Repealed by Stats. 1945, Ch. 321.)
20201. (Repealed by Stats. 1945, Ch. 321.)
20202. (Repealed by Stats. 1945, Ch. 321.)
20203. (Repealed by Stats. 1945, Ch. 321.)
20204. (Repealed by Stats. 1945, Ch. 321.)
20205. (Repealed by Stats. 1945, Ch. 321.)
20206. (Repealed by Stats. 1945, Ch. 321.)

Article 2. (Repealed by Stats. 1945, Ch. 321)

20225. (Repealed by Stats. 1945, Ch. 321.)
20226. (Repealed by Stats. 1945, Ch. 321.)
20227. (Repealed by Stats. 1945, Ch. 321.)
20228. (Repealed by Stats. 1945, Ch. 321.)
20229. (Repealed by Stats. 1945, Ch. 321.)
20230. (Repealed by Stats. 1945, Ch. 321.)
20231. (Repealed by Stats. 1945, Ch. 321.)

DIVISION 11. IRRIGATION DISTRICTS

(Division 11 added by Stats. 1943, Ch. 372, as part of codification.)

PART 1. INTRODUCTORY PROVISIONS

Chapter 1. Short Title

20500. This division shall be known and may be cited as the Irrigation District Law. Title

Chapter 2. Definitions

20510. Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this division. Governing provisions

20511. The definition of a word applies to any of its variants. Application of definition

20512. "Include" except when used in relation to the inclusion of land into a district does not necessarily exclude matters not enumerated. "Include"

20513. "District" means any irrigation district formed pursuant to any law of this State or to this division except the Palo Verde Irrigation District. "District"

20514. "Improvement district" means an improvement district formed pursuant to the Irrigation District Improvement Act or to this division. "Improvement district"

20515. "Commission" means the California Districts Securities Commission. "Commission"

20516. "Rules" include "regulations." "Rules"

20517. "Land" except in Article 4 of Chapter 1 of Part 5, Chapter 2A of Part 7, and Chapter 2 of Part 11 means land in the district or proposed district involved. "Land"

(Amended by Stats. 1947, Ch. 816.)

20518. "Principal county" means the county in which all the land is situated, or if the land is situated in more than one county, the county in which the greatest portion of the area of the land is situated. "Principal county"

20519. "Affected county" means any county in which land is situated. "Affected county"

20520. "Office county" means the county in which the office of a district is kept. "Office county"

20521. "Board" means the board of directors of a district. "Board"

20522. "President" means the president of the board. "President"

20523. "Secretary" means the secretary of the board. "Secretary"

20524. "Elective officers" irrespective of the method of selection in any particular instance are: "Elective officers"

(a) A director from each division except as otherwise provided in this division.

(b) An assessor.

(c) A collector.

(d) A treasurer.

20525. "General election" is the district election required to be held in each odd-numbered year. "General election"

"Bond election"

20526. "Bond election" means an election provided for in Chapter 4 of Part 4.

"Elector," "voter," and "precinct board"

20527. "Elector," "voter," and "precinct board" have respectively the same meaning as in the Elections Code, but an "elector" or "voter" shall also be a resident of the district or proposed district involved.

"Holder of title"

20528. "Holder of title" includes a holder of evidence of title and, also, a holder of land under a possessory right acquired by entry or purchase from the United States or the State of California.

"Property"

20529. "Property" except in Part 10 embraces all real and personal property, including water, water rights, works, franchises, concessions and rights.

"Works"

20530. "Works" includes dams, reservoirs, wells, conduits, pumps, power houses, power generating equipment, power lines, and their appurtenances.

"Conduits"

20531. "Conduits" include canals, laterals, ditches, flumes, pipes, and their appurtenances.

"Acquire"

20532. "Acquire" includes construct, purchase, lease, exchange, condemn, jointly acquire when joint acquisition is permitted, and contract to acquire.

"Dispose"

20533. "Dispose" includes lease, sell, contract to lease, contract to sell, and the making of any instrument necessary therefor.

"Operate"

20534. "Operate" includes use, maintain, and repair.

"Assessee"

20535. "Assessee" means the person to whom property is assessed.

"Assessment book"

20536. "Assessment book" includes any substantial record showing the information required to be kept in it, whether in the form of bound volumes or of cards arranged and kept to provide a record of the assessments.

"Completion assessment"

20537. "Completion assessment" means an assessment levied pursuant to Article 2 of Chapter 2 of Part 10.

"Particular purpose assessment"

20538. "Particular purpose assessment" means an assessment levied pursuant to Article 3 of Chapter 2 of Part 10.

"Emergency assessment"

20539. "Emergency assessment" means an assessment levied pursuant to Article 4 of Chapter 2 of Part 10.

"Limited assessments"

20540. "Limited assessments" means any or all of the following:

(a) Completion assessment.

(b) Particular purpose assessment.

(c) Emergency assessment.

"Charges"

20541. "Charges" includes tolls.

"Refund"

20542. "Refund" includes fund.

"Road"

20543. "Road" includes streets, highways, and alleys.

"Department" or "Department of Public Works"

20544. "Department" or "Department of Public Works" means the Department of Public Works acting through the State Engineer.

(Added by Stats. 1945, Ch. 831.)

State Engineer: Administrative responsibility

20545. The State Engineer shall be responsible to the Director of Public Works for the proper administration of this division.

(Added by Stats. 1945, Ch. 831.)

Chapter 3. General Provisions

20560. Districts, regardless of the date of formation, are subject to the provisions of this division. Districts subject to provisions

20561. Nothing in this division impairs the validity of any district formed prior to the effective date of this division, its rights, or obligations. Existing districts

20562. Whenever by this division a notice is required to be published for a designated number of weeks or once a week for a designated number of weeks, the notice need be published on only one day of each week and for only the same number of times as the number of weeks designated. Manner of publishing notice

20563. Whenever any act is required to be done or proceeding taken on the first Tuesday in any month, the act may be done or proceeding had upon the day of the month otherwise specified for the regular meeting of the board. Time acts may be performed

20564. Whenever an instrument provided for in this division is acknowledged or proved, it shall have the same effect as evidence as a conveyance of real property which has been acknowledged and in case of any petition under this division is evidence of the fact of place of residence of a petitioner as stated by him on the petition. Effect of acknowledgment

20565. Whenever an instrument is by this division required to be acknowledged, each signer shall acknowledge the instrument, or his signature shall be proved, in the manner provided by law before his signature shall be effective. Who shall acknowledge

20566. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court may sign any petition provided for in this division, when authorized by an order of court, which order may be made without notice. Petition by guardian, executive, etc.

20566.1. A district with respect to land owned by it may through its board sign any petition provided for in this division. Petitions in irrigation districts

(Added by Stats. 1947, Ch. 749.)

20567. If any land is assessed on any assessment book to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, the land has, for the purposes of any petition provided for in this division, but one owner in addition to any owner or owners whose true name or names may be purported to be given on the assessment book. Effect of assessment to unknown or fictitiously named owners

20568. The holder of title to an undivided interest in any land may sign any petition provided for in this division. Undivided interests shall be counted and valued as though they were separate interests. If the assessment book fails to indicate the extent of any undivided interest, the holders of title whose undivided interests in any land are not specifically defined have, for the purposes of this division, equal shares therein. Petition by owner of undivided interest

20569. The value of any land and the holders of title to the land are conclusively determined, for the purpose of any petition provided for in this division, by the district assessment book last equalized at the time of the presentation of the petition. Determination of value of land and holders of title

When no assessment book of the district has been equalized, the county assessment roll of the county in which the land is situated last equalized at the time of the presentation of the petition is conclusive evidence of the value and title.

However, for the purposes of a petition to form a district and so far as land outside a district is concerned for the purposes of a petition to form an improvement district under Chapter 2A of Part 7 the county assessment roll of the county in which the land is situated, last equalized at the time of the first publication of the petition is conclusive evidence of the value and title.

(Amended by Stats. 1947, Ch. 816.)

20570. (There is no section by this number.)

Assessments as charges for service

20571. Assessments of a district, for whatsoever purpose, levied on all assessable land at a like rate on the basis of the assessed valuation of the land are hereby declared to be charges for the services furnished by the district and not a capital investment of the landowners.

(Added by Stats. 1947, Ch. 187.)

Chapter 4. State Public Land

Limitation

20590. As used in this chapter "public land" is limited to land belonging to the State which is subject to entry or has been entered and for which no certificate of purchase has been issued.

Applicable provisions

20591. Public land is subject to all of the provisions of law relating to districts to the same extent and in the same manner as land in private ownership.

Service of notice on State Lands Commission

20592. When public land is affected, all notices required by this division shall promptly after issuance be served upon the State Lands Commission by mailing to its office a copy inclosed in a sealed envelope with postage prepaid.

Nonliability for assessments or charges

20593. Nothing in this chapter creates any obligation against the State to pay any assessments or charges.

Sale for delinquency

20594. No public land which was unentered at the time any assessment was levied against it by any district shall be sold for the delinquency of the assessment, but the assessment shall be and continue a lien upon the land, and no patent shall be issued therefor until the applicant presents a certificate from the collector stating that no unpaid assessments or charges are delinquent upon it.

Patent requirements

Chapter 5. Information by Department

To whom given

20625. The Department of Public Works shall give information so far as it may be practicable to persons contemplating the formation of districts.

Preliminary surveys and field investigations

20626. Whenever the department deems it in the public interest that preliminary surveys and field investigations of a proposed district project should be made at the expense of the State, the department shall make the surveys and field investigations.

20627. Pending the completion of the preliminary surveys and field investigations, the State Engineer may withhold from appropriation any unappropriated water likely to be needed by the district. Same: Withholding appropriation of unappropriated water

PART 2. FORMATION

Chapter 1. Petition for Formation

Article 1. Petitioners and Land

20700. A majority in number of the holders of title to land susceptible of irrigation from a common source and by the same system of works, including pumping from subsurface or other water, who are also the holders of title to a majority in value of the land may propose the formation of a district under the provisions of this division; or the formation of the district may be proposed by not less than 500 petitioners, each of whom is an elector residing in the proposed district or the holder of title to land therein and which petitioners include the holders of title to not less than 20 per cent in value of the land included within the proposed district. Formation petition

20701. The land proposed to be formed into a district need not consist of contiguous parcels. Contiguity not required

20702. "Land susceptible of irrigation" as used in Section 20700 of this code includes land used for residential or business purposes susceptible of receiving water for domestic or agriculture purposes and if land of that character constitutes a majority in area of the land in the proposed district the holders of title thereto or electors residing thereon shall be counted as qualified petitioners for the formation of the district. "Land susceptible of irrigation"

(Added by Stats. 1947, Ch. 499.)

NOTE—Stats. 1947, Ch. 499, effective June 3, 1947, also contained the following:

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1, Article IV of the Constitution of the State of California, and shall take effect immediately. Urgency

The following is a statement of facts constituting such necessity:

In certain areas in the State it is essential that facilities be provided and water developed to adequately supply pure domestic water needed to maintain the health, safety, and welfare of the people. In certain instances this can best be accomplished through the formation of an irrigation district. At present, only the owners of agricultural lands may petition the formation of an irrigation district and it is imperative that this act go into effect immediately in order that residential and domestic areas may form this type of district in time to meet their pressing needs for domestic water.

Article 2. Petition

20720. A petition for the formation of a district shall contain: Contents of petition

(a) Generally, a description of the land.

(b) Generally, the sources, which may be in the alternative, from which the land is proposed to be irrigated.

(c) The name of a person to whom notice of the final hearing on the petition may be sent.

(d) A prayer that the land described be formed into a district.

(e) Signatures of the petitioners.

Requests

20721. A petition for the formation of a district may request any of the following:

(a) Three divisions in the proposed district.

(b) Election of the directors of the proposed district by the district at large.

(c) Consolidation of any offices allowed to be consolidated.

Duplicate instruments

20722. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures.

Undertaking

20723. The petition shall be accompanied by a sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming the district, conditioned that the sureties shall pay all of the costs in case the formation is not effected.

Withdrawal of signatures

20724. Signatures to the petition may be withdrawn at any time before its publication is commenced, by filing a declaration, signed and acknowledged by the petitioner, with the board of supervisors of the principal county, stating that it is the intention of the petitioner to withdraw therefrom.

Article 3. Publication

Publication of petition and notice

20740. The petition and a notice of the time of the meeting at which it will be presented shall be published for at least two weeks before the time at which it is to be presented. Publication shall be in a newspaper of general circulation printed and published in the principal county and in a newspaper published in each other affected county. The notice shall be signed by the county clerk of the principal county.

Petition consisting of several separate instruments

20741. When the petition consists of a number of separate instruments, only one need be published, but the names attached to all of the instruments shall appear in the publication.

Validity of proceedings

20742. No defect in the form or contents of the published notice, title to it, or petition, nor failure to publish or error in publishing any signature to the petition shall vitiate the proceedings.

Chapter 2. Hearings on Formation

Article 1. Preliminary Hearing

Formation petition: Presentation

20800. The formation petition shall be presented to the board of supervisors of the principal county.

Same: When presented

20801. The petition shall be presented at a regular meeting of the board of supervisors.

20802. The board of supervisors shall hear all competent and relevant testimony offered in support of or in opposition to the sufficiency of the petition and the publication of the notice. Hearing

20803. The hearing may be adjourned from time to time, but not exceeding two weeks in all. Adjournment

20804. At the hearing the board of supervisors shall determine by resolution whether or not the petition and notice comply with Chapter 1 of this part. Compliance with Chapter 1

20805. If the board of supervisors determines that any of the requirements for the formation petition or notice were not complied with, the petition shall be dismissed without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures if additional signatures are necessary to comply with the requirements of Chapter 1 of this part. Noncompliance: Dismissal without prejudice

20806. If the board of supervisors determines that the requirements for the formation petition and notice have been complied with, the resolution so determining shall be known as the preliminary formation resolution. Compliance: Preliminary formation resolution

Article 2. Reference to Department

20820. On or before the day on which the petition is presented to the board of supervisors, a copy of the petition shall be filed in the office of the Department of Public Works. Filing copy of petition

20821. Upon the adoption of the preliminary formation resolution the board of supervisors shall send a copy of the resolution to the department. Filing copy of preliminary formation resolution

20822. Upon receiving a copy of the resolution, the department shall make such preliminary investigation as may be practicable to determine the feasibility of the proposed project. Preliminary investigation

20823. The department shall report in writing to the board of supervisors as soon as practicable, but at all events within 90 days from the date of the adoption of the preliminary formation resolution, except that upon receiving a written request from the department the board of supervisors may before the expiration of the 90 days grant to the department not more than 90 days additional time in which to make the report. Time limit for report

20824. If the department reports within the specified time that the supply of water available for the use of the proposed district or that may be acquired by any practicable means, including the condemnation of existing rights, is not sufficient or that the project is not feasible for any other reason, the hearing of the petition shall be continued for not more than two months and shall then be dismissed unless within the period of the continuance either: Reasons for continuing hearing

(a) The board of supervisors is petitioned in writing by three-fourths of the holders of title to land to grant the petition. Reasons for not dismissing petition

(b) The board of supervisors, if not so petitioned, modifies the project proposed in the petition to conform to the recommendations made by the department for the proposed district.

Article 3. Final Hearing

Time of final hearing

20840. The board of supervisors not later than its first regular meeting after the occurrence of any one of the following shall set a time for the final hearing of the formation petition:

(a) Receipt of a favorable report from the department.

(b) Modification of the project by the board to conform to the recommendations made by the department.

(c) Receipt of the requisite petition after an adverse report by the department.

(d) Expiration of the time allowed for the making of a report by the department when the report has not been received within the time allowed.

Restriction on time

20841. The time set for the final hearing shall not be less than one week from the meeting at which the time is set.

Notice

20842. Notice of the time of the final hearing shall be given either by:

(a) Registered mail to the person designated for that purpose in the petition.

(b) Publication for at least three days in one daily newspaper published in the principal county.

Effect of failure to give notice

20843. Failure to give notice of the final hearing shall not affect the validity of subsequent proceedings.

Adjournments

20844. On a final hearing the board of supervisors may adjourn from time to time, but at no time for a longer period than three days, until a determination of the matter is reached.

Determination of land included

20845. At the final hearing the board of supervisors shall determine the land to be formed into the proposed district:

Exclusions

(a) Land shall be excluded which will not in the judgment of the board of supervisors be benefited by the project.

(b) No land included by the petition in the proposed district or in the modified project as the case may be which is susceptible of irrigation from any of the proposed, or if modified, the modified sources shall be excluded unless the owner consents to the exclusion.

(c) Riparian land and land already subject to irrigation may be included if in the judgment of the board of supervisors, it will either be benefited or the rights to the water used on it should be acquired by the proposed district.

(d) Land not included in the original formation petition, susceptible of irrigation from any of the proposed sources, may in the discretion of the board of supervisors be included on application by its owner.

Newly discovered evidence

20846. At the final hearing no evidence shall be heard against the genuineness or sufficiency of the petition or notice unless it is shown to the satisfaction of the board of supervisors that new evidence which if uncontradicted would disprove the genuineness or sufficiency of the petition or notice

has been discovered since the board adopted the preliminary formation resolution. In case any new evidence is admitted, full opportunity shall be given for the introduction of evidence in rebuttal. Rebuttal

20847. At the conclusion of the final hearing on the petition the board of supervisors shall make an order containing all of the following: Order

(a) Reaffirmance, when it is consistent with its conclusions, of the sufficiency of the petition and of the notice of the preliminary hearing. Contents

(b) Recital that a report on the proposed district has been made by the department if it was in fact made, and if that be so, that it is on file in the records of the board.

(c) Description of the land as determined by the board.

(d) Name for the proposed district, which shall contain "Irrigation District."

20848. The order on final hearing shall also contain all of the following: Additional contents

(a) Division of the district into the following number of divisions, which shall be as nearly equal in size as may be practicable:

(1) Five divisions unless otherwise requested, numbered from one to five respectively.

(2) Three divisions when requested in the petition, numbered from one to three respectively.

(b) Statement, when requested in the petition, that the directors of the proposed district are to be elected at large.

(c) Statement, when and as requested in the petition, of the consolidated district offices.

20849. The order on final hearing shall be entered in full upon the minutes of the board of supervisors. Entry on minutes

20850. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be conclusive against all persons except the State upon suit by the Attorney General commenced within one year after the order of the board of supervisors declaring the district formed. Finding conclusive Exception

Chapter 3. Election on Formation

Article 1. Calling of Election

20890. Upon making the order on final hearing of the formation petition, the board of supervisors shall call and give notice of a formation election to be held in the proposed district for the purpose of determining whether or not it shall be formed and electing persons to fill the offices of the proposed district if it is formed. Purposes

20891. The notice of the formation election shall contain: Contents of notice

(a) Date and hours of election.

(b) Place of polls in each precinct.

(c) Description of the land.

(d) Name of the proposed district.

(e) Offices for which candidates shall be elected at the election.

Publication

20892. Notice of the formation election shall be published once a week for three weeks previous to the election, in a newspaper published in each affected county.

Article 2. Conduct of Election

Establishment of election precincts

20910. For the purposes of the formation election the board of supervisors shall establish a convenient number of election precincts in the proposed district and define their boundaries.

Election procedure, etc.

20911. The precinct board for the formation election shall be appointed, candidates for the offices of the proposed district shall be nominated, ballots and other supplies shall be provided and the election shall be conducted as nearly as practicable in accordance with the provisions concerning general elections except as to:

(a) Notice of the election.

(b) Nominating petitions, which may be filed with the clerk of the board of supervisors not less than 15 days before the election.

(c) Other inconsistent provisions in this chapter.

(Amended by Stats. 1947, Ch. 933.)

Substitution of powers

20912. The board of supervisors shall act in place of the board, and the clerk of the board of supervisors shall act in place of the secretary.

Officers to be elected

20913. At the formation election the elective officers of the district shall be elected, but only one person shall be elected to fill the offices consolidated, if any.

Form of proposition on ballot

20914. On the ballots provided for the formation election shall be printed a proposition substantially as follows: "Shall the proposed_____Irrigation District be formed?" followed by the words "Yes" and "No" with inclosed voting spaces thereafter.

Canvass of votes

20915. The board of supervisors shall meet on the second Monday following the formation election to canvass the votes cast, and only if upon the canvass it appears that a majority of all the votes cast at the formation election are "Irrigation District—Yes" shall the board canvass the votes for the candidates for the district offices and declare the persons receiving respectively the highest number of votes to be elected.

Substantial compliance

20916. No informalities in the conduct of the formation election or in any related matters shall invalidate the election or the result if notice was given substantially as provided and the election was fairly conducted.

Article 3. Contest of Election

Election contests

20930. The formation election may be contested by any person owning property liable to assessment within the proposed district.

20931. No contest shall be brought more than 20 days after the canvass of the vote of the election by the board of supervisors. Time limit

20932. The directors elected at the formation election shall be parties defendant in an election contest. Parties defendant

20933. The election contest shall be brought in the superior court of the county where the formation proceedings were had. Jurisdiction of court

20934. If more than one contest is pending, they shall be consolidated and tried together. Consolidation of pending contests

20935. The court shall speedily try the election contest. Speedy trial

20936. The determination of the election contest shall be based on whether or not the election was conducted fairly and in substantial compliance with the requirements of this chapter. Judgment shall be entered accordingly. Basis of determination

20937. An appeal may be taken by any party to an election contest within 30 days from entry of judgment. Appeal

20938. The appeal shall be heard and determined within 60 days from the time of filing the notice of appeal. Same: Hearing and determination

Chapter 4. Establishment of District

20960. If upon the canvass of the formation election it appears that a majority of all the votes cast are "Irrigation District—Yes," the board of supervisors shall by an order entered on its minutes declare the territory formed as a district under the name designated for it. Majority vote Order

20961. The board of supervisors shall immediately file for record in the office of the county recorder of each affected county a certified copy of the order declaring the district formed and shall also immediately forward a copy to the clerk of the board of supervisors of each affected county. Filing copies of order

20962. From the filing for record of the order declaring the district formed the formation of the district is complete. Formation completed

20963. The board of supervisors of any county in which any land embraced in a district is situated shall not after its formation allow another district to be formed including any portion of the same land without the consent of the board of the district in which the land is situated. Prohibition

Chapter 5. Change of Name

20980. Whenever any district has been formed under the same name as that of another district previously formed, the board of the last formed district shall by a resolution spread on its minutes change the name of the district. Change by last formed district

20981. Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder in each affected county and sent to the State Engineer and to the commission. Recording resolution

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. OFFICERS

Article 1. Qualification and Tenure

Directors

21100. Each director shall, except as otherwise provided in this division, be a voter and a freeholder of the district and a resident of the division which he represents.

Elective officers

21101. Elective officers, irrespective of the method of their selection, take office as soon as they qualify, except that officers elected at a general election take office at noon on the regular monthly meeting day of the board in March next following their election.

Same: Taking and filing official oath

21102. Within 20 days after receiving his certificate of election, or being appointed, each elective officer shall take and subscribe the official oath and file it in the office of the district and execute the bond required of him.

Staggered tenure of directors

21103. The directors elected at the formation election shall at their first meeting classify themselves by lot into two classes as nearly equal in number as possible. The term of office of the class having the lesser number shall expire at noon on the regular monthly meeting day of the board in March of the first odd-numbered year thereafter. The term of office of the class having the greater number shall expire at noon on the regular monthly meeting day of the board in March of the second odd-numbered year after the year in which the first meeting was held.

Tenure of elective officers

21104. The term of office of each elective officer subsequent to the officers elected at the formation election is four years.

Assessor, collector and treasurer

21105. The terms of office of the assessor, collector, and treasurer elected at the formation election expire at the same time as the terms of the original directors of the class having the greater number.

Continuation in office

21106. Each elective officer shall hold office until his successor qualifies.

Article 2. Consolidation and Segregation

Consolidation

21120. A board may consolidate any two or more of the offices of assessor, collector, and treasurer.

Order of consolidation

21121. The order of consolidation shall be made at least 30 days prior to a general election and shall take effect at the next succeeding election.

Segregation of consolidated offices

21122. A board may at least 30 days before a general election segregate consolidated offices, and each office so segregated shall be filled at the election.

Article 3. Official Bonds

Directors' bonds

21140. Each director shall execute a bond in the sum of five thousand dollars ($5,000).

21141. When not otherwise provided by the board the bonds to be given by the following officers shall be in the following sums: Officers' bonds

(a) Assessor: Five thousand dollars ($5,000).

(b) Collector: Twenty thousand dollars ($20,000).

(c) Treasurer: One hundred thousand dollars ($100,000).

21142. The board may fix the bonds to be given by the following officers and persons to suit the conditions of the district within the following sums: Other officers and persons

(a) Treasurer: Five thousand dollars ($5,000) to one hundred thousand dollars ($100,000).

(b) Collector: Five thousand dollars ($5,000) to twenty thousand dollars ($20,000).

(c) Secretary: Any sum.

(d) Custodian of a special fund: Any sum.

21143. All bonds shall be in the form prescribed for the official bonds of county officers, and the premiums may be paid by the district. Form and premiums

21144. Bonds of directors shall be approved by a judge of the superior court of the county where the district's formation was effected, recorded in the office of the county recorder of the same county, and filed with the secretary. Approval and recordation of directors' bonds

21145. All bonds other than bonds of directors shall be approved by the board. Approval of other bonds

21146. Each officer herein named shall be liable upon his bond for his wilful violation of any express duty. Liability

21147. If any district is appointed fiscal agent of or by the United States in connection with any Federal reclamation project, each officer shall execute an additional bond, in the sum required by the Secretary of the Interior, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties under the appointment; and the bond may be sued upon by the United States or any person injured by the failure of the officer or the district to perform promptly and completely his or its respective duties. Additional bond to United States

Article 4. Compensation

21165. The board shall fix the compensation to be paid to all officers. Fixing compensation

21166. A director for sitting on the board or acting under its orders shall receive not exceeding: Directors of irrigation districts: Compensation

(a) Twelve dollars ($12) per day except in districts containing over 500,000 acres.

(b) Ten cents ($0.10) per mile for each mile actually traveled between his place of residence and the district office.

(c) Actual and necessary expenses when acting under the orders of the board.

(Amended by Stats. 1947, Ch. 928.)

21167. The board shall upon the petition of 50 or more freeholders within the district, submit to the voters at any general election a schedule of salaries and fees to be paid to officers. The petition shall be presented to the board not less Submission of salary schedule to voters

than 20 nor more than 40 days prior to a general election. The result of the election shall be determined and declared in all respects as general elections are determined and declared.

Article 5. Deputies

Duties of board

21185. The board shall:

(a) Employ agents, officers, and employees as required.

(b) Prescribe their duties and fix their salaries.

Further duties

21186. The board shall:

(a) Approve and reject as to number deputies of elective and appointive officers.

(b) Remove any deputies for good cause or for lack of work or funds.

(c) Fix and alter the salaries of all deputies.

Treasurer's and collector's deputies

21187. The treasurer and collector may appoint as many deputies within the number allowed by the board as may be necessary for the discharge of the duties of their offices, the deputies to hold office at the pleasure of the appointing officer and subject to the powers of the board. Appointments shall be in writing and filed in the office of the district. These deputies shall take and file an oath in the manner required of their principals before assuming the duties of office.

Assessor's deputies

21188. The board shall allow the assessor as many deputies, to be appointed by him, as will in the judgment of the board enable him to complete the assessment between the first Monday in March and the first Monday in August each year.

Compensation

The compensation fixed by the board shall not exceed five dollars ($5.00) per day for each deputy for the time actually engaged, nor shall any allowance be made but for work performed between the first Monday in March and the first Monday in August.

Group annuities

21189. The board may adopt and carry into effect a system of group annuities for the benefit of such of its officers and employees who accept the same and who have authorized the board to make deductions from their compensation for the payment of a portion of the premiums thereon. The board may make such deductions, and may pay the remainder of such premiums from any funds of the district not required to be devoted to a specific purpose. The board may pay such portion of the premiums thereon or attributable thereto as it determines to be advisable. The board may arrange or contract for such group annuities with any public agency or any insurance company or agent authorized by or pursuant to law to transact such business within this State. Nothing in this section shall be construed to limit the provisions of Chapter 250, Statutes of 1939, or of Section 1157 of the Government Code insofar as such provisions apply to districts and officers and employees thereof.

(Added by Stats. 1947, Ch. 26.)

NOTE—Stats. 1947, Ch. 26, effective February 6, 1947, also contained the following:

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within

the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Certain irrigation districts have recently acquired the properties and taken over the personnel of privately owned utilities which had maintained annuity plans for their employees. The inability of these districts to continue these annuity plans for lack of legal authority has resulted in great dissatisfaction among the employees affected. This dissatisfaction has resulted in threats to quit work which if carried out might result in the disruption of certain utility services and a consequent deprivation of large numbers of the people of services essential to their well-being, convenience, and health. In order to avoid such danger it is necessary that this act take immediate effect.

Article 6. Misconduct

Personal interest in official contracts

21195. No officer named in this division shall in any manner be interested in any contract awarded or to be awarded by the board or in the profits to be derived therefrom. For any violation the officer is guilty of a misdemeanor. Conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months or both.

Penalties for violation

Violation of express duty

21196. For any wilful violation of any express duty herein provided for by any officer herein named he shall be subject to removal from office by proceedings brought in the superior court of the office county by any assessment payer of the district.

Chapter 2. Selecting Officers in Certain Cases

Article 1. Appointments to Fill Vacancies

Vacancy: Office of director

21265. The board of supervisors of the office county shall fill by appointment vacancies in the offices of directors.

Assessor, collector, and treasurer

21266. A board shall fill by appointment vacancies in the offices of assessor, collector, and treasurer. If the board fails to make an appointment within 40 days, the board of supervisors of the office county shall make the appointment.

Term of appointment

21267. An appointment to fill a vacancy pursuant to this article shall be for the unexpired term of the office in which the vacancy exists.

Article 2. Appointments in Default of Election

Appointment in district with small population

21285. A petition containing all of the following may be presented to the board of supervisors of the principal county:

(a) A showing that not more than twenty-five owners of land are residents and electors in the district.

(b) A showing that no general election was held on the last date on which it should have been held and that no special election was held in its place.

(c) Verification of the showings.

(d) Prayer that the board of supervisors appoint directors.

(e) Signatures of the owners of more than one-half of the land.

(Amended by Stats. 1943, Ch. 945.)

[ORIGINAL SECTION]

21285. A petition containing all of the following may be presented to the board of supervisors of the principal county:

(a) A showing that not more than five owners of land are residents and electors in the district.

(b) A showing that no general election was held on the last date on which it should have been held and that no special election was held in its place.

(c) Verification of the showings.

(d) Prayer that the board of supervisors appoint directors.

(e) Signatures of the owners of more than one-half of the land.

Date of hearing and notice by publication

21286. The board of supervisors shall set a date for the hearing of the petition and shall give notice of the hearing by publication in at least two issues of a newspaper published in the principal county.

Date limitations

21287. The date of the hearing shall be not less than 10 nor more than 30 days from the presentation of the petition.

Establishment of facts by resolution

21288. At the hearing, if the facts alleged in the petition are established to the satisfaction of the board of supervisors, it shall so find by resolution.

Appointment of directors

21289. Upon the adoption of the resolution the board of supervisors shall appoint for the district three directors, each of whom shall be an owner of land within the district but need not be a resident of the district.

Tenure

21290. The directors so appointed shall take office as soon as they qualify and shall hold office for a period of four years and thereafter until their successors are elected or appointed and qualify.

21291. The directors so appointed shall constitute the board of the district. Directors constitute board

21292. Upon its organization as a board the board so constituted shall fill by appointment the offices of treasurer, collector, and assessor, and none of the persons so appointed need be residents or landowners within the district. Treasurer, collector and assessor

Article 3. Appointments When Land Tax Deeded

21310. The commission may file a report with the board of supervisors of a principal county informing the board that: Appointments: When land tax deeded

(a) Not less than 90 per cent of the land in the district is deeded for delinquent taxes or assessments to either the State or the district or both.

(b) No election of directors of the district has been held for a period of more than four years next preceding the filing of the report.

(c) In the opinion of the commission the interests of the public will best be served by the appointment of directors pursuant to this article.

21311. Upon receipt of the report the board of supervisors shall set a date for a hearing on the report and shall promptly give notice by publication in at least two issues of a newspaper published in the principal county of the time and place at which the hearing will be held. Date of hearing and notice by publication

21312. The date of the hearing shall be not less than 10 nor more than 30 days from the first publication of the notice. Date limitations

21313. If at the hearing it appears to the satisfaction of the board of supervisors that not less than 90 per cent of the land is deeded for delinquent taxes or assessments to either the State or the district or both and that no election of directors has been held for more than four years next preceding, the board of supervisors may appoint for the district three directors. Appointment of directors

21314. The directors so appointed need not be residents or landowners in the district, but each shall be a resident landowner of a county supervisorial district in which all or a portion of the land in the district is situated. Directors' qualifications

21315. The directors so appointed shall take office as soon as they qualify and shall hold office for a period of four years and thereafter until their successors are elected or appointed and qualify. Tenure

21316. The directors so appointed shall constitute the board of the district. Directors constitute board

21317. Upon its organization as a board the board so constituted shall fill by appointment the offices of treasurer, collector, and assessor, and none of the persons so appointed need be residents or landowners within the district. Treasurer, collector, and assessor

Article 4. Return to Elective Method

21335. Not more than 60 nor less than 30 days before the first Wednesday in February of any odd numbered year a majority of the electors in a district then having directors Petition for election

appointed pursuant to Articles 2 or 3 of this chapter may petition the board of the district that an election be held.

Facts to be shown

21336. The petition shall show all of the following:

(a) There are persons who could qualify under Section 21100 as directors representing each division in the district.

(b) There are more than twenty-five owners of land in the district who are residents and electors thereof.

(c) There are sufficient electors in the district to conduct an election.

(Amended by Stats. 1943, Ch. 945.)

[ORIGINAL SECTION]

21336. The petition shall show all of the following:

(a) There are persons who could qualify under Section 21100 as directors representing each division in the district.

(b) There are more than five owners of land in the district who are residents and electors thereof.

(c) There are sufficient electors in the district to conduct an election.

Order for general election

21337. If the board finds the facts alleged in the petition are true, it shall order that a general election be held, at which election a director for each division and all other elective officers shall be elected.

Staggered tenure of directors

21338. The directors elected shall at their first meeting classify themselves into two groups in the same manner and with the same effect as is provided as to directors elected at a formation election.

Chapter 3. The Board

Organization meetings

21375. On the first Tuesday after the original directors qualify and on the day on which the board holds its regular monthly meeting in March of each year in which a general election is held the directors shall meet and organize as a board and may transact any other business of the district.

Election and appointment of officers

21376. At its organization meeting the board shall elect a president from its members and appoint a secretary, who shall each hold office during the pleasure of the board.

Time and place of regular meetings

21377. The board shall hold a regular meeting on the first Tuesday of each month at the district office.

Same: Change by resolution

21378. The board, however, may by resolution entered upon its minutes fix any day of the month for its regular monthly meeting. The change shall not be effective until the resolution proposing it has been published once a week for two successive weeks in a newspaper published in the office county.

Special meetings

21379. Special meetings of the board may be held when required for the proper transaction of the business of the district and shall be ordered by a majority of the directors.

Same: Order and notice

21380. The order for a special meeting shall be entered of record, and the secretary shall give five days' notice of the order to each director not joining in the order.

Limitation on purpose

21381. The order for a special meeting shall specify the business to be transacted, and no other business shall be transacted at the special meeting unless all the members of the board are present and consent.

21382. All meetings of the board shall be public. Public meetings

21383. The number of directors required to constitute a quorum of the board and to concur on all questions except a motion to adjourn or a motion to adjourn to a stated time is three except in districts where there are only three offices of director, in which case the required number is two. Quorum

21384. A smaller number of directors than a quorum may adjourn from day to day. Daily adjournments

21385. The board except as otherwise specifically provided has the power and it shall be its duty to manage and conduct the business and affairs of the district. Power of board

Chapter 4. District Office

21400. The office of each district shall be established and kept at a fixed place, determined by its board, which place need not be within the district. Place of office

21401. The board shall fix the time during which the office of the district shall be open to the public. Time open to public

21402. All records of the district shall be open to public inspection during the hours when the office of the district is open to the public. Records open to public inspection

21403. The board shall adopt a seal for the district. Seal

PART 4. ELECTIONS

CHAPTER 1. DIVISIONS AND PRECINCTS

Article 1. Divisions and Methods of Electing Directors

Number of divisions

21550. Each district shall contain five divisions unless otherwise provided by the more recent of:

(a) The order on final hearing on the formation petition.

(b) An order made pursuant to this article.

(c) An order made pursuant to Article 2 of this chapter.

When directors elected by divisions

21551. Directors shall be elected by the division each represents unless otherwise provided by the more recent of:

(a) The order on final hearing on the formation petition.

(b) An order made pursuant to this article.

(c) An order made pursuant to Article 2 of this chapter.

Changes in number and methods

21552. As provided in this article the number of divisions may be changed to three or five or the method of electing directors may be changed to election by the district at large or by divisions, or both changes may be made simultaneously.

Changes by petition

21553. The board shall order a change in the number of divisions or the method of electing directors or both if a petition therefor, signed by a majority of the holders of title to all of the land who are also the holders of title to a majority in value of the land, is filed in the district office at least 70 days before a general election.

Submission of proposal for change at general election

21554. The board shall submit at a general election a proposal for a change in the number of divisions or the method of electing directors or both when either:

(a) At least 70 days before the election a petition for the submission of a proposal therefor set forth in the petition, signed by at least 500 holders of title to land who are also the holders of title to at least 20 per cent in value of all of the land, is filed in the district office.

(b) At least 50 days before the election the board adopts a resolution for the submission of a proposal therefor set forth in the resolution.

Statement in notice of election

21555. In submitting a proposal at an election the notice of election shall contain a statement of the change or changes proposed.

Method of voting

21556. Each proposal shall be stated on the ballot, and the method of voting on it shall be as nearly as practicable in conformity with the provisions relating to bond elections.

Majority approval of change

21557. If a proposal receives the approval of a majority of the voters voting on it in the district and also of a majority of the voters voting on it in each of a majority of the divisions, the board shall order the change or changes in accordance with the proposal.

Change in method of electing directors

21558. If an order made pursuant to this article changes the method of electing directors, all directors thereafter elected in the district shall be elected as provided in the order.

Change in number of divisions

21559. If an order made pursuant to this article changes the number of divisions, the board shall forthwith redivide the district into the number of divisions specified in the order.

21560. If an order made pursuant to this article changes the number of divisions, the terms of office of all directors shall expire on the regular meeting day of the board in March following the next general election after the order, and the directors elected at that election shall be equal in number to the number of divisions as changed and these directors shall at their first meeting classify themselves and determine the length of their respective terms in the manner provided as to directors elected at a formation election.

Same: Number of new directors; staggered terms

Article 2. Abolition and Reestablishment of Divisions

21575. Any district having less than 2,500 acres within its boundaries, having less than 25 electors residing within it, and having only three divisions may abolish the divisions in it pursuant to this article.

Abolition of divisions

21576. The board of the district may petition the board of supervisors of the principal county for an order by the board of supervisors abolishing the divisions in the district.

Petition to abolish

21577. The board of supervisors shall thereupon find whether or not there are less than 2,500 acres in the district, less than 25 electors residing in it, and only three divisions in it.

Existence of conditions

21578. If the board of supervisors finds as to all of such matters in the affirmative, it may order that there shall be no divisions in the district.

Affirmative findings: Divisions abolished

21579. Upon the making of the order, there shall be no divisions in the district, the directors of the district need only be voters and freeholders in the district, and the directors of the district shall be elected, and appointed to fill vacancies, at large from the whole district.

Election and appointment of directors

21580. From the adoption of the order the district shall have three directors, and the offices of the directors shall have the numbers formerly identifying the division represented by each director, or if none, last incumbent director, and candidates for election for director shall be nominated and elected for a particular office.

Number of directors

21581. The making of the order does not change any term of office.

No change in term

21582. At least 60 days before any general election a majority of the electors in the district having no divisions may file in the district office a petition signed by them requesting the board to establish divisions.

Petition to establish divisions

21583. The petition shall contain a showing that it is expedient to divide the district into three divisions as nearly equal in area and population as may be practicable and to elect the directors of the district therefrom.

Showing required

21584. The board may independently investigate whether or not the facts are consistent with the showing made in the petition and shall hear any evidence produced to sustain or disprove the showing.

Investigation by board

Period for determining petition

21585. Within 30 days after the filing of the petition the board shall find whether or not it is expedient to divide the district into three divisions as nearly equal in area and population as may be practicable and to elect the directors of the district therefrom.

Affirmative finding: Order

21586. If the board finds in the affirmative, it shall forthwith order the establishment of divisions in the district and divide the district into three divisions as nearly equal in area and population as may be practicable.

Election of directors

21587. At the general election next following the making of the order directors shall be elected at large in the district, one director to represent each division.

Staggered terms of office

21588. The directors so elected shall at their first meeting classify themselves into two groups in the same manner and with the same effect as provided as to directors elected at a formation election, except that the classification shall not affect the term of any offices other than those held by the directors.

Article 3. Division and Precinct Boundaries

Changes

21605. When it deems it advisable for the best interests of the district and the convenience of its voters, the board may, not less than 60 days before an election, change the boundaries of the divisions or election precincts or both. The changes shall be made to keep the divisions as nearly equal in area and population as may be practicable. The changes shall be shown on the minutes of the board.

Reestablishment of boundaries and precincts

21606. When land is excluded from a district after its formation, if the board deems it desirable, but not less than 30 days before any election in the district, it may re-establish the boundaries of the divisions and election precincts within the district.

Inclusion of after-acquired land

21607. When land is included within a district after its formation, its board shall, not less than 30 days before any election in the district, re-establish the boundaries of the divisions and election precincts within the district so as to include the included land therein and so as to make the divisions as nearly equal in size and population as may be practicable.

Limitation on voting

21608. When land is included within a district after its formation and less than 30 days before an election, the voters in the area included shall not be entitled to vote at the election.

Chapter 2. General Elections

Article 1. Preliminary Procedure and Nominations

General elections

21650. A general election shall be held in each district on the first Wednesday in February in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire in the following March.

Consolidated offices

21651. If any offices have been consolidated, only one person shall be elected to fill the consolidated offices.

21652. Prior to the time for giving notice of an election, the board shall by order: Duties prior to giving notice

(a) Appoint for each precinct from its electors one inspector, two judges, and two clerks, or one inspector, one judge, and one clerk, who shall in either case constitute a precinct board for the precinct. No precinct board shall be appointed for a precinct in which there is no issue or candidate to be voted upon.

(b) Designate within each precinct for which a precinct board has been appointed, the place for its polls.

(Amended by Stats. 1947, Ch. 933.)

21653. The board may prior to giving the notice of election fix the hours for the opening and closing of the polls, but the polls shall be kept open for not less than six consecutive hours between 6 a.m. and 7 p.m. Same: Fixing opening and closing of polls

21654. Not less than 30 nor more than 40 days before a general election the secretary shall commence to publish notice of the day, hours, and polling places in each precinct in which an election is to be held. Publication shall consist of publishing notice once a week for two successive weeks in a newspaper of general circulation published in the district, or if no newspaper of general circulation is published in the district, shall either publish notice once a week for two successive weeks in a newspaper having general circulation in the district published in any affected county of the district, or post notices in three public places in each election precinct in which an election is to be held. Irrigation district election notices: Publication

(Amended by Stats. 1947, Ch. 745.)

21655. In any case the secretary shall post the notice in the district office. Same: Posting

(Amended by Stats. 1947, Ch. 745.)

21655.1. In addition to publication or posting of notice, the board may in its discretion cause notices of the day, hours and polling place to be mailed to voters in precincts in which an election is being held. Mailing of irrigation district election notices

(Added by Stats. 1947, Ch. 746.)

21656. The ballot and all other supplies used at elections shall be provided by the board. Ballot and supplies

21657. The ballots shall have printed on them the names of all candidates properly nominated and a voting square after each name. The names shall be arranged alphabetically under the designation of the office for which each person named is a candidate. Contents of ballots

21658. Not less than 25 days before the election a petition signed by 10 or more electors may be filed at the district office requesting that the names of persons specified in the petition be placed on the ballot as candidates for the offices specified. Petition for additional candidates

(Amended by Stats. 1947, Ch. 511.)

21659. Only names of persons properly nominated shall be printed on the ballots, but a blank space shall be left after the names of the candidates for each office, in which voters may write another name if they desire. Names on ballots: write-ins

Preservation of nominating petitions

21660. All nominating petitions shall be preserved by the secretary in the district office.

Article 2. Conduct at Precincts

No board or absent member

21675. If the board fails to appoint a precinct board or the members appointed are not present when the polls open on the day of election, a majority of the electors of the precinct present at that hour, including members of the precinct board, may appoint the precinct board or supply the place of an absent member.

Inspector is chairman

21676. The inspector is chairman of the precinct board.

Substitute judge or clerk

21677. If during the election any judge or clerk ceases to act the inspector may appoint a substitute.

Substitute inspector

21678. If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute.

Administering oaths

21679. Any member of a precinct board may administer and certify oaths required to be administered during an election.

Oath by members

21680. Before opening the polls each member of the precinct board shall take and subscribe an oath to perform faithfully his duties. Any elector of the precinct may administer and certify the oath.

Polls shall be open

21681. The polls shall be open only during the following hours:

(a) During the hours fixed by the board pursuant to Section 21653.

(b) If not fixed by the board, from 6 a.m. until 7 p.m.

Voting permitted

21682. Voting may commence as soon as the polls are open and may continue during all the time the polls remain open.

Conduct and canvass

Stats. 1939, p. 49

21683. Voting shall be conducted and the canvass at the polls made, except as otherwise provided, as nearly as practicable in accordance with the provisions of the Elections Code pertaining to general elections.

21684. Only voters shall be entitled to vote at district elections.

One ballot

21685. A clerk of election shall deliver to each voter one ballot.

Method of marking

21686. With the rubber stamp provided, each voter shall stamp a cross in the square after the name of each candidate for whom he wishes to vote.

Certificate of votes for each candidate

21687. In each precinct as soon as all the votes are counted, a certificate shall be drawn up on or attached to at least one of the tally lists, designating for each office voted on the number of votes each candidate for the office has received.

Same: Signature

21688. The certificate shall be signed by each member of the precinct board.

Voted ballots to be strung

21689. During the counting thereof the voted ballots shall be strung upon a cord or thread by the inspector in the order in which they are entered upon the tally lists by the clerks.

21690. The voted ballots shall then be sealed in an envelope by the inspector in the presence of the judge and clerk. Sealed in envelope

21691. The envelope, certificate with the roster of voters, tally lists, and the marked copy of index to voters if it is used shall be: Further duties

(a) Sealed in an envelope by the inspector in the presence of the judge and clerk.

(b) Indorsed "Election returns of (naming the precinct) precinct."

(c) Directed to the secretary.

(d) Immediately delivered by the inspector or by a responsible carrier designated by him, to the secretary.

Article 3. Canvass

21705. The envelopes containing the ballots shall except for the purposes of a recount be kept unopened for at least six months from the day of the election. Preservation of envelopes

21706. If any voter by affidavit filed with the board shows facts sufficient reasonably to justify the belief that the vote of any precinct has not been correctly counted to the extent that a recount would change the result of the election, he may appear on the day appointed for the board to open and canvass the returns and demand a recount of the vote of the precinct that is claimed to have been incorrectly counted. Request for recount

21707. The board shall meet at the district office on the first Monday after each election to canvass the returns. If the returns from each precinct have been received, the board shall canvass the return. If the returns from all of the precincts have not been received, the canvass shall be postponed from day to day until all of the returns have been received or until six postponements have been had. Canvass

21708. The canvass shall be made in public and by opening the returns and determining the vote of the district for each person voted for and declaring the result thereof. Character and method of canvass

21709. No roster, tally list, or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. Condition of records

21710. As soon as the result is declared, the secretary shall enter in the records of the district a statement of the result, which statement shall show: Statement of result: Contents

(a) The whole number of ballots cast in the district and when directors are elected by divisions, the whole number of ballots cast in each division.

(b) The name of each candidate voted for and the office to fill which he was voted for.

(c) The number of votes cast in each precinct for each candidate.

(d) When directors are elected by divisions the number of votes cast in each division for each candidate for the office of director from that division.

(e) The number of votes cast in the district for each candidate for the offices of assessor, collector, and treasurer, and, when directors are elected at large of director.

Declaration of election

21711. The board shall declare elected to each office the candidate receiving the highest number of votes for that office.

Certificate of election

21712. The secretary shall immediately make and deliver to each person elected a certificate of election signed by the secretary and authenticated with the seal of the district.

Informalities in conduct

21713. No informalities in the conduct of the election or any matters related to it, including the form of ballot used, shall invalidate the election if fairly conducted.

Article 4. Special Elections for Officers

When general election not held

21725. If a general election is not held as required, upon the filing with the secretary of a petition signed by 10 per cent of the voters requesting that a special election be called for the election of officers, the board shall call a special election for the election of officers to offices which should have been filled at a general election or the terms of whose incumbents have expired.

Time of election

21726. The election shall be held at not less than 35 nor more than 50 days after the filing of the petition.

(Amended by Stats. 1947, Ch. 933.)

21727. The term of each officer elected at a special election is the unexpired term in the office to which he is elected.

Chapter 3. Recall Elections

Article 1. Petition for Recall

Recall

21800. Any elective officer may be recalled.

Limitations

21801. A petition shall not be filed to recall any officer if either:

(a) He has not held office for six months.

(b) A recall election has been determined in his favor within six months.

Petition

21802. In order to recall an officer a petition shall be filed with the secretary containing all of the following:

(a) Request that an election be called to elect a successor to the officer.

(b) A statement solely for the information of the electors of the grounds on which the recall is sought, any insufficiency in the statement not to affect the sufficiency of this petition.

(c) Signatures of voters in the unit by which the officer or his elected predecessor was elected, at least equal in number to 25 per cent of the votes at the next preceding general election for the office to which the officer or his elected predecessor was elected, cast respectively for:

(1) The candidate receiving the greatest number of votes if the officer was elected by the district at large.

(2) All the candidates if the officer was elected by a division.

(d) The date of each signature, the signer's precinct, his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained, all of which shall be affixed by the signer at the time of his signing.

Form: Requirements

21803. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures and matters required to be affixed by signers.

Affidavit of circulator

21804. To each duplicate recall petition shall be attached an affidavit of an elector of the district sworn to before an officer competent to administer oaths stating all of the following:

(a) Affiant circulated that copy and saw the appended signatures being written.

(b) According to the best information and belief of the affiant each is the genuine signature of the person whose name purports to be subscribed and of a voter of the district.

Several recalls in one petition

21805. One petition is sufficient to propose the recall and election of several elective officials.

Sufficiency to be ascertained

21806. Within 10 days from the filing of a recall petition the secretary shall ascertain from the records of registration whether or not the petition is signed by the requisite number of voters and shall attach to the petition his certificate showing the result of the examination.

Insufficient: Supplemental recall instruments

21807. If the certificate of the secretary shows the recall petition to be insufficient, it may be supplemented within 10 days from the date of the certificate by the filing of additional recall instruments, duplicates of the petition filed except as to signatures and matters required to be affixed by signers.

Ascertainment of sufficiency

21808. The secretary shall within 10 days after the supplemental copies are filed make a certificate showing whether or not the petition as supplemented is sufficient.

Insufficient: Public record

New petition

21809. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; but the petition shall remain on file as a public record, and the insufficiency shall not bar the filing of a new petition.

Submission to board if sufficient

21810. If the certificate of the secretary to the recall petition shows it to be sufficient, the secretary shall submit the petition to the board without delay.

Article 2. Calling and Conduct

Order for election

21825. Upon receiving a recall petition certified as sufficient the board shall forthwith order an election to determine whether or not the voters will recall the officer named in the petition.

Time of recall election

21826. The election shall be held not less than 35 nor more than 40 days after the making of the order.

Submission at general election

21827. If a general election is to be held not less than 35 nor more than 60 days from the making of the order calling a recall election, the board may submit the recall proposal and candidates at the general election.

Recall and election together

21828. One election is sufficient for the recall and election of several officials.

Vacancy pending recall

21829. If a vacancy occurs in an office after a recall petition is filed against the vacating officer, the recall election shall nevertheless proceed.

Manner of nominations

21830. Nominations for candidates for any office to be filled at a recall election shall be made in the manner prescribed for nominations for candidates at general elections.

Requisite data on ballots

21831. The following shall appear on recall ballots for each recall petitioned:

(a) "Shall (name of person whose recall is being voted on) be recalled from the office of (title of the office)?"

(b) To the right of the foregoing question, "Yes" and "No" on separate lines with an inclosed blank space to the right of each.

(c) Names of the candidates nominated for the particular office, which shall not include the name of the incumbent officer.

Marking ballot

21832. A voter shall indicate, by stamping a cross (+) in the blank space opposite either "Yes" or "No" his vote respectively for or against the recall proposal.

Voting on recall and election

21833. No vote shall be counted for any candidate for an office if the recall proposal for that office on the particular ballot was not voted upon.

Manner of conduct, canvass, etc.

21834. A recall election shall be conducted, canvassed, and the result declared in substantially the manner provided for a general election.

Article 3. Effect of Recall

Continuation in office

21850. If one-half or more of the votes on a recall proposal are "No," the incumbent shall continue in office.

Majority vote recalls

21851. If a majority of the votes on a recall proposal are "Yes," the incumbent shall be removed from office by the qualification of his successor.

Candidate elected and term

21852. If at a recall election an officer is recalled, the candidate receiving the highest number of votes for the office shall be declared elected for the unexpired term of the recalled officer.

Failure to qualify

21853. If the candidate who received the highest number of votes fails to qualify within 10 days after receiving his certificate of election, the office to which he was elected shall be vacant.

Chapter 4. Bond Elections

Order for bond election

21925. After an order determining the amount of bonds which should be issued, the board shall call a bond election to submit to the voters a proposal of whether or not bonds in the amount determined in the order should be authorized when either:

(a) The board so determines.

(b) The board receives a petition requesting the election signed by either:

(1) A majority in number of the holders of title to land who are also the holders of title to a majority in value of all of the land.

(2) Five hundred or more persons, each of whom is either an elector or a holder of title to land and which petitioners include the holders of title to not less than 20 per cent in value of all of the land.

Notice

21926. Notice of a bond election shall be given by both:

(a) Posting notices in three public places in each election precinct in the district for at least 20 days.

(b) Publication of the notice, in some newspaper published in the office county, once a week for at least three successive weeks.

Specifications in notice

21927. Notice of a bond election shall specify:

(a) The day, hours, and polling places in each precinct for holding the election.

(b) The amount of bonds proposed to be issued.

Several proposals on same ballot

21928. At a bond election several proposals as to the issuance of bonds may be submitted separately on the same ballot if:

(a) Estimates of the cost of the respective projects have been made.

(b) The commission has reported thereon.

(c) The respective proposals have been stated in the notices of the election.

Contents of ballots

21929. The ballots shall contain a general statement of the proposals to be voted on, including the amount of bonds proposed to be issued for each purpose, but no informality in the statement shall vitiate the election. Each proposal shall be followed by the words "Yes" and "No" on separate lines with a small inclosed space after each of the two words.

Same: Instructions to voters

21930. On bond election ballots there shall be printed under the heading "Instructions to voters": "To vote for a proposal, stamp a cross (+) in the voting space after the word 'Yes' following the proposal. To vote against a proposal, stamp a cross (+) in the voting space after the word 'No' following the proposal."

Marking ballots

21931. The voters shall vote for or against any proposal at a bond election by stamping a cross (+) in the voting space after the word "Yes" or "No" respectively.

Conduct

21932. Bond elections shall be held and the result determined and declared as nearly as practicable in conformity with general elections.

Result: Authorization

21933. The issuance of bonds is authorized when at a bond election either:

(a) Two-thirds of the votes cast on the proposal are "Yes."

(b) A majority of the votes cast on the proposal are "Yes" when the election was called pursuant to a petition sufficient to require it to be called.

Same: Not authorized

Resubmission of proposal

21934. If the number of votes for any bond proposal is less than the number required to authorize the issuance of the bonds, the result of the vote shall be entered of record. The proposal may be again submitted at a bond election upon the presentation to the board of a petition for the subsequent election signed as required for the calling of the previous election.

Informalities in conduct

21935. No informalities in the conduct of the election shall invalidate the election if fairly conducted.

PART 5. POWERS AND PURPOSES

Chapter 1. Powers and Purposes Generally

Article 1. Water

Beneficial use

22075. A district may do any act necessary to furnish sufficient water in the district for any beneficial use.

Same

22076. A district may do any act in order to put to any beneficial use any water under its control.

Fire protection

22077. A district may deliver water for fire protection purposes.

Article 2. Drainage

To provide irrigation

22095. A district may provide for any and all drainage made necessary by the irrigation provided for by the district.

Application of irrigation laws

22096. All laws respecting irrigation by districts or respecting districts shall also be so construed and enforced as to apply to drainage.

Powers and duties conferred

22097. The officers, agents, and employees of districts have the same powers, duties, and liabilities respecting drainage and construction, operation, and control relating to it as they have respecting irrigation.

Necessity for drainage

22098. Whenever it appears necessary to drain any land within a district on account of the irrigation which has been done or which is intended to be done by the district under laws relating to it, whether for the purpose of more beneficially carrying on the irrigation or to protect the district from liability by reason of the irrigation, its board, if it is reasonable from an economic standpoint that the drainage be provided, shall provide for the drainage.

Land excluded

22099. No drainage need be provided for land as to which the district is relieved from liability for seepage or flooding by reason of grant, waiver, prescription, statute, decree, or condemnation.

Article 3. Electric Power

Powers of district

22115. Any district heretofore or hereafter formed may purchase or lease electric power from any agency or entity, public or private, and may provide for the acquisition, operation, leasing, and control of plants for the generation, transmission, distribution, sale, and lease of electric power, including sale to municipalities, public utility districts, or persons.

22116. All provisions of the California Irrigation District Act, and of all acts amendatory thereof and supplemental thereto, applying to irrigation shall, as codified in this division, also be so construed and enforced as to apply to electric power. Applicable provisions Stats. 1897, p. 254

(Amended by Stats. 1943, Ch. 687.)

[ORIGINAL SECTION]

22116. All provisions of the California Irrigation District Act applying to irrigation shall, as codified in this division, also be so construed and enforced as to apply to electric power.

22117. The officers, agents, and employees of districts have the same powers, duties, and liabilities respecting electric power and the acquisition, operation, and control relating to it as they have respecting irrigation or districts. Powers and duties conferred

22118. The board and the officers, agents, and employees of districts shall do all necessary and proper acts for the construction and operation of its electric power works. Necessary and proper acts

22119. A district may distribute power without regard to any assessments levied by it. Distribution of electric power

22120. A district may sell, dispose of, and distribute electric power for use outside of its boundaries. Sale, etc., outside boundaries

(Amended by Stats. 1943, Ch. 687.)

[ORIGINAL SECTION]

22120. A district may sell electric power for use outside of its boundaries.

22121. Subject to the conditions in this article a district may in the manner required by law make special appropriations of water for power purposes. Special appropriations of water

22122. Any use of water for generating electric power at any given time of the year which is in excess of the water appropriated and beneficially used for irrigation purposes by the district at that period of the year shall be subject to all prior existing appropriations by any municipal corporation which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated. Priority of existing appropriations of municipality

Article 4. Airports and Aviation Schools

22140. This article applies only if all of the following are true: Conditions precedent

(a) None of the land proposed to be used for airport or aviation school purposes that may be outside of the district is more than seven miles from the nearest part of the boundaries of the district.

(b) The United States agrees to improve or contribute money for the improvement for airport or aviation school purposes or both of the land proposed to be used.

(c) The board finds that there is no other public agency able and willing to cooperate with the United States in the improvement for airport or aviation school purposes or both of the land proposed to be used.

Acquisition of land

22141. A district may acquire land by gift or otherwise, or use land already acquired, for an airport or aviation school or both and may improve the land for any of these purposes.

Cooperation with United States

22142. A district may sponsor any project undertaken by the United States for the improvement of land for airport or aviation school purposes or both.

Restriction on incurring indebtedness

22143. No district shall ever issue any bonds to acquire or improve any land pursuant to this article, nor shall it incur any indebtedness therefor which can not be paid out of revenue to be derived from its airport or aviation school or the leasing thereof.

Restriction on acceptance of United States funds

22144. A district may accept the appropriation of any funds by the United States for the improvement of the land for an airport or aviation school on any conditions imposed by the United States if the use of the airport for commercial purposes is not thereby precluded.

Operation of airport, etc.

22145. A district may operate an airport or aviation school or may lease either or both of them on terms its board deems proper.

Same: Acceptance of money or property

22146. Any district having acquired an airport or aviation school or both pursuant to the provisions of this article may accept contributions of money or property or both to be used in connection with the airport or aviation school or both.

Chapter 2. Powers

Article 1. Powers Generally

Performance of necessary acts

22225. Each district has the power generally to perform all acts necessary to carry out fully the provisions of this division.

Construction of necessary works

22226. A district may construct the necessary works for the collection of water for the district.

Storing water, etc.

22227. A district may acquire the right to store water in any reservoir or to carry water through any conduit not owned or controlled by the district and may grant to any owner or lessee of the right to the use of any water the right to store the water in any reservoir of the district or to carry the water through any conduit of the district.

Contracts for exchange, etc., of water

22228. A district may contract to perform and perform any agreement with any number of persons or public corporations or agencies for the exchange, transfer, or delivery to or by either or both parties of any water right or water.

Entry on any land

22229. A district may enter upon any land to make surveys and determine the location for its necessary works on any land which may be deemed best for their location.

Necessary contracts

22230. A district may make and perform any necessary contracts to carry out the purposes of the district.

Acquisition of equipment

22231. A district by contract may acquire and operate any needed or desirable equipment to put water under its control to any beneficial use.

22232. A district may employ an expert in agriculture and related matters and other employees as may be deemed necessary to do any of the following: Expert in agriculture and other employees

(a) Supervise the construction of works for the irrigation or protection of land.

(b) Advise the owners of land or any persons engaged in farming the land of methods of increasing the productiveness of the land or as to any matters of husbandry.

(c) Conduct experiments as prescribed by the board.

(d) Perform duties for the general welfare of the people of the district as prescribed by the board.

Article 2. Water Distribution

22250. All water distributed by districts for irrigation purposes shall except when otherwise provided in this article be apportioned ratably to each landowner upon the basis of the ratio which the last assessment against his land for district purposes bears to the whole sum assessed in the district for district purposes. Basis of apportionment

22251. Any landowner may assign for use within the district his right to the whole or any portion of the water apportioned to him pursuant to Section 22250. Assignment of right

22252. When any charges for the use of water are fixed by a district the water for the use of which the charges have been fixed shall be distributed equitably as determined by the board among those offering to make the required payment. Equitable distribution

22252.1. The board by the unanimous vote of all of the directors may specify a date prior to which applications for water for the ensuing irrigation season are to be received for all crops or for annual crops and new plantings and may require a cash deposit not to exceed the water charge for the water applied for, to be made at the time of application for each acre for which application is made. The cash deposit shall in the discretion of the board be forfeited as to each acre not using the water applied for if the district has water available to supply the same. In the event of water shortage the board may with respect to the shortage area in its discretion give preference to or serve only the land for which application was filed prior to the date set and the land for which no application was required. Any date so fixed shall be effective for each year thereafter unless changed by the board if notice thereof is published not later than April 1st in the year in the manner prescribed for the publication of the notice provided for in Section 22252.2. Nothing in this section shall prohibit apportionment of available water to land given preference under this section or otherwise restrict or limit existing powers of the board to control and provide for distribution of water. Water applications: Filing date Preference

(Added by Stats. 1947, Ch. 282.)

See note to Sec. 22257.

Notice

22252.2. The action of a board in fixing or changing any such date shall be ineffective until notice thereof is given by publication once a week for two successive weeks in a newspaper published in the district, or if no newspaper is published in the district, then in a newspaper published in the office county, or if no newspaper is published in the office county, then in a newspaper published in any affected county.

(Added by Stats. 1947, Ch. 282.)

See note to Sec. 22257.

Delivery through mutual water company

22253. When a mutual water company has been formed to furnish water to certain specified land within a district, the district may contract for the delivery of water for the specified land through the mutual water company only.

Same: Equitable apportionment

22254. If a district has contracted to deliver and is delivering water to a mutual water company for distribution to territory served by the latter, the water shall be apportioned on a basis found by the board to be equitable and for the best interests of all persons concerned.

Regulation of water for irrigation

22255. When its board deems it in the best interests of the district, the district may regulate the amount of water to be used to irrigate crops within the district when seepage from the irrigation would damage adjacent land inside or outside of the district or may require as a condition precedent to the delivery of water the construction of adequate drainage facilities to prevent damage to the adjacent land.

Drainage facilities

Refusal of water

22256. A district may refuse to furnish water to any or all land to which it holds title by virtue of collector's deeds to the district.

Rules

22257. Each district shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district. A district may refuse to deliver water through a ditch which is not clean or not in suitable condition to prevent waste of water and may determine through which of two or more available ditches it will deliver water.

Water delivery refusal

(Amended by Stats. 1947, Ch. 282.)

NOTE—Stats. 1947, Ch. 282, effective May 19, 1947, also contained the following:

Urgency

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1, Article IV, of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of facts constituting such necessity:

As a result of high prices and great demand for agricultural products many irrigation districts are experiencing an unprecedented demand for water due to the planting of crops requiring irrigation of acreages normally not using water. Such demand in many instances exceeds the water supply or ditch capacity of the districts. This necessitates the most careful pre-irrigation season planning and adjustment of acreages to be planted in order to avoid great loss of effort and money through the planting of crops that cannot be matured because of inadequate water. It is essential in order to provide this orderly planning for the 1947 irrigation season, which will be a peak year for acreage planted to irrigated crops in many of said districts, that this act go into effect immediately.

22258. A district required by law or provisions of agreements under which all or part of the water supply of the district was acquired to furnish water outside its boundaries to consumers whose rights to service were at the time the supply of water was acquired by the district enforceable by reason of their status as persons of the class for whose benefit the water was appropriated or dedicated may regulate the use of water so furnished. Regulation of use outside boundaries

22259. If its board deems it to be for the best interests of the district, a district may enter into a contract for the lease or sale of any surplus water or use of surplus water not then necessary for use within the district, for use either within or without the district. Lease or sale of surplus waters

22260. Any lease or contract provided for in Section 22259 entered into for a period of more than three years shall not be valid unless approved by the commission. Same: When approval required

22261. Nothing in this article authorizes the sale of any water right. Sale of water rights

22262. No right in any water or water right owned by the district shall be acquired by use permitted under this article. Rights not acquired

22263. Nothing contained in this division authorizes any person to divert the water of any stream or conduit from its channel to the detriment of any person having any interest in the stream, conduit, or the water therein, unless previous compensation be ascertained and paid. Diversion of water; Compensation

Article 3. Charges

22280. Any district may in lieu in whole or in part of levying assessments fix and collect charges for any service furnished by the district, including any or all of the following: Charges in lieu of assessments

(a) Use, sale, or lease of water, which may include a stand-by charge whether the water is actually used or not.

(b) Delivery of water for irrigation in excess of a specified quantity per unit of land.

(c) Water and the service thereof required by law or provisions of agreements under which all or part of the water supply of the district was acquired to be furnished outside its boundaries to consumers whose rights to service were at the time the supply of water was acquired by the district enforceable by reason of their status as persons of the class for whose benefit the water was appropriated or dedicated.

(d) Use of water for power purposes.

(e) Sale of electric power.

Land subject to higher rates

22281. A district may charge higher rates for the service of water to any land that is not subject to assessment by the district than is charged other land in the district for similar service.

Payment in advance

22282. Whenever any charges for any service provided for by this division have been fixed, they may be made payable in advance.

Rules

22283. A district may prescribe reasonable rules to carry out the provisions of this article.

Article 4. Bids

"Works"

22300. As used in this article "works" is limited to any works to be paid for with the proceeds of the sale of bonds or a limited assessment.

Provisions governing contracts

22301. Contracts for the construction of any works shall be made pursuant to the provisions of this article.

Publication of call for bids

22302. The board shall give notice by publication once a week for three successive weeks in a newspaper published in the office county, or if no newspaper is published in that county, in a newspaper the board deems advisable, calling for bids for the construction of the works or of any portion of them.

Requirements of notice

22303. The notice calling for bids shall contain:

(a) A statement that the plans and specifications of the works to be constructed may be seen at the district office.

(b) A particular description of the portion of the works advertised if less than the whole works are advertised.

(c) A statement that the board will receive sealed bids for the construction of the works advertised or any portion of them designated by the board.

(d) A statement that the contract or contracts for the works advertised will be awarded to the lowest responsible bidder or bidders, but that any or all bids may be rejected.

(e) A statement of the time and place for opening the bids.

Opening in public

22304. At the time and place appointed the bids shall be opened in public.

Contract to lowest bidder

Rejection

22305. After opening the bids and as convenient the board shall award the contract or contracts for the works either in portions or as a whole to the lowest responsible bidder or bidders, but the board may reject any or all bids and readvertise for proposals or may proceed to construct the works or any part thereof under its own superintendence.

Conditions for emergency work contracts

22306. In case of emergency or urgent necessity for any works, the board by unanimous vote of those present at any meeting may award a contract for the works without advertising for bids when the cost of the works does not exceed five hundred dollars ($500) and an additional amount equal to five cents ($0.05) for each acre of land.

22307. Contracts for the purchase of material to be furnished or used by the district in the works shall be awarded to the lowest responsible bidder or bidders after such notice as the board deems proper. Contracts for purchase of materials

22308. Any person to whom a contract may be awarded pursuant to this article shall provide a bond with good and sufficient sureties, approved by the board, payable to the district for at least 25 per cent of the estimated contract price, conditioned upon the faithful performance of the contract. Surety bond: Liability

22309. The works shall be constructed under the direction and to the satisfaction of the engineer of the district and be subject to the approval of the board. Approval of works

Article 5. Supervision by Department

22335. During the construction of any works of a district to be paid for out of the proceeds of any bond issue which has been certified by the commission, the department shall have access to all plans, specifications, and records of the construction and shall from time to time make any investigations and reports to the board the department deems to be in the interest of the public or of the district. Accessibility to plans, etc.

22336. During the construction of any work to be paid for out of the proceeds of the sale of any bonds of any district, the secretary shall within one week after each regular meeting of the board forward to the department copies of all reports made to the board as to the progress of the work and a statement of the amounts paid for any part of the work. Information as to construction

22337. The board immediately after the publication of the statement of the financial condition of the district each year shall send all of the following papers to the department, which shall examine them and report to the board any suggestions it deems proper: Papers to be forwarded by board

(a) A copy of the financial statement.

(b) A report stating the general condition of any works constructed or acquired by the district.

(c) A statement of whether or not the plan of irrigation adopted by the district is being successfully carried out.

(d) A statement of any other matters which the board deems proper.

22338. The department may at any time make an examination of the affairs of any district or call upon the authorities of the district for any information it desires and make any report thereon it deems advisable. Examination of affairs

Chapter 3. Property

Article 1. Acquisition of Property

Purposes of acquiring property

22425. A district may acquire by any means any property or interest in property to carry out its purposes, including any of the following:

Property included

(a) Property for the construction, improvement, and operation of works in this State or in any other State or in a foreign nation.

(b) Works being constructed.

(c) Stock of domestic or foreign corporations owning water, water rights, canals, waterworks, franchises, concessions, or rights.

(d) Works by which land has been or may be supplied with water for irrigation.

Subject to encumbrances

22426. Any property necessary for the purposes of the district may be acquired by the district and held subject to any liens, incumbrances, or obligations on it at the time of its acquisition.

Right to flood property

22427. If any road, railroad, canal, or other property subject or devoted to public use will become subject to flooding or other interference by reason of the construction or proposed construction of any works of a district, the district may acquire the right to flood or otherwise interfere with the property, whether or not it is publicly or privately owned.

Relocation of property

22428. If by a judgment or agreement a district is required to relocate any road, railroad, canal, or other property subject or devoted to public use, the district may acquire all property necessary to comply with the agreement or judgment and make conveyances of the relocated road, railroad, canal, or other property to comply with the agreement or judgment.

Land owned by State

22429. The right is hereby granted to locate, construct, and maintain any of the works of a district on any land which is now or hereafter owned by the State.

Water and water rights belonging to State

22430. There is given, dedicated, and set apart for the uses and purposes of each district all water and water rights belonging to this State within the district.

Subject to public use

22431. A district may construct any works across any watercourse, road, railway, conduit, or other property subject or devoted to public use in a manner that will afford security to life and property. The district shall restore the property crossed as near as may be to its former state or so as not to have impaired unnecessarily its usefulness.

Deed or release from claimant

22432. A district may on terms its board deems for the best interests of the district take a deed or release from any claimant, including any other taxing or assessing agency, to any interest in any property owned or claimed by the district.

Tax sold or tax deeded to State

22433. A district may purchase pursuant to law property tax sold or tax deeded to the State on which the district has a claim, lien, or deed for unpaid assessments or any right, title, interest, or claim.

22434. Any district when it appears to its board to be for the best interests of the district may discharge with or without compromise any overlapping tax or assessment liens equal or superior in rank to those of the district existing on any property to which the district has title and may purchase any outstanding tax or assessment titles existing on the property equal or superior in rank to the title of the district. Discharge of overlapping tax or assessment liens

22435. A district may notwithstanding any other provisions of this division use any of its funds to carry out the provisions of Section 22434 and may with these funds purchase written evidences of indebtedness of overlapping taxing or assessing agencies for this purpose. Same: Use of any funds

22436. A district may in its name take conveyances, leases, contracts, or other assurances for all property acquired by it. Indicia of title or other rights

22437. The title to all property acquired by a district is held in trust for its uses and purposes. The district may hold, use, acquire, manage, sell, or lease the property as provided in this division. Title held in trust

Article 2. Eminent Domain

22455. Eminent domain proceedings may be brought by a district pursuant to the provisions of Title 7, Part 3 of the Code of Civil Procedure. Eminent domain procedure

22456. The use of all water, together with all property which may be acquired, which is required to carry out fully the provisions of this division is a public use and may be acquired by the district in eminent domain proceedings. Public use defined

22457. If the owner of any land, easement, or franchise to be crossed by works of a district can not agree with the district as to payment, location of the crossing, or any other matters in connection therewith, they shall be determined as in a proceeding in eminent domain. Disagreement as to payment, etc.

22458. If a right to flood or otherwise interfere with any road, railroad, canal, or other property is acquired by eminent domain, the judgment may, if the court finds that the public convenience requires it, direct the district to relocate the road, railroad, canal, or other property in accordance with plans prescribed by the court. Order to relocate property

Article 3. Power Lines on Public Property

22475. There is granted to every district the right to construct and operate in a manner affording security for life and property electric light and power lines along, over, under, or upon any road or across any railway or conduit which the route of the lines intersects or runs along. Construction and operation

22476. A district may not construct and operate electric light and power lines along, over, under, or upon any road within any city unless permission to do so is granted by the governing body of the city, which in so doing may impose reasonable conditions upon the proposed use. Same: Within any city

Same: When permission not required

22477. Permission pursuant to Section 22476 is not necessary where the road to be used is a convenient part of the route of the lines and at the time construction of the lines was commenced or the plans for them were adopted was located in territory not within an organized city.

Restoration of road, etc.

22478. A district constructing lines pursuant to this article shall restore the road, railway, or conduit intersected to its former state of usefulness as near as possible.

Article 4. Disposition of Property

Sale or lease of unnecessary property

22500. When a board determines by resolution entered upon the minutes that any property of the district is no longer necessary for district purposes, the district may for a valuable consideration sell or lease the property upon terms that appear to the board to be for the best interests of the district.

Lease of mineral rights

22501. A district may lease the right to produce any minerals or hydrocarbons in any property held by it upon the terms the board deems most beneficial to the district after the board has found by a resolution entered in its minutes that the lease may be carried out without interfering with the use of the property for district purposes.

Condition

Execution of conveyances and leases

22502. All conveyances and leases of district property shall be executed by the secretary and president on behalf of the district in accordance with a resolution of the board.

Acquired through a collector's deed

22503. A district may sell, convey, lease, give and take options and contracts of sale upon, and otherwise deal with property acquired by it through a collector's deed, including sale to a former owner or holder, on terms and at a price approved by its board. Instruments to accomplish the same shall be executed and acknowledged by the president and secretary.

Article 5. Lease of Works

22525. This article provides an independent method of leasing and its provisions apply only to leases made pursuant to it. Independent method

22526. A district may lease part or all of its works whenever the leasing will benefit the district. When permitted

22527. When the board contemplates the leasing of the works of the district, it shall give notice thereof at least three weeks prior to the making of the lease, by publication at least once in some newspaper published in the principal county. Notice by publication

22528. The lease shall be made to the highest bidder, but any and all bids may be rejected. To whom

22529. The lease shall not interfere with any prior rights established by law. Noninterference with prior rights

22530. A good and sufficient bond shall be required by the board to secure the faithful performance of the lease by the lessees. Lessee's bond

Article 6. Water Leases for Mechanical Purposes

22550. The provisions of this article apply only to leases made pursuant to it. Limitation of provisions

22551. Whenever a district in the development of its works has the opportunity without increased expenditure to lease for mechanical purposes not inconsistent with the district's purposes the use of water controlled by it, it may do so. Consistent with district's purposes

22552. Whenever the board desires to lease the use of water it shall pass a resolution of intention to do so. Resolution of intention

22553. Immediately after the passage of the resolution the secretary shall give notice of the intention, by publication for at least 20 days in one newspaper published in each affected county if a newspaper is published in it, and, if not, in any newspaper the board selects, and if the board thinks proper, in any other newspapers the board selects. Publication of notice

22554. The notice of intention to lease the use of water shall state all of the following: Contents of notice

(a) The board will receive sealed proposals for the lease.

(b) The lease will be let to the highest responsible bidder.

(c) The time and place of opening the proposals.

22555. At the time and place appointed the board shall open in public the proposals to lease the use of water. Opening of proposals

22556. As soon after opening the proposals as may be convenient the board may let the lease in portions or as a whole to the highest responsible bidder or may reject any or all proposals and readvertise for proposals. Leasing

22557. The rental accruing upon a lease of the use of water may vary from year to year as specified in the lease and shall be payable semi-annually on the thirtieth day of December and thirtieth day of June of each year. Rental

22558. If at any time the rental is not paid on the day fixed, the amount of the rental due shall be doubled, and if not paid within the next succeeding 90 days, the lease shall Penalty

Forfeiture

be forfeited to the district, together with any and all works constructed, owned, used, or controlled by the lessee.

Disposition of moneys

22559. All money collected on a lease shall be paid into the district treasury and be apportioned to any funds the board deems advisable.

Lessee's bond

22560. Upon the letting of any lease, the board may require the lessee to execute a bond for the faithful performance of the covenants of the lease or give such other guaranty of good faith as in its judgment may be necessary.

22561. The lease may be for a period not exceeding 25 years.

Chapter 4. Controversies

Article 1. Actions and Proceedings

May maintain or defend actions

22650. A district may commence and maintain any actions and proceedings to carry out its purposes or protect its interests and may defend in any action or proceeding brought against it.

In person or by attorneys

22651. In all actions or proceedings the board may sue, appear, and defend in person or by attorneys and in the name of the district.

Service of summons

22652. Service of summons upon a district may be made by serving it upon either the secretary or a majority of the directors elected.

Suit by bondholders

22653. Before an action or proceeding by the holders of bonds of a district to compel or restrain the doing of an act by the district or its board may be commenced or maintained, the holders of 10 per cent or more of the outstanding bonds of the district shall join in the action or proceeding as plaintiffs, petitioners, or applicants for the relief sought.

Article 2. Validation of Bonds and Assessments

Action in superior court of office county

22670. A district may at any time after the authorization of any bonds or the levy of any assessment bring an action in the superior court of the office county to determine the validity of the bonds or of the levy.

In rem

22671. The action is in rem.

Service by publication

22672. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the county where the action is pending and designated by the court in which the proceedings are pending.

When jurisdiction complete

22673. Jurisdiction is complete 10 days after the completion of publication of summons.

Contest of validity

22674. Anyone interested may before the expiration of the 10 days appear and contest the validity of the bonds or assessments.

Action by district assessment payer

22675. If no proceedings have been brought by the district pursuant to this article, any district assessment payer may at any time within 30 days after the levy of any assess-

ment or authorization of any bonds bring an action in the superior court of the office county to determine the validity of the assessment or bonds. The district shall be a defendant.

Consolidation of similar contests

22676. If more than one action is pending at the same time concerning similar contests provided for in this article, they shall be consolidated and tried together.

Applicable rules of pleading and practice

22677. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this article are applicable to all actions or proceedings provided for by this article.

Irregularity or omission

22678. In a contest provided for by this article the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties.

Speedy trial

22679. The action shall be speedily tried.

Decree of validity or invalidity

22680. The judgment shall declare the bonds or levy either valid or invalid.

Decree affecting exchanged bonds

22681. When a district has exchanged bonds or has agreed to exchange bonds for any interest in property the court in any proceeding brought by a district pursuant to this article shall by its decree determine both:

(a) The validity of all bonds issued or to be issued under any contract or contracts for the exchange of bonds for property interests.

(b) Whether or not the bonds when delivered to the person entitled to them under the terms of the contract will or do constitute valid obligations of the district as against all persons.

Motion for new trial

22682. The motion for a new trial of any action or proceeding provided by this article shall be heard and determined within 10 days from the filing of the notice of intention.

Costs

22683. The costs of any hearing or contest provided for in this article may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court.

Appeal

22684. Any party may appeal at any time within 30 days after the rendition of the judgment. The appeal shall be heard and determined within three months from the taking of the appeal.

Hearing and determination

Article 3. Limitations

No contest other than as provided

22700. No contest of any thing or matter herein provided shall be made other than in the time and manner herein specified.

Conclusiveness of findings or conclusions

22701. In any such action all findings of fact or conclusions of a board or board of supervisors upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

Article 4. Public Liability

Official liability in administration

22725. No officer shall be personally liable for any damage resulting from the operation of the district or from the

negligence or misconduct of any of its officers or employees unless the damage was proximately caused by the officer's own negligence, misconduct, or wilful violation of official duty.

Personal liability

Liability for negligence of agents or employees

22726. No officer or agent shall be liable for the negligence of any agent or employee appointed or hired by him unless he had actual notice that the person appointed or hired was inefficient or incompetent to perform the service for which he was appointed or hired or retains the inefficient or incompetent person after actual notice of the inefficiency or incompetency.

Verified claim for damages

22727. Whenever it is claimed that any person or property has been injured or damaged as a result of any dangerous or defective condition of any property under the control of any district or its officers or employees or the negligence of any officer or employee of a district, a verified claim for damages shall be presented in writing and filed with the officers or employees involved and also with the secretary within 90 days after the accident or injury has occurred. If an officer or employee cannot be found to be served, the officer's or employee's copy may be served on the secretary, but in any event a verified claim must be served on the secretary.

(Amended by Stats. 1947, Ch. 222.)

Contents of claim

22728. Claims filed pursuant to Section 22727 shall specify the name and address of the claimant, the date and place of the accident or injury, and the nature and extent of the injury or damages claimed.

Condition precedent to bringing suit

22729. Compliance with Sections 22727 and 22728 is a condition precedent to the filing or maintaining of any action for the injury or damages.

District to pay judgment for official liability

22730. When an officer of a district is held liable for any act or omission done or omitted in his official capacity and any judgment is rendered thereon, the district shall pay the judgment without obligation for repayment by the officer.

No new liability

22731. Nothing in the preceding portion of this article shall be construed as creating any liability except as provided in Section 22730 unless it would have existed regardless of this article.

Insurance

22732. Any district may carry and pay for insurance to cover any liability of the district, its officers, employees, or any of them.

Article 5. Settlement of Damages to Water Rights of State Land

Authority of district to make final settlement

22750. In all controversies involving any damage to any and all water rights of any land which is heretofore or hereafter tax-sold or tax-deeded to the State, the State disclaims any interest in the controversy and authorizes the district within which the land is situated to make a final settlement of the controversy.

Damages involved

22751. The damages claimed in a controversy defined by this article are those occurring prior to the execution of the tax deed to the State.

22752. The money collected in the settlement pursuant to this article shall be paid into the treasury of the district for district purposes and be apportioned to any funds the board deems advisable. Disposition of settlement money

22753. The settlement of a controversy defined by this article shall be upon terms satisfactory to the district. Satisfactory terms

22754. The tax title of the State to the land involved remains wholly unimpaired by proceedings had pursuant to this article. Unimpairment of State's tax title

Chapter 5. Provisions Pertaining Only to 500,000-Acre Districts

Article 1. Introduction

22825. The provisions of this chapter apply only to districts containing 500,000 acres or more. Limitation of application

22826. Except as provided in this chapter every district containing 500,000 acres or more shall be governed by the provisions of this division. Governing provisions

Article 2. Internal Organization

22840. Directors of districts subject to this chapter shall each receive a salary of two hundred dollars ($200) per month. Salary of directors

22841. The board may fix an additional sum to be paid to the president of the board, which additional compensation shall be subject to termination or change from time to time at the will of the board. Additional sum to president

22842. The board may: Powers of board

(a) Provide for and create divisions or departments for management and operating purposes.

(b) Appoint department heads.

(c) Classify and reclassify employees.

(d) Appoint any director or directors as a department head or to an executive position.

(e) Fix the duties, terms, and time of employment.

(f) Provide for and fix salaries, compensation, and expenses of department heads, executives, and employees.

22843. All department heads, executives, and employees shall hold their employment at the will of the board. Employment at will

22844. Any appointment of a director as a department head or to an executive position or to any other employment while a director shall be subject to termination at the will of the board and shall in no event be for a period longer than the term for which the director was elected. Same: Director as employee

22845. Only one director, including the president, may be paid any compensation in excess of two hundred dollars ($200) per month, exclusive of expenses and mileage, during any one period of time. Limitation on increase of salary

Article 3. Flood Protection

22875. Any district may expend sums that seem necessary to its board for the protection of its canal system or of land from damage by flood and the overflow of rivers. Flood protection

Jointly with United States, or others

22876. The district may contribute funds for the purpose stated in Section 22875 to be expended by or jointly with the United States, other governments, or persons benefited by the same protective works.

Expenditures authorized without election

22877. A district may do all things necessary to insure its canal system and the land from any damage by flood or overflow without holding an election to authorize the expenditure.

Borrowing to amount of unsold bonds

22878. When the issuance of bonds by any district has been authorized by the voters for the purpose of protection against floods but the bonds have not been sold, the district may borrow for that purpose to the amount of the bond issue unsold at a rate of interest not exceeding 7 per cent per year. When the bonds have been sold, the amount borrowed under the provisions of this section shall be repaid.

Same: Additional sums

22879. In addition to the powers conferred by Section 22878 any district may borrow for flood protection purposes in any one year not to exceed two hundred thousand dollars ($200,000) at a rate of interest not exceeding 7 per cent per year.

Article 4. Power Distribution

22900. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22900. No agreement having for its purpose the disposal of electric power generated in any power plant, except electric power distributed directly by a district to its inhabitants over its own transmission lines, shall be effective for any purpose until 90 days after all of the following occur:

(a) Execution of the agreement.
(b) Spreading on the minutes of the board of a copy of the agreement.
(c) First publication of notice to the voters of the district.

22901. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22901. The notice shall be published in each daily newspaper of the county in which the district is situated for five successive issues of each newspaper, the date of the first publication to be within two days after the date of the spreading of the agreement on the minutes of the board.

22902. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22902. The notice shall state in substance all of the following concerning the agreement:

(a) Its nature.
(b) Its consideration.
(c) Its effective date.
(d) Brief summary of its contents.

22903. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22903. If within the 90-day period a petition signed by voters of the district, equal in number to 20 per cent of the total number of votes cast for the office of treasurer, assessor, or collector whichever was the highest at the next preceding general election at which these offices were filled, asking that the agreement be submitted to the voters for their approval or rejection, is filed with the secretary, the board shall submit the agreement to the voters for their approval or rejection.

22904. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22904. No agreement described in Section 22900 shall after the filing of the petition go into effect until approved by a majority of the voters voting on the agreement.

22905. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22905. The agreement shall be submitted either at:

(a) The next succeeding general election to be held in the district subsequent to 30 days after the filing of the petition.

(b) An election called by the board in its discretion prior to the general election.

22906. (Repealed by Stats. 1943, Ch. 531.)

[ORIGINAL SECTION]

22906. The provisions of this article do not apply to any agreement which relates to the furnishing of funds to or the purchase of bonds of districts to be used for the development or distribution of electric power.

Article 5. Assessments

Money to be raised by levy

22950. Every district by its board, each year within 15 days after the close of its session as a board of equalization, shall levy an assessment sufficient to raise all of the following:

(a) Annual interest on any outstanding bonds of the district except to the extent that provision is otherwise made as permitted by law.

(b) Principal of outstanding bonds of the district as they mature except to the extent that provision is otherwise made as permitted by law.

(c) Obligations of the district due or to become due within the succeeding 12 months except to the extent that provision is otherwise made as permitted by law.

(d) A sum which with the other revenue of the district will meet the estimated current expenses of the district for the succeeding 12 months.

(Amended by Stats. 1943, Ch. 532.)

[ORIGINAL SECTION]

22950. Every district by its board, each year within 15 days after the close of its session as a board of equalization, shall levy an assessment sufficient to raise all of the following:

(a) Annual interest on any outstanding bonds of the district except to the extent that provision is otherwise made as permitted by law.

(b) Principal of outstanding bonds of the district as they mature except to the extent that provision is otherwise made as permitted by law.

(c) Obligations of the district due or to become due within the succeeding 12 months.

(d) A sum which with the other revenue of the district will meet the estimated current expenses of the district for the succeeding 12 months.

Article 6. Miscellaneous Provisions

(Article 6 added by Stats. 1943, Ch. 686.)

Borrowing money: Conditions

22960. Every district by its board may, in addition to other powers, borrow funds for any lawful purpose at an interest rate not exceeding 5 per cent per year and issue warrants therefor payable at future dates. No election authorizing such

borrowing or issuance of warrants need be held but the principal amount of such indebtedness unpaid at any time shall not exceed two hundred thousand dollars ($200,000).

(Added by Stats. 1943, Ch. 686.)

Reserve fund

22961. A reserve fund from assessments or other revenues for emergencies, replacements or other lawful purpose of the district may be provided by the board.

(Added by Stats. 1943, Ch. 686.)

PART 6. COOPERATION

Chapter 1. Joint Property

23100. A district may make and perform any agreement with the United States, any State, county, district of any kind, public corporation, any person, or any number of them for the joint acquisition, disposition, or operation of any property of a kind which might be acquired by the district. Cooperative agreements

Chapter 2. Cooperation With United States

Article 1. General Provisions

23175. This chapter shall be known and may be cited as the Irrigation District Federal Cooperation Law. Title

23176. The provisions of this chapter apply only to proceedings taken under it and do not apply to district operations unrelated to cooperation with the United States. Limitation on provisions

Except as required expressly or by necessary implication by this chapter all other provisions of this division are unaffected by this chapter. Effect on other provisions of this division

23177. The definitions in Chapter 2 of Part 1 of this division are applicable to this chapter. Applicable definitions

23178. The provisions of Article 4 of Chapter 2 of Part 5 of this division do not apply in case of any contract between a district and the United States. Nonapplicable provisions

23179. The board shall perform all acts necessary to carry out the enlarged powers enumerated in this chapter. Performance of necessary acts

Article 2. Contracts With United States

23195. Districts may cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Title 43, U.S.C. Sec. 391

23196. The cooperation and contract may be for any or all of the following purposes: Purposes

(a) Acquisition, extension, or operation of works for irrigation or drainage or development and distribution of electric power or any or all of these purposes.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States on account of district land.

(d) Borrowing or procuring money from the United States to finance any of the operations of the district.

(e) Financing or refinancing obligations of the district, including outstanding warrants or other indebtedness.

(f) Purchasing or refunding bonds of the district.

(g) Accomplishing any of the purposes of the district.

Contract provisions

23197. In a contract made pursuant to Section 23196 a district may include provision for either or both of the following:

(a) Delivery and distribution of water for the land in the district under the relevant acts of Congress and the rules and regulations established thereunder.

(b) Conveyance to the United States as partial consideration for the privileges obtained by the district under the contract of any property of the district.

Transfer of district bonds to United States

23198. When a contract has been made with the United States, if so provided by the contract and authorized pursuant to this chapter, bonds of the district may be transferred to or deposited with the United States, at not less than 95 per cent of their par value, to the amount or any part thereof to be paid by the district to the United States. The interest or principal or both on the bonds shall be raised by assessment and levy as prescribed in this chapter and shall be regularly paid to the United States and applied as provided in the contract. The bonds may provide for the payment of interest at a rate not exceeding 6 per cent per year, be of the denominations, and call for the repayment of the principal at the times, all as agreed upon.

Further provision regarding payment

23199. The contract with the United States may likewise call for the payment of the amount or any part thereof to be paid by the district to the United States, at the times, in the installments, and with interest charges not exceeding 6 per cent per year, all as may be agreed upon, and for assessment and levy as provided in this chapter.

Laws governing distribution of water

23200. All water, the right to the use of which is acquired by a district under any contract with the United States shall be distributed and apportioned by the district in accordance with the applicable acts of Congress, the rules and regulations of the Secretary of the Interior thereunder, and the provisions of the contract, and provision may be made in the contract for the refusal of water service to any or all land which may become delinquent in the payment of any assessment levied for the purpose of carrying out the contract.

Permitted sale or lease of water

23201. A district may pursuant to the contract sell or lease water for private land, to entrymen, or to municipalities, in the neighborhood of the district.

Dissolution of district or change in boundaries

23202. When a contract pursuant to this chapter has been entered into between the United States and any district, the district shall not be dissolved, nor shall its boundaries be changed, except upon written consent of the Secretary of the Interior filed with the official records of the district. If consent is given and land is excluded, the areas excluded shall be free from all liens and charges for payments to become due to the United States.

May act as fiscal agent of United States

23203. A district may accept an appointment to collect money for or to act as fiscal agent of the United States in connection with any Federal reclamation project, and the

district may assume the duties and liabilities incident to this action and do any and all things related to the appointment required by the Federal statutes now or hereafter enacted and by the applicable rules and regulations now or hereafter established by any department of the Federal Government.

Conveyance of property to United States

23204. Any property owned or acquired by a district may be conveyed by it to the United States in so far as the property may be needed for the construction or operation of works by the United States for the benefit of the district pursuant to the contract.

Article 3. Approval of Federal Contracts

When approval election required

23220. A proposal to enter into a contract with the United States shall be authorized at an election if the contract is for any or all of the following:

(a) Repayment of construction money.

(b) Repayment of the cost of acquiring any property.

(c) Issuance of bonds.

Conduct of election

23221. Proceedings at the election shall be had in so far as applicable in the manner provided in the case of the ordinary issuance of district bonds.

Commission to examine proposal

23222. The proposal and, if any, the plan of the project, including a copy of the estimate of cost and the engineer's report, shall be submitted to the commission for its examination and report. The proceedings in that regard shall be in accord with the proceedings provided in Chapter 1 of Part 9 of this division as far as they may be applicable.

Additional statements in notice of election

23223. Notice of the election shall contain in addition to the information required in the case of ordinary bond elections a statement of the maximum amount of money to be payable to the United States for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if any, to be conveyed by the district pursuant to the contract.

Contents of ballots

23224. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract—Yes" and "Contract—No" or "Contract and bonds—Yes" and "Contract and bonds—No" whichever may be applicable.

Submission of contract and bond issue to superior court

23225. A district may submit any contract or proposed contract and bond issue to the superior court of the county in which is situated the office of the board to determine the validity thereof, the authority of the district to make the contract, and the authority for and validity of the issuance and deposit or transfer of the bonds. The validation proceedings shall be had as in the ordinary case of the judicial determination of the validity of district bonds and with like effect.

Article 4. Federal Contract Assessments

Source of revenue

23240. All payments to the United States under any contract between a district and the United States, including payments of interest and principal on bonds deposited with or transferred to the United States, shall be paid, unless otherwise provided by the contract, from revenue derived from annual assessments, apportioned pursuant to this chapter, upon real property within the district assessable for district purposes under the laws of the State, and the real property shall be and remain liable to be assessed and levied upon for the payments.

Annual levy

23241. The district by its board shall annually levy an assessment sufficient to raise the money necessary to meet all payments when due as provided in the contract.

Ascertainment of benefits

23242. The assessment required in any year to meet the payment due to the United States for all purposes under the contract may be apportioned in accordance with the benefits. In the ascertainment of the benefits there shall be taken into account:

(a) The provisions of the contract, the applicable Federal laws, and the notices and regulations issued in pursuance of those laws.

(b) In addition, in case the contract is for the assumption by the district as principal or guarantor of indebtedness to the United States theretofore existing on account of district land, the provisions of existing contracts carrying the indebtedness and the amounts of the liens that may be released in pursuance of the contract.

Public lands of United States assessable

Title 43, U.S.C., Sec. 621, et seq.

23243. Public land of the United States within any district shall be subject to assessment for all purposes of this chapter to the extent provided for by the act of Congress approved August 11, 1916, entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by Congress in the same relation, upon full compliance therewith by the district.

District's obligation to pay

23244. Nothing in this chapter relieves any district from its obligation to pay as a district in case of the default of any land unless so provided by the contract.

Disposition of money

23245. All money collected in pursuance of the contract shall be paid into the district treasury and held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

Article 5. Construction of Works for United States

District may contract or submit bids

23260. When the United States is authorized to construct works for the benefit of any district and the district is obligated to repay the construction cost in whole or in part to the United States, the district may by resolution of its board enter into a contract with the United States for the construction of the works or may submit bids for the construction of

the works the same as any other person may submit bids for the construction of the works.

23261. If a district is the successful bidder for the construction of the works or any part of them, the district may execute at its expense a bond for the faithful performance of the work and do any and all things required by the United States as would be required of any other successful bidder. District's bond for performance

23262. A district upon the execution with the United States of a contract for the construction of works by the district shall proceed with the work in the same manner and under the same laws and rules and regulations as would apply to the district in the construction of any works which it is authorized to construct. Manner and regulation of performance

23263. For the purpose of providing the necessary money to carry on the construction work the district may borrow money for a term not exceeding five years at rates of interest, to be fixed by its board, not exceeding 7 per cent per year and issue notes, warrants, or other evidences of indebtedness therefor. The aggregate amount of the indebtedness shall at no time exceed one-half of the total construction cost as provided in the construction contract. District may borrow money

23264. Any money received by a district from the United States under the contract shall first be applied to the retirement of notes, warrants, or other evidences of indebtedness issued pursuant to this article. Application of installments under contract

Article 6. Borrowing from United States

23280. In addition to other powers conferred by this chapter districts may pursuant to this article borrow or procure money from the United States for any of the following purposes: Purposes

(a) Financing any operations or purposes of the district.

(b) Financing or refinancing any or all of the obligations of the district.

(c) Refunding or purchasing bonds of the district.

23281. When the United States has appraised the security underlying the indebtedness of any district or loans any district money to refund any of its indebtedness or to finance any of its operations, the district may in contracting for the loan agree that it will not during the life of the loan levy any assessment for an amount less than required by the contract. Agreement regarding amount of levy

23282. Any district, upon being authorized so to do as provided by Article 3 of this chapter as modified in this article, may as evidence of the loan execute a contract with the United States. Execution of contract

23283. A district may issue bonds if required by the contract or without a contract. Issuance of bonds

23284. The bonds shall contain any terms and be payable in any manner and from any source of revenue that may be agreed upon between the district and the United States and Same: Terms and conditions

may bind the district for the payment of the bonds according to the terms thereof.

Same: Types; how callable

23285. The bonds may be serial or sinking fund bonds, may be made callable either by number or by lot, and may be made payable to bearer or to the United States. They shall be in the form and authorized and issued in the manner substantially as provided for refunding bonds of districts.

Proposal to contract with U. S.

23286. A proposal to enter into any contract with the United States pursuant to this article shall be submitted to the commission.

(Amended by Stats. 1947, Ch. 1313.)

Authorization by majority of electors

23287. A majority vote at an election shall be sufficient to authorize the execution of the contract.

Contents of notice of election and ballot

23288. The notice of election and ballot need contain only the information required in the case of ordinary bond elections.

Single proposition

23289. Proposals both to enter into a contract and to issue bonds may be voted upon as a single proposition.

Article 7. County Water Districts as Irrigation Districts

"County water districts"

23300. As used in this article "county water district" means a county water district which has heretofore executed or shall hereafter execute a contract with the United States for any or all of the following purposes:

Purposes of contract

(a) Acquisition, extension, or operation of works for irrigation or drainage or flood control or the development of electric or other power.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States.

Title 43, U.S.C., Sec. 511

23301. Every such county water district shall, within the meaning of the act of Congress approved August 11, 1916, entitled "An act to promote the reclamation of arid lands" and of the act of Congress approved May 15, 1922, entitled "An act to provide for the application of the reclamation law to irrigation districts," be deemed to be an irrigation district organized and created under the irrigation district laws of this State.

Public lands of United States subject to assessment and taxation

23302. Public land of the United States within any such county water district is subject to assessment and taxation for all purposes of such district to the extent provided in said acts of Congress upon full compliance therewith by the county water district.

Chapter 3. Cooperation With Other Districts

Article 1. Cooperation With Districts in Other States

Right of eminent domain not extended

23375. The provisions of this chapter do not extend the right of eminent domain to any public use in behalf of which it may not otherwise be exercised.

Joint acquisition

23376. Districts may enter into agreements with irrigation districts in adjoining States for the joint acquisition, management, and control of diverting, impounding, or dis-

tributing works for irrigating or draining land within the boundaries of the respective districts.

23377. Agreements pursuant to this article may be evidenced by written contracts executed on behalf of the board of directors or trustees of each respective district or by resolutions entered upon their respective minutes. Same: Evidence of agreements

23378. The contracts or certified copies of them and certified copies of the resolutions shall be recorded in the office of the county recorder in each county in which is situated any of the land of the districts or any of the reservoir sites or other real property owned by the districts or acquired pursuant to this article. Same: Recordation of contracts and resolutions

23379. Agreements made pursuant to this article may provide for joint ownership, several ownership, or ownership in common of the property convenient for their joint purposes and may provide for the terms under which or the respective proportions in which the property shall be held. Same: Types of ownership, terms and proportions

23380. Any rights or disputes arising out of or from the agreements may be tried before and enforced by any court of competent jurisdiction in this State. Jurisdiction of courts

23381. Any meeting of a board regularly adjourned to or called substantially in the manner for calling special meetings may be held in conjunction with the board of the cooperating district in the cooperating district in the adjoining State with the same validity as if held at the district office in this State. Place of meetings

23382. For the purposes of cooperative action pursuant to this article either district may divert water from either or both States for either or both impounding in the adjoining State or for distribution to the land of either or both cooperating districts. Use of water

23383. So far as necessary for carrying out the purposes of this article a cooperating district in an adjoining State may hold title to property in this State, and a cooperating district in this State may hold title to property in the adjoining State. Title to property outside State

Article 2. Cooperation With County Water Districts

23450. As used in this article "districts" means one or more irrigation districts together with one or more county water districts. "Districts"

23451. As used in this article "contract with the United States" means a contract made under the provisions of the Federal Reclamation Law for any or all of the following purposes: "Contract with the United States"

(a) Acquisition, extension, or operation of works for irrigation, drainage, flood control, or development of electric or other power.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States.

23452. As used in this article "power rights" includes power possibilities, power resources, and power privileges. "Power rights"

Requisites for contracting

23453. Districts may contract with each other pursuant to this article only when both:

(a) Each of the districts before or after contracting pursuant to this article makes a contract with the United States.

(b) All of the contracting districts propose to divert or carry water for use in the districts by means of a single main canal or system of works.

When contracts effective

23454. Any contract between districts made before each of the districts has made a contract with the United States shall be effective when all of the districts have so contracted with the United States.

Compromise and settlement of water disputes

23455. In any contract between districts they may contract to compromise and settle any controversies existing between them as to the extent or priority of their respective rights and claims to the use of water and agree upon the limitation and definition of the areas within them respectively upon which such water shall be beneficially used.

Amendment of applications previously filed

23456. Districts may also contract that applications theretofore filed by either of them with the Division of Water Resources shall be amended to conform to the provisions of the contract between them and that permits and licenses be issued accordingly.

Compromise and settlement of disputes over power rights

23457. Districts may also contract to compromise and settle any controversies existing between them as to power rights upon the canal or other water system, and for these purposes any of the districts may demise to another of the districts all of the power rights which the demising district has or thereafter obtains.

Term of lease of power rights

23458. The lease may be made for any term not exceeding 99 years and may vest in the lessee the operation, management, development, and control of the power rights and the use, sale, and control of power produced therefrom. The lease may provide for the payment of rentals and any other matters relevant to the leasing of the power rights as the districts may in their discretion deem advisable not in conflict with the Constitution of this State nor with the express terms of the statutes under which the districts are respectively organized and exist.

Further contractual obligations of lessor

23459. Districts may also contract that when the lease has been executed, the lessor may be required upon any terms agreed upon to procure for the lessee district contracts or applications for electric power signed by consumers in the lessor district and that the lessee district shall serve electric power in the lessor district at rates and upon terms and conditions prescribed in the contract.

Obtaining permits and licenses

23460. Districts may also contract that they shall cooperate to obtain permits and licenses to appropriate water for power purposes and to construct power facilities from the Division of Water Resources of this State or any Federal agency or both in the manner prescribed in the contract.

Other subject matter

23461. Districts may also contract for any other matters authorized by law.

23462. Districts so contracting have full power to perform and observe the contracts in accordance with the tenor and spirit thereof. Power to perform contracts

23463. Contracts made pursuant to this article shall be liberally construed to effectuate them according to their true intent. Liberal construction

23464. The execution of a contract between districts may be authorized by resolution of their respective boards. Authorization of contract by resolution

23465. Any and all such contracts executed prior to September 13, 1941, by and between such districts and all acts of boards of directors and other officers of such districts leading up to and including the execution of such contract or contracts, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such districts to execute, carry out, perform and observe such contracts and every provision thereof is hereby ratified, confirmed and declared valid and such contracts are hereby declared to be in all respects the legal and binding obligations of, against and in favor of each of such contracting districts. Retroactive provisions

PART 7. IMPROVEMENT DISTRICTS IN IRRIGATION DISTRICTS

CHAPTER 1. FORMATION

Article 1. Petition for Formation

Irrigation districts: Formation of improvement districts

23600. Land which need not be contiguous may be formed into an improvement district for one or more of the following:

(a) Irrigation or domestic water service by a system of pumps or conduits or both.

(b) Drainage or flood control.

(c) Acquisition of existing works incidental to a water distribution system separate from or supplemental to the works of the district.

(d) Change or improvement of the water distribution system of the district.

(e) Maintenance of irrigation works of the district and works for water supply or drainage or both in or for the improvement district.

(f) Control of weeds in or along conduits.

(Amended by Stats. 1947, Ch. 536.)

NOTE—Stats. 1947, Ch. 536, effective June 4, 1947, also contained the following:

Urgency

SEC. 13. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The possibility of flash floods as well as drought conditions in the various parts of the State require a liberalization of the purposes for which improvement districts in irrigation districts may be formed, in order that lives and property may be protected and the food production so urgently needed may be obtained.

Definitions

23601. As used in connection with improvement districts:

(a) "Improvement" includes acquisition of existing works, construction of new works, and change of existing works and excludes operation, maintenance, and weed control.

(b) "Construction" includes change of existing works.

(c) Both "operation" and "maintenance" include weed control.

Petitioners

23602. The formation of an improvement district may be proposed and the petition therefor shall be signed by two-thirds or more in number of the holders of title to the land in the proposed improvement district.

Petition: Contents

23603. A petition for the formation of an improvement district shall contain all of the following:

(a) Statement of the plans of the proposed improvement.

(b) Description of the land in the proposed improvement district.

(c) Names of the owners of all land within the proposed improvement district with their last known addresses.

(d) Description of the land owned in the proposed improvement district by each owner, which shall be according to the next preceding equalized assessment book of the district. Dis-

trict owned land in the proposed improvement district shall be described whether or not it appears on the next preceding assessment book of the district.

(e) Signatures of the petitioners.

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

Same: Designation by number

23604. The petition, all proceedings in reference to it, the improvement district, and the land in it shall be designated by a number.

Same: Form

23605. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures.

Same: Filing and inspection

23606. A petition to form an improvement district shall be filed with the secretary in the office of the district and may be inspected by all persons interested.

Article 2. Plans and Estimate of Assessment

Survey

23625. Upon receipt of a petition to form an improvement district the board shall cause a survey to be made of the proposed improvements, if any.

Other data if improvements feasible

23626. If the survey shows that the improvements are feasible, the board shall cause to be prepared the following:

(a) Plans and specifications of the improvements proposed to be constructed when the petition proposes the construction of improvements.

(b) An estimate of the cost of the proposed improvements.

(c) Statement of the proposed assessment for the cost of the proposed improvements apportioned to each tract of land in the proposed improvement district as the tracts appear on the last equalized district assessment book and to district owned land in the proposed improvement district whether or not it appears on the last equalized district assessment book, which apportionment shall be according to the benefits that will accrue to each tract by virtue of the proposed improvements.

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

Same: Filing and inspection

23627. If there are any, the plans and specifications, estimate of cost, and the statement of the proposed assessment shall be filed with the secretary in the office of the district and may be inspected by all persons interested.

Article 3. Hearing on Formation

Notice of hearing—Contents

23645. After the filing of the formation petition, and if any, the plans and specifications, the estimate of cost, and statement of the proposed assessment, the board shall give notice of a hearing upon the petition, and if a special assessment is to be levied in the improvement district pursuant to Article 4 of this chapter, the notice shall also state that the hearing is called to determine whether or not the special assessment should be levied.

Manner of giving notice

23646. Notice of the hearing shall be given by all of the following:

(a) Posting a notice in three public places within the proposed improvement district.

(b) Publication of the notice once a week for two weeks in a newspaper published in the office county.

(c) Mailing a copy of the notice to the last known address of all of the owners of land in the proposed improvement district to the addresses appearing in the petition.

Time

The notices shall be posted and mailed not less than 20 days prior to the date set for the hearing.

Hearing: Objections to petition, etc.

23647. At the hearing the board shall hear any objections coming before it to any of the following:

(a) The petition.

(b) The formation of the improvement district.

(c) The land to be included within the improvement district.

(d) The plans and specifications.

(e) The estimate of cost.

(f) The proposed assessment.

(g) The apportionment of the assessment.

Same: Changes in petition, etc.

23648. At the hearing the board shall make any changes in reference to the matters set forth in Section 23647 as it considers proper. The board may exclude any part of the land described in the petition from the proposed improvement district and may include additional land.

Same: Continuance if additional land included, and notice

23649. If any additional land is included in the proposed improvement district, the hearing shall be continued and the owners of the added land given personal notice of not less than 20 days of the addition of the land to the improvement district.

Improvement district conditions binding

23650. Any of the following conditions specified in the plans and specifications of any improvement district heretofore or hereafter formed imposed upon the respective parcels of land in the improvement district are binding and may be enforced:

(a) Limitations, based on the amount of assessment in the respective parcels or otherwise on:

(1) Number of outlets;

(2) Number of services;

(3) Number of connections with the improvement district pipe line;

(4) Uses to which water may be put;

(5) Quantity of water that may be used.

(b) Increases provided for as to any of the foregoing on condition that specified tolls, connection charges, or additional assessments are paid.

(Added by Stats. 1947, Ch. 718.)

Application of tolls, etc.

23651. All such tolls, connection charges, and additional assessments shall be held and applied upon and reduce the last call or calls of the improvement district assessment, or held, and used, or distributed as provided for in Section 24529.

(Added by Stats. 1947, Ch. 718.)

Article 4. Formation and Assessment

23665. Regardless of any findings made by the board if more than one-third in number of the holders of title to land within a proposed improvement district object at the hearing to its formation or the levy of the proposed assessment, the board shall deny the petition, and no further proceeding shall be had on it. When petition must be denied

23666. If at the hearing the board finds that it would not be for the best interests of the district and the proposed improvement district to form the improvement district the board shall order the proceedings dismissed without prejudice to their renewal. Dismissal without prejudice

23667. If the board finds that it would be for the best interests of the district and the proposed improvement district to form the improvement district, it shall make and enter in its minutes a final order: Order and contents

(a) Approving the petition.

(b) Forming the improvement district.

(c) Levying the assessment if any is provided for and if the assessment is necessary.

(d) Apportioning the assessment, if levied, to the land in the improvement district according to benefits.

23668. The order shall contain a description of the land in the improvement district. Description of land

23669. Any assessment levied pursuant to Section 23667 shall include both of the following sums: Sums included in assessment

(a) An amount equal to interest on any deferred payments at a rate not exceeding 7 per cent each year.

(b) An amount equal to 10 per cent more than all other sums to be raised by the assessment, in order to provide for anticipated delinquencies.

23670. The assessment may be made payable in not more than 10 annual installments. Maximum number of installments

23671. The secretary shall cause a certified copy of the order creating the improvement district to be recorded in the office of the county recorder in each county in which any land of the improvement district is situated. Recording of creating order

23672. The assessment and each installment of it shall be and remain a lien on the land in the improvement district in the same manner as and be a part of the annual assessment of the district. Lien on land

23673. Upon a change or resubdivision upon the assessment book of the district of any parcel of land in an improvement district, the board upon its own initiative or upon a petition of the owner of the parcel so changed or resubdivided, may reapportion the improvement district assessment upon the parcel, and the order of reapportionment shall be recorded in the same manner as the order levying the original assessment. Reapportionment of assessment

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

See also Stats. 1947, Ch. 536
Reduction of assessment

23674. If the actual cost of the improvements is substantially less than the estimated cost the assessment may be reduced proportionately on each parcel by recomputing it based on actual costs with the percentage and interest provided for in Section 23669 added thereto. The reapportionment or a statement that the assessment on each parcel has been reduced by a designated percentage shall be recorded in the same manner as the order levying the original assessment.

Assessments on district owned land

Installments of assessments levied on district owned land becoming due while the land is still owned by the district shall be paid by the district. Conveyance of such lands into private ownership shall not release the lien thereon of the assessment and the unpaid installments of it.

(Added by Stats. 1947, Ch. 536; amended by later act passed at same session, Stats. 1947, Ch. 816.)

See note to Sec. 23600.

Chapter 2. Alternative Procedure for Formation

Article 1. Proposal by Board

Limited in cost and acreage

23750. This chapter provides an alternative procedure for forming an improvement district within a district for the purpose of the construction of improvements in it, or the acquisition, installation, replacement, or extension of existing works for the production and distribution of water, or any number of these if the cost thereof will not exceed the sum of five thousand dollars ($5,000) and the area of the land to be included in the improvement district does not exceed 100 acres.

Applicable provisions

23751. Unless otherwise expressly provided the formation proceedings provided by this chapter shall be conducted in accordance with the provisions of the next preceding chapter.

No petition required

23752. No petition is required for the formation of an improvement district pursuant to this chapter.

Survey by resolution of board

23753. The board may by resolution cause a survey of the proposed improvement to be made, which survey shall include each of the following:

(a) Detailed plans and specifications.
(b) An estimate of the total cost of the improvement.
(c) A description of the land to be benefited.

Article 2. Hearing and Formation

Requisites to holding hearing

23770. If the cost of the improvements does not require a special assessment in excess of a total of fifty dollars ($50) per acre over an area to be improved not in excess of 100 acres, the board may by resolution set a time for a hearing on whether or not to form the improvement district.

Notice of time and place of hearing

23771. The board shall give notice of the time and place of the formation hearing in the same manner as provided for the giving of notice for the hearing of a formation petition pursuant to Chapter 1 of this part except that the notice

to be mailed to the property owners shall be addressed to their last known address as shown on the assessment book or other records of the district.

23772. Owners of the property proposed to be included within the improvement district may be heard either in opposition to or in support of the formation of the improvement district. Owners may oppose or support

23773. Proceedings at the hearing shall be the same as provided for at a hearing upon the formation petition pursuant to Chapter 1 of this part. Conduct of proceedings

23774. Upon the conclusion of the hearing to form an improvement district an order shall be made by the board either dismissing the proceedings or ordering the improvement to proceed in the same manner and with the same effect as provided in Article 4 of Chapter 1 of this part. Order of formation, or dismissal of proceedings

23775. If a formation order is made pursuant to this chapter, the land formed into the improvement district shall, for a period not to exceed five years, be assessed in an amount not to exceed ten dollars ($10) per acre per year in addition to the regular assessments levied on the same land annually for district purposes. Limitation on amount of assessment

23776. Assessments in an improvement district formed pursuant to this chapter shall be levied, collected, and enforced at the same time and in the same manner as annual assessments for district purposes. Procedure for levy, collection, etc.

Chapter 2A. Revenue Improvement Districts

(Chapter 2A. Added by Stats. 1947, Ch. 717)

23800. As used in this chapter and in other chapters when applied to an improvement district or proposed improvement district formed or to be formed under this chapter, Definitions

(a) "Land" means land entitled to receive water from a district as a matter of right but located outside the district, and land in the district, or either of these. "Land"

(b) "Revenue" means all or any part of any source or sources of payment excluding assessments. "Revenue"

(Added by Stats. 1947, Ch. 717.)

23801. Unless otherwise expressly provided in this chapter the provisions of all sections of Part 7 of this division shall be applicable to an improvement district formed pursuant to this chapter. Application of chapter

(Added by Stats. 1947, Ch. 717.)

23802. Land may be formed into an improvement district for one or more of the purposes provided for in Chapter 1 of this part. Purposes

(Added by Stats. 1947, Ch. 717.)

23803. The formation of an improvement district under this chapter may be proposed and the petition therefor shall be signed by two-thirds or more in number of the holders of title to the land in the proposed improvement district and the signa- Petition

tures must include those of two-thirds or more in number of the holders of title to the land in the proposed improvement district located outside the district and two-thirds or more in number of the holders of title to the land in the proposed improvement district located in the district if both classes of land are to be included.

(Added by Stats. 1947, Ch. 717.)

Land outside district

23804. Land, in the proposed improvement district, located outside the district shall be described in the petition by each owner, which shall be according to the next preceding equalized county assessment roll.

(Added by Stats. 1947, Ch. 717.)

Payment of costs from revenue

23805. No assessment shall be levied in the improvement district and no statement thereof prepared, but in lieu thereof the cost of the improvement and the improvement district warrants issued and interest thereon shall be paid from revenue designated by the board in its order forming the improvement district.

(Added by Stats. 1947, Ch. 717.)

Hearing

23806. The notice provided for in Section 23645 shall also state that the hearing is called to determine the allocation of revenue to pay the costs of the proposed improvement.

(Added by Stats. 1947, Ch. 717.)

Objections

23807. Regardless of any findings made by the board if more than one-third in number of the holders of title to land, in the proposed improvement district, located outside the district or more than one-third in number of the holders of title to land, in the proposed improvement district, located inside the district, object at the hearing to its formation or the allocation of revenue made to pay the cost of the proposed improvement, the board shall deny the petition and no further proceedings shall be had on it.

(Added by Stats. 1947, Ch. 717.)

Revenue allocated

23808. Until the payment or retirement of the warants for the benefit of which an allocation was made, the allocation shall be irrevocable, and the revenue allocated shall be applied solely to the payment of the obligations specified in the allocating order.

(Added by Stats. 1947, Ch. 717.)

Charges

23809. Before April 1st of each year after the warrants are issued the board shall fix charges for the use of water in the improvement district sufficient, when added to other allocated revenue that will be received during the current year, to provide funds adequate to pay the amount of the improvement district warrants and interest thereon then due and that will fall due during the current year plus an amount equal to 10 percent more than such amount if the warants provide that such additional amount shall be charged to establish a reserve fund to further assure payment of the warrants and interest.

(Added by Stats. 1947, Ch. 717.)

23810. The improvement district warrants shall be made payable over not to exceed a period of 10 years and shall specify a rate of interest fixed at the time of their issuance not exceeding 7 percent per year. Warrants

(Added by Stats. 1947, Ch. 717.)

Chapter 3. Further Assessments and Inclusion

Article 1. Supplemental Assessments

23850. If the assessments levied upon land in an improvement district are insufficient to pay the cost of improvements or the warrants issued for the improvements, a supplemental assessment shall be levied upon all of the land in the improvement district sufficient to pay the cost or the warrants. Insufficiency of funds

23851. The procedure followed in making the supplemental levy shall be substantially the same as for making the original levy, except that no petition is required. Procedure to be followed

Article 2. Assessment for New Purposes

23865. Whenever it is desired to do additional work or acquire additional property in or for an improvement district, upon the petition of two-thirds in number of the holders of title to the land in the improvement district an additional assessment may be levied substantially in the same manner as the original assessment. Petition by title holders

Article 3. Inclusion of Land

23875. If at any time it is desired to include additional land in an improvement district, a petition for inclusion signed by the holders of title to the land to be included may be filed with the board. Petition for inclusion

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

23876. The inclusion petition shall describe the land in the improvement district as enlarged by the proposed inclusions and give the names and addresses of the owners of the additional land in substantially the same manner as in the original petition for forming an improvement district. Contents of petition

23877. The same proceedings shall be had on the improvement district inclusion petition as upon the original petition for the formation of an improvement district. Proceedings

23878. The board may prescribe any conditions upon the inclusion of the land that it deems just. Conditions

(Added by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

23879. If any conditions not contained in the petition for inclusion are prescribed by the board the lands shall not be included until two-thirds in number of the petitioners approve the conditions in writing. Approval

(Added by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

Chapter 4. Functioning of Improvement Districts

Article 1. Improvement District Management

Rights, powers and privileges

23950. In a district containing an improvement district the board and all of the officers of the district each respectively has all the rights, powers, and privileges as to the improvement district, its land, and the proceedings in relation to the improvement district that each respectively has for the district of which the improvement district is a part, including the right of the district to acquire, own, and hold property.

May hold property as trustees

23951. The board may also hold property used or acquired in connection with the improvement in the name of the directors and their successors in office as trustees for the improvement district.

Agreement regarding use of water

23952. The board of a district in which an improvement district exists may allow on terms that may be agreed upon any person to carry water through any conduit for the improvement of which the improvement district was formed and may cancel the right in the event that payments are not made in accordance with the agreed terms.

Work and materials

23953. The work of improvement provided for in this part and the purchase of all supplies, material, and equipment therefor shall be performed by the district, or in the discretion of the board contracts may be made for the work and material after notice calling for bids, as prescribed by the board.

Charges for water, etc., in lieu of assessments

23954. The board of the district may in lieu in whole or in part of levying assessments for the operation of improvement district works fix and collect charges for the use of water or for any other service furnished by means of the improvement district works in the same manner and with the same effect as charges are made and collected by districts for the use of water or for services.

Use of irrigation district funds

23955. The board of the district may, provide for the maintenance and operation of the works of an improvement district from the funds of the irrigation district, in lieu of levying further improvement district assessments for such purposes.

(Added by Stats. 1945, Ch. 301.)

Article 2. Improvement District Warrants

Limitations on amount of warrants

23975. A district may issue improvement district warrants signed by its president and secretary in face amount not exceeding in the aggregate the cost of the improvements exclusive of interest and amounts paid prior to the issuance of these warrants on the assessment levied to pay for the improvement.

How payable

23976. Improvement district warrants shall be made payable in amounts and at the times corresponding substantially to the amounts and times of payment of the installments of the improvement district assessment.

23977. Improvement district warrants shall bear interest at the rate fixed at the time of the levy of the improvement district assessment, and the interest may be made payable semiannually. Interest

23978. Coupons for the interest on these warrants may be attached to them. Interest coupons

23979. Improvement district warrants may be made payable to any of the following: Payees

(a) Bearer.

(b) Persons furnishing work, labor, or material.

(c) The contractor if the work of improvement is to be done under contract.

23980. Improvement district warrants may be sold by the district for not less than par at either public or private sale. Sale by district

23981. Any surplus funds and any money held by a district in a sinking or depreciation fund may in the discretion of its board be invested in the warrants of any improvement district within the district. Investment of funds

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

Article 3. Advance Payment of Assessments

24000. At any time before improvement district warrants are issued, the amount of any improvement district assessment on any land, exclusive of interest and the 10 per cent added for anticipated delinquencies, may be paid in money. Prepaying of assessments

24001. Land on which the amount of the improvement district assessment has been paid pursuant to Section 24000 shall not be subject to the annual installments of the assessments levied for the purposes of the improvement, but it shall be and remain liable for any assessments levied for operation and for any supplemental or additional improvement district assessments levied. Remaining liability

24002. Any landowner of an improvement district who desires at any time to lessen or remove the lien upon his land of any improvement district assessment may deliver to the district treasurer for cancellation warrants payable out of the assessment. Assessment warrants as payment

24003. The board may require warrants delivered to lessen or remove an improvement district assessment lien to be substantially of the average maturities of the issue of warrants. Same: Requirement as to maturity

24004. The treasurer shall notify the board of the amount of the principal and interest due and to become due on the warrants delivered for cancellation. The board shall thereupon cause the proper cancellation and proper record and credit to be made against the improvement district assessment on the land of the person delivering the warrants. Cancellation, and record of payment

Article 4. Actions and Proceedings

Conclusiveness of acts, etc.

24020. All acts, proceedings, conclusions, and findings of fact, including the levy of an assessment, by a board of a district concerning an improvement district therein shall be conclusive except in an action or proceeding instituted within six months after the acts, proceedings, conclusions, or findings were had or made.

Exception

Action to determine validity

24021. The board of a district in which an improvement district is located may, at any time after the levy of any assessment or the issuance of any warrants for the improvement district, bring an action to determine the validity of the assessment or the issuance of the warrants in the same manner and with the same effect as provided for the determination of the validity of district bonds and assessments.

Irregularities or omissions

24022. No irregularity or omission not affecting the substantial rights of the landowners within an improvement district shall affect the validity of any act done or proceeding taken in relation to the improvement district.

Chapter 5. Dissolution of Improvement Districts

Petition for dissolution

24100. At any time prior to the incurring of any indebtedness or upon the full payment of all indebtedness of an improvement district, a petition, signed and acknowledged by not less than the number of holders of title to land constituting the improvement district required to sign a petition to form the improvement district, may be filed with the board requesting that the improvement district be dissolved.

Hearing

24101. A hearing on dissolution shall be had in the same manner and after the same notice as is required for the formation of an improvement district.

Order of dissolution

24102. The board may, after the hearing, order the improvement district dissolved.

Same: Recordation

24103. The order of dissolution shall be recorded in the same manner as the order forming the improvement district.

PART 8. FINANCIAL ORGANIZATION

CHAPTER 1. GENERAL FINANCIAL PROVISIONS

Article 1. Creation of Liabilities

Limiting provisions
Void debt or liability

24250. A district may not incur any debt or liability whatever in excess of the express provisions of this division. Any debt or liability so incurred is absolutely void.

Organization expenses

24251. For the purposes of formation or for any other of its purposes a district may, before the levying of the first assessment, incur indebtedness in a total amount not to exceed two thousand dollars, ($2,000) or, if the district contains more than 4,000 acres, one-half as many dollars as there are acres of land in the district.

Irrigation district: Right to contract or lease

24252. A district shall have the right to enter into any contract or lease for any property necessary in the judgment of its board for any of the uses or purposes of the district and by the lease or contract to bind the district for the payment of the consideration specified in the lease or contract as may be provided therein.

(Amended by Stats. 1947, Ch. 965.)

Procedure where lease, etc., requires large sums

24253. If the largest payment to be made under any one lease or contract for any property exceeds in any year an amount equal to one-fourth of 1 percent of the total valuation of the land in the district according to the assessment next equalized before the making of the lease or contract, the lease or contract shall not be valid unless either:

1. The district has appropriate funds on hand at the time the lease or contract is made, sufficient to meet all payments to be made thereunder and in excess of the district's normal requirements for the period in which the payments are to be made; or,

2. Unless a particular purpose or emergency assessment sufficient to meet all of the principal payments to become due under the lease or contract is authorized; or,

3. The lease or contract is approved by the Districts Securities Commission.

(Amended by Stats. 1947, Ch. 965.)

Article 2. Settlements and Statements

Duties of collector

24270. On the first Monday in each month the collector shall do all of the following:

(a) Settle with the secretary for all money collected for assessments during the month next preceding.

(b) Pay the money to the treasurer.

(c) File in the district office with the secretary the receipt of the treasurer for the money paid.

24271. The collector shall be credited in his settlement with both:

(a) The amount due to the district on property he sells to the district for delinquent assessments.

(b) The amount by which any assessment is canceled or modified by order of the board.

Same: Further duties

24272. Within six days after he settles with the secretary, the collector shall file in the district office with the secretary a statement under oath, showing:

(a) An account of all his transactions and receipts during the period for which the settlement was made.

(b) Payment to the treasurer of all money collected by him as collector during the period for which the settlement was made except redemption money held for assignees of certificates of sale.

(c) The respective sums of redemption money held by him for assignees of certificates of sale and the names of the persons entitled to receive this money if known to him.

Duties of treasurer

24273. The treasurer shall on the first Monday in each month file in the district office with the secretary a verified written report to the board showing all of the following:

(a) The amount of money in the district treasury at the close of the month next preceding.

(b) The amount of receipts for the month next preceding.

(c) The amount and items of expenditures for the month next preceding.

Duties of board

24274. The board on or before its regular monthly meeting in March of each year shall render and immediately publish a verified statement of the financial condition of the district showing particularly:

(a) Receipts of the next preceding year and their sources.

(b) Disbursements of the preceding year and their purposes.

Publication of annual financial statement

24275. Publication of the annual financial statement shall be made at least once a week for two weeks in a newspaper published in the office county.

Chapter 2. Deposits

Article 1. Deposits Generally

Laws governing deposits

24350. Any money belonging to a district may be deposited by the officer of the district who has legal custody of the money, in accordance with the general laws governing the deposit of public money.

When security not required

24351. Where the deposit of money is insured by the Federal Deposit Insurance Corporation no additional security need be required from the bank for the portion of the district's deposits so insured.

Same

24352. Where arrangements have been made by the district with the Reconstruction Finance Corporation for deposit of district funds in the Federal Reserve Bank of the United States, such deposits may be made in that bank or any branch of it without requiring any security or interest.

Designation of agent

24353. A district may with the approval of the commission designate any bank or trust company to act as its agent for any or all of the following purposes:

Purposes

(a) Making payment of the principal or interest or both of any of its bonds.

(b) Receiving any revenue allocated by the board to the payment of either or both the principal and interest, or any part of either, of any bonds for which the allocation was made.

(c) Applying the revenue to the payment of the principal or interest designated.

Substitution of agent

24354. A district with the consent of the commission may from time to time substitute another bank or trust company in the place of the bank or trust company designated pursuant to Section 24353 and may similarly make resubstitutions.

Article 2. Deposits in County Treasury

Excess in construction fund

24370. The board may draw from time to time from the construction fund and deposit in the county treasury of the office county any money in the construction fund in excess of twenty-five thousand dollars ($25,000).

County treasurer's responsibility

24371. The county treasurer shall receive and receipt for district money deposited with him and place it to the credit of the district, and he shall be responsible upon his official bond for the safe-keeping and disbursing of the money.

Restrictions on county treasurer

24372. The county treasurer shall pay out district money or any portion of it only to the treasurer of the district and only upon the order of the board signed by the president and attested by the secretary.

Reports by county treasurer

24373. A county treasurer having charge of district money shall report as to it in writing on the second Monday in each month all of the following:

(a) Amount in the county treasury at the close of the month next preceding.

(b) Amounts received in the month next preceding.

(c) Amounts paid out in the month next preceding.

The report shall be verified and filed with the secretary.

Article 3. Special Accounts

Special accounts from general fund

24390. The board may by resolution establish special accounts from the general fund when they are convenient for the efficient and economical operation of the district and designate the person or officer to have custody of the several accounts so established.

Supplied by warrant

24391. Special accounts from the general fund shall severally be supplied from the general fund by warrant in the same manner as in the payment of any claim against the district.

Report by custodian of fund

24392. The person in custody of any special account shall make a verified report in writing to the board between the first and tenth of each month showing all of the following for the month next preceding:

(a) Amount of money received by him for the account in his charge.

(b) Amount and items of expenditures from the account.

The report shall be filed with the secretary.

Restrictions on disbursements

24393. No payment shall be made from any special account except upon the written order of a person designated for the purpose by the board, which order shall indicate the purpose for which and the person to whom payment is to be made.

Chapter 3. Funds

Article 1. Funds Generally

Creation of funds

24475. The following funds are created to which district money properly belonging shall be apportioned:

(a) Bond principal fund.
(b) Bond interest fund.
(c) Construction fund.
(d) General fund.

Reserve fund

24476. A district may provide for a reserve fund to be used for the payment of the interest or principal of any outstanding bonds.

Funds required by bond plan

24477. A district may establish any fund required to comply with the terms of any plan by which any bonds are to be paid.

Withdrawals for sinking funds

24478. To the extent that any fund contains money applicable to a sinking fund provided for in a refunding plan or modification of it, the treasurer shall withdraw the sinking fund money from the fund to the amount and at the times required by the terms of the refunding plan or modification of it and apply the money pursuant to those terms.

Payments into refunding bond sinking fund

24479. Surplus funds on hand and available for payment into a refunding bond sinking fund may on order of the board be paid into it.

Investment in government or State bonds

24480. Any money in a refunding bond sinking fund may be invested in bonds of the United States or of this State.

Part of sinking fund

24481. Federal and State bonds so purchased with the sinking fund money together with the income from them shall be held as part of the sinking fund until the board determines that it is for the best interests of the district that the bonds or any of them be sold.

Deposit: Proceeds of sale of bonds

24482. The proceeds from the sale of any bonds in which any part of the sinking fund was invested shall be deposited in the sinking fund.

Same: Annual assessments

24483. The proceeds of the annual assessment shall be paid into the district treasury and be apportioned to the several proper funds.

Same: Limited assessments

24484. The proceeds of limited assessments shall be paid into the district treasury for the purpose for which the assessments were respectively authorized.

Same: Lease or sale of allocated property

24485. The proceeds from the lease or sale of any property specifically allocated to the payment of warrants shall be placed in a separate fund and shall not be diverted to any other purpose until the warrants are paid in full.

Transfer and use of unexpended money

24486. Whenever an object for which money has been specifically provided by district assessment or by bond issue has been accomplished and any money provided therefor

remains unexpended, it may be transferred by the board to the general fund and thereafter be available for any district purposes.

Article 2. Payment and Purchase of Bonds

Payments from bond principal fund

24500. Upon presentation of any matured bond of the district, the treasurer shall pay it from the bond principal fund.

Matured interest coupon

24501. Upon presentation of any matured interest coupon of any bond of the district, the treasurer shall pay it from the bond interest fund.

Interest payable from proceeds of bond sale

24502. If the estimate of the amount of the bond issue includes any amount for the payment of interest on the bonds of the issue, on order of the board there may be used for the payment of that interest so much of the proceeds of the sale of the bonds as was approved for that purpose in the report of the commission approving the issuance of the bonds.

From special or sinking fund

24503. If the principal or interest of any bonds is payable from any special or sinking fund, it shall be payable from that fund.

Interest after maturity

24504. If money is not available in the fund designated for the payment of any matured bond or interest coupon, it shall draw interest at the rate of 7 per cent per year from the date of its presentation for payment until notice is given that funds are available for its payment.

Procedure on non-payment of bond

24505. A bond presented but not paid shall be stamped and provision made for its payment as in the case of a warrant payable on demand for the payment of which funds are not available on its presentation.

Purchase of outstanding bonds out of surplus

24506. Whenever there is in any fund of the district money in excess of that required for the purposes of the fund up to the time when any part of the next annual assessment levied or to be levied in the district will become delinquent, the district may purchase with this surplus money or any part of it any of its outstanding bonds not yet due.

May be canceled or held

24507. Bonds so purchased may be canceled or held as a part of the district assets until the board determines that it is for the best interests of the district that the bonds or any of them be sold. Bonds not resold prior to the date of their maturity shall be canceled.

Article 3. Improvement District Funds

Cost of improvements

24525. The cost of improvement district improvements shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the land in the improvement district for improvement purposes.

Improvement district warrants

24526. Improvement district warrants shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the land within the improvement district for improvement purposes.

Same: Sole use

24527. Improvement district warrants or their proceeds shall be used solely for making the improvements for which the improvement district was formed and the necessary incidental expenses.

Payment for improvements

24528. The cost of the improvement for an improvement district may be paid immediately from either the general fund of the district or from any special or construction fund available, the money advanced to be returned to the fund from which taken upon the collection of assessments for the improvement district or sale of improvement district warrants.

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

Disposition of excess assessments

24529. If the proceeds from any improvement district assessment levied for improvement purposes exceeds the final amount necessary for the purposes for which it was levied, the excess may be held in a special fund to be used for the operation of the works of the improvement district, be transferred to the general fund of the district to be used as the board deems proper for the benefit of the land in the improvement district, or be distributed to the holders of title to land in the improvement district in the proportion that the respective parcels of land contributed to the total collected from the improvement district assessment, the holders of title to be conclusively determined by the district assessment book last equalized at the time the distribution is made, with unknown and fictitiously named owners being disregarded.

(Amended by Stats. 1947, Ch. 536.)

See note to Sec. 23600.

Disposition of other receipts and charges

24530. Receipts from assessments levied for the operation of improvement districts and charges in lieu of the assessments, when collected, shall be deposited in a separate fund for the benefit of the improvement district to be used for its operation.

Chapter 4. Warrants

Article 1. Payment of Claims

Manner of paying claims

24600. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned by the secretary.

Mileage, personal expenses, etc.

24601. All claims against any district presented by any officer or employee for mileage, personal expenses, or for money expended by the claimant for the district shall be filed with the board upon a form furnished by the district.

Same: Requisite data

24602. Claims set forth in Section 24601 shall be itemized in detail to show:

(a) Date of each expenditure.

(b) Place where the expenditure was made.

(c) Purpose for which any money claimed was expended.

(d) Miles traveled and purposes of trips for which mileage is claimed.

(e) Any other matters the board may require.

Same: Verification

24603. The officer or employee presenting any claim provided for in Section 24601 shall verify it before the secretary, who is authorized to administer oaths for that purpose, or before any person authorized by law to administer oaths.

24604. The verification shall state in substance all of the following: Statements in verification

(a) The money claimed was actually expended or the mileage stated was actually traveled for the district in pursuance of the duties of the officer or employee presenting the claim.

(b) The claim is presented in good faith and has not been previously paid.

Article 2. Warrants Payable at Future Times

24625. If any contract or lease for the acquisition of property provides for any future payments by the district, warrants may be issued, on order of the board, for the payments, which warrants shall be made payable at the times provided in the contract or lease. Future payments under contract or lease

24626. When a particular purpose or emergency assessment has been authorized, warrants in an amount equal to the amount of the assessment may be issued on order of the board to carry out the purpose for which the assessment was authorized. These warrants shall be made payable at the time or times that the board estimates that they can be paid from the proceeds of the assessment. Particular purpose or emergency assessments

24627. Any outstanding registered warrants and their accrued interest may be refunded by the issuance of warrants payable at stated times fixed by the board. These warrants may be exchanged for the registered warrants or sold for not less than their par value to provide funds for the payment of the registered warrants or any of them and their accrued interest. Registered warrants

24628. Warrants payable at a future time or times may be issued in consideration of money loaned to the district for the purchase of any of its outstanding bonds or the refinancing or retiring of any outstanding contract. The annual interest payable on these warrants shall be less than the annual interest on the bonds purchased or contract refinanced or retired with the proceeds of the warrants. Consideration for which issuable Interest requirement

24628.5. Warrants payable at a future time or times may also be issued to obtain funds or property for any lawful purpose of the district; provided, that, unless approved by the commission, the total amount of warrants payable in any one year shall not exceed one-fourth of 1 per cent of the total valuation of the land in the district according to the last equalized assessment roll. Purpose for which issuable Limitation

(Added by Stats. 1943, Ch. 685.)

24629. Any warrant authorized in the preceding sections of this article shall draw interest at a rate to be fixed by the board not to exceed 6 per cent per year payable annually or semiannually as the board may prescribe. Interest rate

24630. Coupons payable to bearer in a form and signed as prescribed by the board may be attached to warrants payable at a future date to evidence their interest. Bearer interest coupons

Issuable prior to levy of first district assessment

24631. Warrants of any district may be issued to evidence the indebtedness allowed to be incurred prior to the levy of the first district assessment, bearing interest fixed by the board at not more than 7 per cent per year. These warrants shall be made payable on a date not later than the first day of July next after the first annual assessment in the district is levied.

Payment out of proceeds of sale or lease

24632. If any district owns any property which it is authorized to lease or sell, its board may in the contract providing for the issuance of warrants payable at a future time, agree that the proceeds of the lease or sale of the property, not required by law to be used for other purposes, shall be allocated to the payment of these warrants.

Limitation on maturity

When election required

24633. No warrants issued pursuant to this article made payable more than five years from the date of issuance shall be valid unless their issuance is authorized by a majority of the voters voting at an election called by the board for the purpose of determining whether or not the warrants shall be authorized.

Conduct of election

24634. Notice of the election shall be given and the election shall be held and the result determined as nearly as practicable in the manner provided for bond elections.

Article 3. Registration of Warrants

Types affected

24650. The provisions of this article are applicable only to the following types of warrants:

(a) Warrants made payable on demand.

(b) Warrants issued to evidence the indebtedness allowed to be incurred prior to the levy of the first district assessment.

Presentation when funds unavailable: Interest

24651. Whenever any warrant of a district is presented to the treasurer for payment when funds are not available for its payment, it shall thereafter draw interest at a rate determined by resolution of the board but not exceeding 7 per cent per year until public notice is given that funds are available for its payment.

Same: Indorsement by treasurer

24652. Upon the presentation of any warrants for payment when funds are not available to pay them, the treasurer shall indorse on them all of the following:

(a) "Funds not available for payment."

(b) Date of presentation.

(c) Rate of interest that the warrants will thereafter bear.

(d) His signature.

Effect of indorsement

24653. A warrant so indorsed is a registered warrant.

Duty of treasurer

24654. The treasurer shall keep a record showing all of the following:

(a) Number and amount of each registered warrant.

(b) Date of its issuance.

(c) Person in whose favor it was issued.

(d) Date of its presentation for payment.

Notice of available funds

24655. Whenever there is sufficient money available in the treasury to pay all outstanding registered warrants or whenever the board orders all registered warrants presented

for payment prior to a certain date to be paid and there is sufficient money available for the payments, the treasurer shall give notice to that effect.

Statement in notice

24656. The notice shall state that the treasurer is prepared to pay all registered warrants or all registered warrants presented for payment prior to the date fixed by the board.

No further description of the warrants entitled to payment need be made in the notice.

Publication of notice

24657. The notice shall be published in a newspaper published in the district, or if none is published in the district, in a newspaper published in any affected county, or if none is published in any affected county, the treasurer shall post the notice conspicuously at the office of the district.

Interest ceases

24658. All warrants designated in the notice shall cease to draw interest at the time of the first publication or posting of the notice.

Payment on presentation

24659. Upon the presentation of any warrant designated in the notice, the treasurer shall pay it together with the interest due on it from the date of its original presentation for payment to the date of the first publication or posting of the notice.

Entries by treasurer

24660. The treasurer shall enter all of the following in the record of registered warrants he is required to keep:

(a) Dates of the payment of the warrants.

(b) Names of the persons to whom payments are made.

(c) Amount paid to each person.

Limitation on action to enforce payment

24661. No action or proceeding shall be maintained to enforce the payment of any registered warrant or to require the levy of an assessment therefor unless the action or proceeding is commenced within four years from the date of the original presentation of the warrant to the treasurer for payment.

Agreement regarding payment

Waiver of limitation on action

24662. A district may, subject to the consent of the commission, enter into agreement either individually or collectively with the holder or holders of any registered warrants fixing the time of, method of, and allocation of funds for the payment of the warrants and may in this agreement or otherwise waive the time of commencing any action or proceeding thereon.

Chapter 5. Provisions Applicable to Bonds and Warrants

Article 1. Surrender of Bonds and Warrants

Surrender for cancellation

24735. Any owner of any bonds or warrants of a district may surrender them to the district by giving the bonds or warrants to the secretary for cancellation.

Order to cancel

24736. The board shall then order the bonds or warrants canceled.

Obligation of district ceases

24737. Upon the making of the order, the bonds or warrants shall cease to be an obligation of the district as of the time of their presentation to the secretary.

Other methods of releasing obligations

24738. This article does not restrict any other method of releasing obligations of a district to it.

Article 2. Modification of Bonds and Warrants

Purposes

24760. If a district desires to extend the time or times of maturity of any or all of its bonds or warrants payable at stated times or to reduce the rate of interest thereon or to effect any combination of these, it may either:

Methods

(a) Enter into an agreement in writing with the holders of the bonds or warrants affected, specifying the changes in dates of maturity, rate or rates of interest, or both.

(b) Propose a plan of composition of its outstanding indebtedness which involves changes in dates of maturity, rate or rates of interest, or both.

Maximum interest rate

24761. The rate of interest specified in the agreement or plan shall not exceed 6 per cent per year.

When interest payable

24762. All interest coupons shall be payable on the first day of January or the first day of July.

Submission of agreement

24763. The agreement or plan may be submitted to the commission.

Election on question

24764. If the commission approves the agreement or plan, the board may call an election to submit to the voters the question whether or not the bonds or warrants shall be modified as provided in the agreement or plan.

Conduct of election

24765. Notice of the election shall be given and it shall be held and its result declared as nearly as practicable as in the case of bond elections.

Result of vote

24766. If a majority of the votes cast for and against the proposal is in favor of modifying the bonds or warrants, the proposal is approved.

Conditions of carrying out plan

24767. An agreement or plan may not be carried out pursuant to this article until a proposal therefor is approved by the voters, and a plan may not be carried out until it is either:

(a) Agreed to in writing by all of the holders of bonds and warrants affected.

(b) Confirmed by a decree of any United States District Court in accordance with the provision of the National Bankruptcy Act, as amended.

Indorsement of new terms

24768. Upon the presentation to the secretary of any of the bonds or warrants covered by the agreement or plan, he shall indorse on them the date to which their maturity is extended and shall attach to them coupons with his signature or a facsimile of it to evidence the semiannual interest from the time or times of the original maturity of the bonds or warrants to the new maturity date or dates.

Reduction in interest rate

24769. If the agreement or plan provides for a reduction in the rate of interest on the bonds or warrants before the original time or times of their maturity, new coupons shall be attached to the bonds or warrants to evidence the reduced interest. Any old coupons evidencing the interest originally provided shall be detached by the secretary from the bonds or warrants and canceled.

24770. Each bond or warrant presented and indorsed shall continue as an obligation of the district and shall not become due until the date specified in the agreement or plan. Date of maturity

24771. This article does not amend, modify, or limit any other provision of law for changing the date or dates of maturity of outstanding obligations of a district, but provides an alternative method of extending any obligations whose date or dates of maturity may be changed under any other provision of law. Effect on other provisions of law

PART 9. BONDS

Chapter 1. Construction Bonds

24950. Construction bonds may be authorized for the purposes of acquiring necessary irrigation, drainage, and power development and distribution works, acquiring the necessary property for these works, acquiring any property necessary for the purposes of the district, and otherwise carrying out the provisions of this division. Authorized purposes

24951. The board shall at any of the following times estimate the amount of money it is necessary to raise for the purposes for which construction bonds may be issued: Estimation of amount required

(a) As soon after the district has been formed as may be practicable.

(b) Whenever the board finds that the construction fund raised by the next preceding bond issue is insufficient or has been exhausted by expenditures therefrom and it is necessary to raise additional money for the purposes for which construction bonds may be authorized.

24952. The board shall cause any surveys, examinations, and drawings, to be made which will furnish the proper basis for making an estimate of the amount of money necessary to be raised. Surveys, examinations, etc.

24953. The surveys, examinations, and drawings shall be made under the direction of a competent engineer and shall be certified by him. Same: Who shall direct

24954. The surveys, examinations, drawings, and estimate may provide that the works necessary for a completed project shall be constructed progressively during a period of years. Same: Provisions for completion of work

24955. The estimate may include a sum sufficient to pay the interest on the proposed construction bonds for three years or less. Payment of interest

24956. The estimate shall include the estimated cost of inspection required by law of works in course of construction. Estimated cost of inspection

24957. The board shall then submit to the commission the plan of the project, including a copy of the estimate and the engineer's report. Data submitted to commission

24958. The commission shall forthwith examine the plan and any data in its possession or in the possession of the district and shall make any additional surveys and examinations it deems proper or practicable. Duty of commission

24959. As soon as practicable thereafter the commission shall make to the board a report, which shall contain any Report of commission

matters which in the judgment of the commission may be desirable.

Conclusions in report

24960. The report may state generally the conclusions of the commission regarding all of the following:

(a) The supply of water available for the project.

(b) The nature of the soil proposed to be irrigated as to fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation, and the probable need of drainage.

(c) The cost of property necessary for a complete and satisfactory project.

(d) The proper dates of maturity for the bonds proposed to be issued.

(e) Its opinion as to whether or not it is advisable to proceed with the proposed bond issue.

24961. If after examination and investigation the commission deems any of the following to be advisable, it shall so state in its report to the board:

(a) The plans submitted should be modified.

(b) The amount of the bonds proposed to be issued should be changed.

(c) Certain conditions should be prescribed to insure the success of the project.

(d) The proposed bond issue should not be authorized.

Order by board determining amount

24962. After receiving the report of the commission or failing to receive it within 90 days after the submission of the plan, estimate, and engineer's report to the commission, the board, if it declares by resolution that the proposed plan of the project or a modified plan recommended by the commission is satisfactory and that the plan or modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary to complete the proposed project.

Bond election

24963. Construction bonds in an amount fixed in the order determining the amount in which they should be issued shall not be issued unless their issuance is authorized at a bond election, and the bonds in the amount fixed shall be issued when their issuance is authorized at a bond election.

Consent to change plans

24964. When any district issues bonds to carry out any plans approved by the commission pursuant to this chapter, the district shall not make any material change in the plans without the consent of the commission.

Chapter 2. Refunding Bonds

Article 1. General Refunding Provisions

Purpose

25035. Any district may issue refunding bonds for the purpose of refunding any or all of the outstanding bonds and warrants of the district.

(Amended by Stats. 1943, Ch. 684.)

[ORIGINAL SECTION]

25035. Any district may issue refunding bonds for the purpose of refunding any or all of the outstanding bonds of the district.

25036. To issue refunding bonds no survey, examination, drawing, plan, estimate, or report of the commission nor any resolution of the board that the proposed plan of the project is satisfactory is required, but in lieu thereof the board desiring to refund any bonds of the district shall submit to the commission its proposed plan for refunding the bonds. Procedure

25037. Any district may make any expenditures or with the approval of the commission may incur indebtedness and issue warrants therefor for the purpose of paying the expenses incident to the making and execution of any refunding plan or any modification of it. Payment of incidental expenses

25038. If the refunding plan is approved by the commission, the board shall call an election for the purpose of authorizing the issuance of the refunding bonds. Election

25039. Notice of the election shall be given and it shall be held and its result determined and declared substantially in the manner provided for a bond election, except that a majority vote only is required for the authorization of refunding bonds. Conduct of election; Necessary vote

25040. Any issue of refunding bonds may in the discretion of the board mature serially or at one time. Maturity

25041. The maturities of refunding bonds shall be fixed by the board subject to the approval of the commission. Same: Subject to approval

Article 2. Refunding Bond Sinking Fund

25060. If any issue of refunding bonds are made to mature at one time, the board prior to or at the time of their issuance shall provide for the creation of and payments into a sinking fund for the payment of the bonds in amounts determined by the board with the approval of the commission. Creation

25061. The amount of sinking fund payments may be modified from time to time by the board with the approval of the commission. Modification of amount

25062. Whenever the sinking fund contains at least ten thousand dollars ($10,000), the board may publish notice of redemption at least once a week for three successive weeks in some newspaper published in the office county and may publish it in any other newspaper. Redemption: Amount in fund; publication of notice

25063. The notice shall set forth all of the following: Contents of notice

(a) The amount available for the redemption of the bonds.

(b) An invitation for sealed proposals for the sale to the district of any of its outstanding refunding bonds for the payment of which the sinking fund was created.

(c) The time and place when the proposals will be opened.

25064. All proposals received in response to the notice shall be opened by the board in open meeting at the time specified in the notice or at a time to which the meeting is adjourned. Opening of proposals

25065. Any or all of the proposals may, in the discretion of the board, be rejected. Rejection

25066. If no bids are received or if the bids received and accepted are not sufficient to exhaust the money on hand and available for the purpose, the district through its board may Purchase by district at private sale

purchase at private sale with any available money in the sinking fund any bonds for the payment of which the sinking fund was created.

Maximum sales price

25067. No proposal to sell bonds to the district pursuant to this article at a price in excess of their par value shall be accepted.

Cancellation

25068. All bonds purchased from sinking fund money shall be forthwith canceled.

Article 3. Authorized Refunding Modification

Submission of proposed modification

25090. When one of the terms of a refunding plan approved by the commission reserves the right to modify the plan one or more times and the board thereafter desires to modify the plan, the board shall submit the proposed modification to the commission for approval.

Election upon approval

25091. If the modification of a refunding plan is approved by the commission, the board shall call an election for the purpose of authorizing the modification of the plan.

Conduct of election

Necessary vote

25092. Notice of the election shall be given and it shall be held and its result determined and declared substantially in the same manner as a bond election, except that a majority vote only is required for the approval of the modification.

Article 4. Unauthorized Refunding Modification

Refunding plans affected

25110. The provisions of this article are applicable only to refunding plans which both:

(a) Were adopted prior to January 31, 1939.

(b) Then contained no provisions for modification.

Approval necessary for modification

25111. The terms of any refunding plan and of the refunding bonds outstanding thereunder may be modified from time to time provided the modification is approved in the manner provided in this article by all of the following:

(a) The commission.

(b) The district.

(c) The holders of all of the outstanding refunding bonds affected.

Approval by district and voters

25112. The approval of the modification by the district shall be given by a resolution of its board and by its voters at an election called by the board.

Conduct of election

25113. Notice of the election shall be given and it shall be held in substantially the same manner as a bond election, except that a majority vote only is required for approval of the modification.

Approval of commission

25114. The approval of the commission shall be given by an order of the commission upon application of the board of the district.

Approval of holders of outstanding refunding bonds

25115. The approval of the holders of outstanding refunding bonds affected by the modification shall be evidenced by either of the following:

(a) The written consent of all of the owners and holders of the bonds.

(b) A decree of any United States District Court in accordance with the provisions of the National Bankruptcy Act, as

amended, which decree provides that the modification is binding upon the holders and owners of all of the outstanding refunding bonds affected.

Indorsement of modification

25116. If the modification is approved in the manner provided in this article, the district need not issue new refunding bonds and coupons in exchange for outstanding bonds and coupons the terms of which have been modified, but in lieu thereof the district may provide for the indorsement on the outstanding refunding bonds and coupons affected of the terms of the modification or a reference to its terms if contained in an instrument of modification or modified refunding plan, all as provided in the modification.

Indorsement of new maturity date

25117. If the modification or modified refunding plan provides for the extension of the time of maturity of all or any of the refunding bonds, the district in lieu of issuing new refunding bonds may indorse upon the face of the refunding bonds extended the new date of their maturity and attach to them new interest coupons to evidence interest payments to become due to the extended date of maturity of the refunding bonds.

Effect of indorsements

25118. All refunding bonds the terms of which have been modified shall continue to be binding outstanding bonds of the district and negotiable instruments irrespective of any indorsement of the terms of the modification or of the extension of the time of payment and shall be payable in accordance with their terms and the provisions of the modification.

Provision for subsequent modification

25119. Any modification of any refunding plan adopted pursuant to the provisions of this article may provide for its subsequent modification with the consent of the holders of any specified percentage of the refunding bonds affected by the modification in the manner provided in it.

Chapter 3. General Bond Provisions

Article 1. Bond Terms

"Bonds"

25200. As used in this chapter "bonds" includes both construction and refunding bonds except as otherwise expressly provided.

Form

25201. Subject to the provisions of this article the board shall prescribe the form of the bonds issued by the district and of the attached interest coupons.

"Issue of bonds"

25202. An issue of bonds means all of the bonds issued in accordance with a single proposal approved at an election.

Numbering of issue and bonds

25203. Each issue of bonds shall be numbered consecutively as authorized, and the bonds of each issue shall be numbered consecutively.

Fixing dates

25204. The board shall fix the date of each issue of bonds and may divide any issue into two or more divisions and fix different dates for the bonds of each respective division.

Same: Requisites

25205. The date of any bond shall be subsequent to the date of the election at which its issuance was authorized and prior to that of its delivery to a purchaser from the district.

Presumption as to date of issue

25206. The date of issue of any bond shall be deemed to be the date of the bond appearing on its face.

Denominations

25207. The board shall fix the denominations of the bonds, which shall be not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

Interest

25208. The bonds shall bear interest at a rate not to exceed 6 per cent per year to be fixed by the board.

Same: Payment

25209. The interest shall be payable on the first day of January and the first day of July of each year.

Places of payment

25210. The board shall designate the places at which the bonds and the interest thereon shall be payable.

Legal tender

25211. The bonds shall be payable in lawful money of the United States.

When and how payable

25212. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof.

Principal payments

25213. The principal on bonds shall be payable on the first day of January or the first day of July of the years designated by the board.

Maximum maturity

25214. In no case shall the maturity of any bond be more than 50 years from its date.

Callable bonds

25215. When bonds are made callable, a statement to that effect shall be set forth on the face of the bond.

Signature on bonds

25216. Each bond shall be signed by the president and secretary then in office at any time between the date of the bond and its delivery to a purchaser from the district.

Seal

25217. The seal of the district shall be impressed on each bond.

Signature on interest coupons

25218. The interest coupons shall be signed by the secretary then in office at any time between the date of the bond and its delivery to a purchaser from the district. The signature of the secretary may be made by facsimile.

Methods of providing payments

25219. Unless otherwise provided in the proceedings for the issuance of the bonds, they and the interest on them shall be paid from money derived from an annual assessment upon land or charges which in the discretion of the board are fixed and collected in lieu thereof and all land shall be and remain liable to be assessed for these payments.

Article 2. Payment Solely from Revenue

"Revenue"

25240. As used in this article and Article 3 of this chapter "revenue" means all or any part of any source or sources of payment excluding assessments but including the proceeds of any existing or proposed contract or contracts.

Provision by resolution

25241. If in the judgment of the board it is desirable that the principal or interest or both of any bonds or any part of the principal or interest be payable solely from revenue designated by the board, the board with the approval of the commission may so provide by resolution adopted at or prior to the time of the issuance of the bonds.

Statement of payment limitation: In bond

25242. If any or all of the principal of any bonds is made payable only from revenue, the board shall cause a brief statement of the limitations upon the payment of principal or portion thereof to be set forth in the bonds.

25243. If the limitations affect the payment of the interest of the bonds or any part thereof, a brief statement of the limitations shall be set forth in the interest coupons representing the interest and also in the bonds to which the interest coupons are appurtenant. Same: In interest coupons

25244. If the limitations affect the payment of only a portion of the interest which will accrue on any bonds, the board may provide either that: Limitation on portion of interest payment

(a) The entire installment of interest payable on any interest payment date shall be represented by a single coupon which shall contain a brief statement as to the portion of interest subject to the limitations.

(b) The portion of interest not subject to the limitations and the portion of interest subject to the limitations shall be represented by separate interest coupons, the coupons representing the portion of the interest as to which limitations exist containing a brief statement of the limitations.

25245. If any board with the approval of the commission provides that the principal or interest or both of any bonds or any portion of the principal or interest or both shall be payable solely from designated revenue, neither the district nor any officer thereof shall be held for payment otherwise. Restricted liability for payment

Article 3. Allocation of Revenue to Bond Payment

25260. Any designated revenue may by resolution of the board be allocated to the payment of the whole or any portion of the principal or interest or both of any bonds. Allocation of revenue

25261. The allocation may be for either or both: Purposes

(a) Payment of the whole or any part of the principal or interest or both of any bonds payable solely from revenue.

(b) As additional security for the payment of the whole or any part of the principal or interest or both of any bonds payable from assessments.

25262. Until the payment or retirement of the bonds for the benefit of which an allocation was made, the revenue allocated shall be applied solely to the payment of the obligation specified in the allocating resolution. Sole use of revenue

25263. An allocation may be made for the exclusive benefit of any one or more issues or portions of issues of bonds of a district designated in the allocating resolutions or in the discretion of its board for the benefit of any bonds of the district at any time issued or outstanding. For whose benefit

25264. Any allocation shall be irrevocable until all of the bonds for which the allocation was made and their appurtenant coupons have been paid or retired. Period of irrevocability

Article 4. Allocation of Revenue to Reserve Fund

25280. Any sources of revenue of any district may by order of its board with the approval of the commission be irrevocably allocated to a reserve fund established to pay the interest or principal of any bonds. Irrevocable allocation to reserve fund

Article 5. Callable Bonds

Redemption prior to maturity

25300. With the approval of the commission a district may by resolution of its board adopted at or prior to the time of issuing any bonds then proposed to be issued, provide for the call and redemption prior to their fixed maturity of any of the bonds.

Manner of redemption

25301. Callable bonds may be redeemed in addition to other methods permitted in the following manner:

(a) In numerical order or by lot as prescribed in the resolution.

(b) On any interest payment date prior to their fixed maturity.

(c) At not exceeding their par value and accrued interest or on the terms provided in the resolution.

(Amended by Stats. 1943, Ch. 1054.)

[ORIGINAL SECTION]

25301. Callable bonds may be redeemed in addition to other methods permitted in the following manner:

(a) In numerical order or by lot as prescribed in the resolution.

(b) On any interest payment date prior to their fixed maturity.

(c) At not exceeding their par value and accrued interest.

Notice by publication

25302. Notice designating the bonds called for redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published in the office county.

Date of first publication

25303. The first publication of the redemption notice shall be not less than 30 days nor more than 90 days prior to the date fixed for redemption.

When interest ceases

25304. If on the date fixed for redemption the district has provided funds available for the payment of the principal and interest of the bonds called, interest on them ceases.

Article 6. Bond Issuance

Authorized purposes

25325. A district may sell any bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the purposes for which they were authorized.

Contents of resolution

25326. Before any sale the board shall by resolution entered on its minutes set forth all of the following:

(a) Its intention to sell a specified amount of the bonds.

(b) The day, hour, and place of sale.

Notice of sale by publication

25327. The board shall give notice of the sale by publication for at least three weeks in some newspaper published in the office county and in any other newspaper at its discretion.

Contents of notice

25328. The notice shall state that sealed proposals will be received by the board at the district office for the purchase of bonds until the day and hour specified in the resolution.

Awarding purchase

25329. At the time specified the board shall open the proposals and award the purchase of the bonds or any portion of them to the highest responsible bidder or bidders.

Deposit

25330. No proposal shall be accepted which is not accompanied by a certified check for a reasonable percentage of the

amount of the bid as determined by the board, but in no event less than two per cent, to apply on the purchase price of the bonds. The amount of the check shall be forfeited if after the acceptance of his proposal the bidder refuses to complete his purchase on the terms stated in his proposal. Forfeiture

25331. The board may reject any or all bids. Rejection of bids

25332. In case no award is made, the board thereafter may either readvertise the bonds or any part of them for sale or sell them at private sale. Readvertisement, or private sale

25333. No sale of bonds at private sale shall be valid unless approved by the commission. Private sale: Approval by commission

25334. A district may exchange its construction bonds for any property or interest in property which the district might acquire with the proceeds of the bonds, if sold, or for the capital stock of any corporation owning the property, upon terms the board deems best. Exchange of construction bonds

25335. Any refunding bonds may be either: Disposition of refunding bonds

(a) Sold from time to time in the same manner as other bonds of the district.

(b) Exchanged for other bonds or warrants of the district upon terms approved by the commission.

(Amended by Stats. 1943, Ch. 684.)

[ORIGINAL SECTION]

25335. Any refunding bonds may be either:

(a) Sold from time to time in the same manner as other bonds of the district.

(b) Exchanged for other bonds of the district upon terms approved by the commission.

25336. Any outstanding bonds refunded or exchanged shall be immediately canceled by the treasurer. Cancellation

Article 7. Bond Cancellation

25350. Whenever the whole or any portion of any issue of bonds of any district remains unissued for more than one year after the date of the election at which the bonds were authorized, the board, by a resolution adopted by a two-thirds vote of the membership of the board, may cancel all or any of those bonds and all coupons appurtenant to them. Resolution

25351. Whenever a resolution to cancel bonds is offered, its consideration shall be postponed to a date fixed by the board which is subsequent to final publication of the resolution. Same: Date of consideration

25352. The resolution together with a notice stating the time fixed by the board for the consideration of the resolution shall be published once a week for at least two successive weeks in a newspaper published in the office county. Same: Publication

25353. After the adoption of a resolution to cancel bonds no other bonds shall be issued in pursuance of the proceedings taken in relation to the issuance of the bonds so canceled. Same: Effect of adoption

25354. Any bonds and coupons so canceled shall be destroyed under the direction of the board. Destruction

PART 10. ASSESSMENTS

Chapter 1. Assessment

Article 1. Assessment Book

"Land"

25500. As used in this part "land" includes city and town lots and excepts improvements.

"Improvements"

25501. As used in this part "improvements" includes trees, vines, alfalfa, all growing crops, and all buildings and structures.

Time

Exception

25502. Annually, between the first Mondays in March and June the assessor shall assess all land in his district to the persons owning, claiming, possessing, or controlling it, except that if all funds required to be raised are raised other than by assessment, no assessment need be levied and no assessment roll need be prepared or equalized.

(Amended by Stats. 1943, Ch. 916.)

[ORIGINAL SECTION]

25502. Annually, between the first Mondays in March and June the assessor shall assess all land in his district to the persons owning, claiming, possessing, or controlling it.

Land valuation

25503. All of the land shall be assessed at its full cash value as of the first Monday in March of that year.

Assessment book

25504. The assessor shall prepare an assessment book with appropriate headings, in which shall be listed all of the land.

Contents

25505. The book shall contain:

(a) The name of the assessee if known to the assessor, and if the name is not known to the assessor, "unknown owners."

(b) A description of the land sufficient to identify it.

(c) An estimate of the number of acres except in the case of city or town lots.

(d) The cash value of the land.

(e) A separate designation and description of any land subject to a different rate of assessment from other land.

(f) A column for showing the changed valuations after equalization.

(g) Any other things required by the board.

Columns

25506. Columns with the headings "Lot" and "Block" or either of them may be provided in the assessment book for the designation of lots and blocks or either of them in any city, town, or recorded subdivision.

Partially redeemed land

25507. Land as to which a partial redemption has been effected shall thereafter be separately described on the assessment book.

Completion and delivery

25508. On or before the first Monday in August in each year the assessor shall complete his assessment book and deliver it to the secretary.

Article 2. Land Escaping Assessment

Assessing escaped land

25525. Any land which should have been assessed escaping the payment of any assessment for any reason shall in addition to its current assessment be entered in the assessment book

by the assessor at the valuation which he deems proper for the year of the escaped assessment.

Equalization of additional assessment

25526. The additional assessments on land escaping the payment of an assessment shall be equalized as provided in this part for current assessments.

Rate of additional assessment

25527. At the time of levying the current assessment the district by its board shall levy on land escaping the payment of an assessment an additional assessment at the rate fixed in the year of the escaped assessment. If no rate was legally fixed in that year, the district shall levy an assessment on the land at the rate which should have been computed in that year to raise the amount of money then required by the district.

When payable

25528. The additional assessments shall be payable at the same times as the current assessment, and if not paid, shall be subject to like penalties and proceedings to enforce collection.

Article 3. Equalization

Notice of meeting

25550. Upon receiving the assessment book from the assessor the secretary shall immediately give notice of its receipt and of the time, fixed by the board, when the board acting as a board of equalization will meet to equalize assessments.

Publication of notice

25551. The notice shall be given by publication at least twice in a newspaper published in each affected county and if the office county is not an affected county, also in a newspaper published in the office county.

Date of first publication

25552. The notice shall be first published at least 20 days and not more than 30 days before the time fixed for the first meeting of the board as a board of equalization.

Failure to publish

25553. Failure to publish the equalization notice in any county other than the office county shall not affect the validity of any assessment on land in a county in which notice was published.

Inspection of assessment book

25554. Until the equalization is finished, the assessment book shall remain in the district office in the possession of the secretary for the inspection of all persons interested.

Hearing as board of equalization

25555. On the day specified in the notice of equalization, the board shall meet as a board of equalization to hear and determine objections to the valuation, acreage, or any matter pertaining to the assessment coming before it.

Duration

25556. The board acting as a board of equalization shall continue in session from time to time as long as may be necessary but not to exceed 10 days exclusive of Sundays.

Change in assessment

25557. The board acting as a board of equalization shall order any changes in the assessment that it deems just.

Secretary to make changes

25558. The secretary shall be present during the equalization proceedings and shall make all changes ordered in the assessment book.

Determination of gross assessed valuation

25559. Within 10 days after the close of the equalization session the secretary shall add the total values and determine the gross assessed valuation of the lands after final equalization by the board.

Chapter 2. Levy

Article 1. Amount of Assessments Generally

Time of levy

25650. Each district by its board each year within 15 days after the close of its session as a board of equalization shall levy an annual assessment upon the land within the district in an amount sufficient to raise all of the following:

Amounts

(a) Interest due or that will become due on all outstanding bonds of the district and interest which the board believes will become due on district bonds authorized but not sold, all respectively before the close of the next ensuing calendar year.

(b) Principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year.

Extent of levies

To the extent that provision is otherwise made as permitted by law for the payment of bond principal and interest, levies for principal and interest pursuant to this section need not be made.

Under refunding bond plan

25651. (a) If a refunding bond plan or modification of it provides for the raising of a fixed amount each year to be applied to the payment of interest on or redemption of refunding bonds in the manner provided in the refunding plan or modification of it, the annual assessment shall include a levy in the amount required to be raised by assessment in that year pursuant to the plan or modification of it.

When amount paid into sinking fund

(b) If the proceedings in connection with the issuance of refunding bonds or modification of them provides for the raising of an amount to be paid annually into a sinking fund to pay the principal or interest of the refunding bonds, the annual assessment shall include a levy in an amount sufficient to provide the sinking fund payments for the current year. The amount required to be raised for the sinking fund shall be reduced by the amount of surplus funds from other sources in the sinking fund in excess of the amount required to be therein at the time of levying the current annual assessment.

Additional amounts to be included

25652. The annual assessment shall also include a levy sufficient to pay all of the following:

(a) Sums due or that will become due from the district before the close of the next ensuing calendar year on account of rentals or charges for property acquired by the district under lease or contract.

(b) Sums due or that will become due from the district before the close of the next ensuing calendar year on account of contracts for power or fuel for the pumping of water for irrigation within the district, the payment of the cost of which power or fuel has not been provided for in any other manner.

(c) All outstanding warrants of the district due or to become due before the close of the next ensuing calendar year.

(d) All obligations of the district which have been reduced to judgment.

25653. The annual assessment may include a levy sufficient to raise any or all of the following: Irrigation districts: Annual assessments

(a) The amount that the board determines is necessary for a depreciation fund for the replacement or reconstruction of any specific units of its works.

(b) The amount that the board determines is needed to be raised by assessment for any district purposes not exceeding 4 percent of the aggregate value of the land according to the latest equalized assessment.

(c) An amount not exceeding 1 percent of the total assessed value of the land that the board deems proper to pay into the bond fund to be used for the purchase of bonds of the district not yet due or for payment into a fund to pay such bonds as they become due.

(Amended by Stats. 1947, Ch. 755.)

25654. The annual assessment may include a levy on land included by inclusion proceedings subsequent to formation of the district sufficient to pay the obligations as they accrue assumed by the included land in the proceedings including it. Same

25655. A district may in lieu either in whole or in part of levying the annual assessments for district purposes use any revenue derived prior to or during the next ensuing calendar year from charges which the district may fix and collect pursuant to Section 22280. Charges in lieu of assessments

25656. At the time of levying the annual assessment, there shall be added by the board to the annual assessment on land within any improvement district within any district: Amounts added to assessment

(a) The installment, if any, for which the land is liable in that year by reason of an improvement district assessment levied pursuant to Chapter 1 or 2 of Part 7 of this division.

(b) An amount which the board may consider necessary for the operation of the works in or for the improvement district for the ensuing year.

Article 2. Completion Assessments

25670. A district shall by levy of a completion assessment provide for the completion of a plan of works adopted and the acquisition of necessary property, water, and water rights therefor when either: Conditions for levy

(a) The money raised by the sale of authorized bonds is insufficient and additional bonds are not voted for these purposes.

(b) Bonds voted are unavailable for these purposes and additional bonds are not voted therefor.

25671. A completion assessment shall not be levied until both: Prerequisites

(a) An estimate of the amount required to complete the plan has been made by the board.

(b) A proposal for making the levy has been approved by the voters.

Order of submission

25672. Before a completion assessment proposal is submitted to the voters, an order of submission shall be entered in the minutes of the board, stating:

(a) The amount to be levied.

(b) The purpose of the levy.

(c) The day of the election.

Notice of election

25673. Notice of the election shall be given by both:

(a) Posting notices in three public places in each election precinct in the district for at least 20 days.

(b) Publication in a newspaper published in the office county, once a week for at least three successive weeks.

Same: Contents

25674. The notice of the election shall specify both:

(a) The day, hours, and polling places in each precinct for holding the election.

(b) The amount of assessment proposed to be levied.

Contents of ballots

25675. At the election the ballots shall contain the words "Assessment—Yes" and "Assessment—No" or equivalent words.

Conduct of election

25676. The election shall be held and the result determined and declared as nearly as practicable in conformity with the provisions governing general elections.

Levy upon approval by voters

25677. If a majority of the votes cast at the election are "Assessment—Yes," the district by its board shall levy an assessment in the amount stated in the order of submission.

Vote against levy

25678. If a majority of the votes cast are "Assessment—No," the result of the election shall be entered of record.

Informalities in conduct

25679. No informalities in the conduct of the election shall invalidate the election if fairly conducted.

Article 3. Particular Purpose Assessments

Amounts not limited

25700. The amount of an assessment levied under this article is not limited by any other provision of this part. The levy of an assessment under this article does not limit the amount of any other assessment levied under this part.

Submission of proposal at election

25701. The board may at any time call an election to submit to the voters a proposal to levy a particular purpose assessment to be applied to any of the purposes of the district.

Notice of election

25702. The notice of the election shall set forth the following:

(a) The day, hours, and polling places in each precinct for holding the election.

(b) The amount of money proposed to be raised by the assessment.

(c) A general statement of the purposes for which it is intended to be used.

(d) If the board so determines, a statement both that the assessment shall be levied in two or three annual installments and the amount of the installment to be levied each year.

Contents of ballots

25703. At the election the ballots shall contain the words "Assessment—Yes" and "Assessment—No," or equivalent words.

25704. The election shall be held and the result determined and declared as nearly as practicable in conformity with the provisions governing bond elections. Conduct of election

25705. If a majority of the votes cast at the election are "Assessment—Yes," the district by its board shall at the time of the levy of the annual assessments levy a sum sufficient to raise the amount voted or if the notice of election provides for annual installments, then a sum sufficient to raise the amount of the installment provided in the notice to be raised in the particular year. Action on approval by voters

Article 4. Emergency Assessments

25725. In cases of emergency by which the flow of water in a canal or other supply is interrupted, the amount of the cost of the repairs not to exceed in any one year forty thousand dollars ($40,000) may, in addition to any other assessments, be levied by the adoption of a resolution by at least four-fifths of the members of the board at the time of the levying of the annual assessment, without the submission of a proposal for the levy to the voters. Conditions of levy

Chapter 3. Assessment Rate

Article 1. Regular Rate

25800. The secretary annually prior to delivering the assessment book to the collector shall compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an annual district assessment on the land listed. Where entered

25801. The annual rate of assessments shall be equal to the sum to be raised for district purposes divided by 85 per cent of the aggregate equalized assessed value of the land as it appears on the assessment book for the assessment year, the 15 per cent being deducted for anticipated delinquencies. How computed

25802. If any land is subject to a special rate of assessment for district purposes, the rates of assessment shall be adjusted to produce the sum to be raised computed upon the 85 per cent of the aggregate equalized assessed value. Special rate adjustment

25803. Limited assessments shall be computed and entered by the secretary and collected as a part of the annual assessment. Limited assessments

25804. Annual installments of an improvement district assessment shall be entered in the assessment book by the secretary. Improvement district assessment

25805. Operation assessments for an improvement district shall be computed upon the same valuation on land within the improvement district and entered in the same manner as the district annual assessment. Same: Operation assessments

25806. In case any charges for water and other services or either remain unpaid at the time specified for the delivery of the assessment book to the collector, the amount of the unpaid charges may be added to and become a part of the Unpaid charges for water, etc.

annual assessment levied upon the land upon which the water for which the charges are unpaid was used and upon the land subject to the charges for any other district services and shall constitute a lien on that land.

Lien

Same: Addition to first installment

25807. If the annual district assessment is payable in two installments the unpaid charges may be added to and become a part of the first installment.

Date of delivery of assessment book

25808. On or before the first day of November the secretary shall deliver the assessment book to the collector.

Article 2. Special Rate

Petition: Allegations

25825. Any person having an interest in any land within the district may file with the secretary a verified petition alleging all of the following:

(a) His land or a described portion of it was when it became a part of the district irrigated from another system of works than the works of or proposed for the district.

(b) It has continued ever since to be exclusively so irrigated.

(c) It is entitled to a special rate of assessment.

Same: Request

25826. The petition shall request that the board determine what proportion of the regular rates of assessment in the district should be used in levying assessments on the land described in the petition.

Same: Fee and its disposition

25827. A fee of ten dollars ($10) shall be paid to the secretary before the filing of each petition for a special rate of assessment. The money shall be applied to the cost of the publication of the notice and other expenses of the hearing. If there is any balance after the conclusion of the hearing, it shall be returned to the petitioner or divided among the petitioners contributing thereto in proportion to the respective areas described in their petitions.

Same: Publication of notice of hearing

25828. The board shall set a time and place for the hearing of a petition for a special rate of assessment or of all the petitions if more than one has been filed and shall give notice of it in a newspaper published in the office county.

Contents of notice

25829. The notice for a special rate of assessment hearing shall state all of the following:

(a) Petitions have been presented to the board praying for a determination that certain land, which need not be described in the notice, is entitled to a special rate of assessment.

(b) The names of the petitioners.

(c) The time and place set for the hearing.

Hearing

25830. The board shall meet at the time and place set for the hearing and proceed in the order it deems proper to hear the petitions and shall hear all competent and relevant evidence offered in support of any petition or in opposition to it and may adjourn the hearing from time to time.

Findings

25831. After the conclusion of the hearing, if the board finds that any of the land described in any petition has been irrigated as alleged and is not and will not be benefited by the operations of the district in a manner that would justify its

assessment at the regular rate of assessment, the board shall reduce the rate of assessment on the land in an order entered in full upon its minutes. Action of board

25832. The order shall: Contents of order

(a) Describe the land entitled to a special rate of assessment or the respective parcels of it if separate parcels are to be assessed.

(b) Fix the proportion of the regular rate of assessment which shall be applied in levying assessments on the land described or on each parcel of it if various parcels are found to be entitled to different special rates in order that the assessments to be levied on this land will be proportionate with the benefits which it receives or will receive from the operations of the district.

25833. A certified copy of an order determining that any land is entitled to a special rate of assessment shall be delivered to the assessor, and thereafter, until notified of a change in the determination, he shall enter the land described in the order separately in the assessment book and designate it so that it may readily be distinguished from other land not entitled to a special rate. Copy to assessor Duties of assessor

25834. If a determination that any land is entitled to a special rate of assessment is made in any year too late for the land to be separately described in the assessment book but before the annual assessment has been levied, the board shall direct the secretary to make entries in the assessment book that will enable him to compute the assessments at the special rates determined by the board. When land can not be separately described

25835. The determination of the board granting or denying a special rate of assessment shall not be changed unless the board on petition of a party affected consents to another hearing or on its own motion causes notice to be served on the owner of the land to show cause why the determination should not be changed, in either of which cases another hearing shall be advertised and held as provided in this article. Changes in determination of board

Chapter 4. Collection

Article 1. Collection Generally

25925. The annual district assessment upon land is a lien against the property assessed from and after the first Monday in March of the year in which the assessment is levied. When lien attaches

25926. The collector within 20 days after receiving the assessment book from the secretary shall start the publication of a notice specifying all of the following: Publication of notice by collector

(a) The assessments are due and payable.

(b) The times when these assessments will be delinquent.

(c) The penalties for delinquency.

(d) The time and place at which payment of assessments may be made.

Period of publication

25927. The assessment notice shall be published at least once a week for two successive weeks in a newspaper published in the office county and in a newspaper published in each other affected county.

Failure to publish

25928. Failure to publish the assessment notice in any county other than the office county shall not affect any assessment on land in a county in which notice was published.

Duty of collector

25929. The collector shall attend at the time and place specified in the assessment notice to receive assessment payments.

Legal tender

25930. Assessments shall be paid in lawful money of the United States.

Entry of date of payment

25931. The collector shall mark the date of payment of any assessment in the assessment book opposite the name of the assessee.

Contents of receipt

25932. The collector shall give a receipt to the person making payment, specifying:

(a) The amount of the assessment.

(b) The amount paid.

(c) The description of the property assessed.

Article 2. Installments

Resolution for installment payments

25950. The board may when it so desires and shall, when a written petition signed by a majority of the assessment payers in the district is filed requesting it, pass a resolution providing that thereafter annual assessments, including improvement district assessments or installments thereof but excepting completion assessments, shall be payable in two installments.

Amount of installments

25951. The two installments shall be equal unless the resolution specifies different percentages to be paid in each installment, in which case the installments shall be payable as specified in the resolution.

Time for adopting resolution

25952. The resolution shall be adopted at or prior to the time of the levy of any annual assessment it is to affect.

Restrictions on rescission or modification

25953. The resolution may be rescinded or modified only so as to affect any assessment levied subsequent to the rescission or modification.

Article 3. Segregation before Delinquency

Application and sufficient descriptions

25975. Any person claiming an interest in any parcel of land described on the current assessment book against which there are no delinquent assessments who desires to have the parcel segregated into two or more portions and separately valued and assessed on the current assessment book may file with the collector of the district an application so requesting, with descriptions sufficient for assessment purposes of each portion into which the applicant desires the parcel to be segregated, valued, and assessed.

Time for filing

25976. The application may be filed at any time after the current assessment is due but not later than five days prior

to the regular meeting of the board in December of the year in which the assessment was levied.

Signatures required

25977. The application shall be signed, as evidence of their approval, by each of the persons assessed on the current assessment book with the parcel to be segregated.

Fee

25978. Each application shall be accompanied by a fee of fifty cents ($0.50) for each separate portion into which the applicant desires the parcel to be segregated.

Basis for current assessment by collector

25979. If the portions into which the applicant desires the land to be segregated have separate valuations shown on the current assessment book, the collector shall upon these valuations determine the amount of the current assessment due on each portion.

Descriptions to assessors

25980. If the portions into which the applicant desires the land to be segregated do not have separate valuations shown on the current assessment book, the collector shall submit the descriptions of the portions to the assessor.

Valuation by assessor

25981. The assessor shall place a valuation on each described portion, and upon these valuations the collector shall determine the amount of the current assessment due on each portion as segregated.

Duty of collector

Reference of data to board

25982. In either case, upon estimating the assessments due on the segregated portions, the collector shall refer to the board the segregated descriptions, valuations, and estimated assessments due.

Action of board

25983. The board may either:

(a) Confirm, modify, or set aside the same.

(b) Refuse to authorize the segregation, separate valuation, and assessment.

Aggregate valuations of segregated portions

25984. The aggregate of the valuations of the segregated portions shall be the same as the valuation of the parcel before segregation.

Board's decision final

25985. The decision of the board shall be final, and the collector shall conform with it.

Duties of collector upon board's action

25986. If the segregation and separate valuations and assessments are confirmed or modified, the board shall notify the collector, who shall cause the assessment book to be changed to show the segregation and separate valuations and assessments as confirmed or modified by the board, and he shall separately number the portions as segregated.

Assessments payable separately

25987. The assessment may thereafter be paid separately on any of the portions.

Article 4. Modification and Refund of Assessments

Order to collector

26000. A board shall order the collector to cancel or modify, as may be proper, an assessment when it finds that any property has been either:

(a) Assessed in any year more than once.

(b) Assessed by reason of a clerical error for more than its full cash value.

(c) Computed for assessment on an excessive acreage.

(d) Assessed while not in the district.

Order to treasurer

26001. On order of the board any assessments, penalties or costs thereon, or portions thereof, shall be refunded by the treasurer if they were either:

(a) Paid more than once.

(b) Erroneously or illegally collected.

Conditions of order for refund

26002. No order for a refund under this article shall be made except upon a claim both:

(a) Verified by the person who paid the assessments, penalties, or costs, his guardian, executor, or administrator.

(b) Filed within one year after the making of the payment sought to be refunded.

Chapter 5. Delinquency

Article 1. Date and Penalties for Delinquency

Date

26075. Unpaid assessments not payable in installments are delinquent at 6 p.m. on the last Monday in December of the year in which they are levied.

Dates for first and second installments

26076. Whenever assessments are payable in installments, the first installment if unpaid is delinquent at 6 p.m. on the last Monday in December of the year in which the assessment was levied, and the second installment if unpaid is delinquent at 6 p.m. on the last Monday of the following June. The whole amount of completion assessments if unpaid shall become delinquent on the last Monday in December notwithstanding that assessments in the district are payable in installments.

Penalties

26077. The collector shall collect on delinquent assessments for the use of the district the following penalties:

(a) When assessments are not payable in installments, 5 per cent.

(b) When assessments are payable in installments:

(1) On the first installment, 10 per cent.

(2) On the second installment, 5 per cent.

Costs

26078. Upon the assessment, if not payable in installments, or the second installment of it, if payable in installments, becoming delinquent, the collector shall collect, in addition to the assessments due on the delinquent list and the penalties added, costs in the sum of fifty cents ($0.50) on each parcel of land separately assessed.

Late performance of duty

Effect on other consequent duties

Delinquency date

26079. If any duty relating to the assessment, levy, and collection of assessments is performed subsequent to the latest time it should have been performed, the time within which all duties consequent upon the performance of the preceding duty are to be performed shall be extended to allow the elapsing of the intervals required to elapse between the performance of the duties, and assessments shall not become delinquent for at least 30 days after the first publication of notice that the assessments are due and payable.

26080. The assessment book, a copy of any portion of it certified by the collector, or the published list of delinquencies, showing unpaid assessments against any property is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and compliance with all forms of law relating to the assessment, equalization, and levy of the assessments. Prima facie evidence

26081. At any time after any assessment has become delinquent the board may direct the collector not to proceed with the sale of any delinquent property, but to bring suit against the delinquent in the proper court in the name of the district to enforce collection. Suit to enforce collection

26082. The provisions of the Code of Civil Procedure relating to pleadings, proofs, and trials are applicable to proceedings to enforce collection of assessments. Same: Applicable provisions

26083. In a suit for assessments the district may recover the amount of the delinquent assessments, penalties, and costs of suit. Amounts recoverable

Article 2. Publication of List of Delinquencies

26100. When assessments are not payable in installments, the collector shall commence to publish the list of delinquencies on or before the first day of February. Commencement when not payable in installments

26101. When assessments are payable in installments, the first publication of the list of delinquencies shall not be made before the first day of July nor after the first day of August. Commencement when payable in installments

26102. The published list of delinquencies shall contain all of the following information relating to each parcel of land separately assessed on which the assessment is delinquent: Contents

(a) The name of the assessee.

(b) The description of the land.

(c) The total amount due, which shall be the aggregate of the assessments, penalties, and costs due thereon.

26103. There need be no delinquent list other than the published list of delinquencies. Only list required

26104. The collector shall publish with the list of delinquencies a notice, specifying: Notice published with list

(a) That each parcel separately assessed on which the amount due as shown on the list is not paid will be sold to the district.

(b) The time and place of the sale.

26105. The list of delinquencies and notice shall be published once a week for three successive weeks in a newspaper published in the county in which the delinquent property is situated but only information pertaining to and descriptions of land situated in the county need be set forth in the publication in that county. Period and method of publication

26106. If any land assessed to the same person lies in more than one county, publication may be made in any county in which any portion of the land lies. Land lying in more than one county

26107. Publication of the list of delinquencies and notice shall be made in the newspaper designated by the board. If assessments are not payable in installments, the designation Designation of newspaper

of the newspaper shall be made by the board on or before the fifteenth day of December of the year in which the assessment was levied. If assessments are payable in two installments, the designation shall be made by the board on or before the fifteenth day of June following the year in which the assessment was levied. If the designation is not made by the board within the time provided in this section, the collector shall select the newspaper.

Republication due to error

26108. If any error should occur in the publication of the notice of the sale of any delinquent property or the list of delinquencies which might invalidate a sale and the error is discovered prior to sale, the collector shall at once republish the notice of the sale and the items of the list of delinquency as to the property affected by the error, making the republication conform to this article.

Article 3. Assessment Sale

Place of sale

26125. The place of the delinquent sale shall be at a point, designated by the collector, within the district or at the district office.

Time

26126. The time of the delinquent sale shall be not less than 21 nor more than 28 days from the date of the first publication of the list of deliquencies or first republication as to property republished.

Limitation on postponement

26127. The collector may postpone the day of the delinquent sale from day to day, but the sale shall be made within three weeks from the day fixed in the notice of the sale. If any sale is stayed by legal proceedings, the time during which the sale is stayed shall not be a part of the time limited for making the sale.

Property to be sold to district

26128. On the day fixed for the sale in the published notice or on a subsequent day to which the collector may have postponed it the collector shall sell to the district the whole amount of each parcel of property separately assessed upon which the assessments remain unpaid.

Entry of sale

26129. Thereupon the collector shall as to each parcel sold make an entry "sold to the district" in the assessment book.

Certificate of sale

26130. After the delinquent sale the collector shall make out in duplicate and sign a certificate of sale for each parcel separately assessed and sold, setting forth all of the following:

(a) A description of the property sold.

(b) The amount for which it was sold.

(c) A statement that it was sold for a delinquent assessment.

(d) When the purchaser will be entitled to a deed.

Form

26131. The certificate of sale may be in substantially the following form, the blanks being filled to show the facts in each case:

Certificate of Sale No. __

_____Irrigation District

I, the collector of _____ Irrigation District, certify that on the _____ day of _____, 19___, after giving the required notice, I sold to _____ Irrigation District, the purchaser, for

the sum of _____ dollars ($_____) real property in the county of _____, State of California, described as follows:

(Insert description.)

This land was assessed to _____.

This property was sold for a delinquent assessment levied on it in the year _____ by the district, and the sale price was the sum due and unpaid on the assessment and the penalties and costs.

The purchaser will be entitled to a deed to the property at any time after three years from the date of the sale unless in the meantime the property is redeemed.

Witness my hand and the seal of the district this _____ day of _____, 19__.

(District Seal.)

_____

Collector of _____ Irrigation District

Disposition of duplicates

26132. Of each of the duplicate certificates of sale one shall be retained by the collector and the other shall be filed in the office of the county recorder of the county in which the property is situated.

Duty of county recorder

26133. On receiving the certificate of sale, the county recorder shall file it and prepare an index in which in separate columns he shall enter all of the following:

(a) Name of the assessee recited in the certificate.

(b) Name of the assessing district.

(c) Date of sale.

Assignment of certificate

26134. The district as purchaser may assign any certificate of sale for a consideration of not less than the amount of the assessment, penalties, and costs.

Notice of assignments

26135. The secretary shall notify the collector of assignments of certificates of sale.

Mistake relating to ownership

26136. When property is sold for assessments imposed on it as the property of a particular person, no misnomer of the owner or supposed owner or any other mistake relating to the ownership of it affects the sale or renders it void or voidable.

Delinquent assessments

26137. Ten years after it became delinquent or one year after the addition of this section, whichever is the later, any assessment levied by a district shall be conclusively presumed to have been paid, unless a sale for the nonpayment thereof was made prior to said time and the collector of the district on request shall mark such assessment conclusively presumed to have been paid.

(Added by Stats. 1947, Ch. 1524.)

Redemption

26138. Ten years after the issuance of a certificate of sale for the nonpayment of a district assessment or one year after the addition of this section, whichever is the later, it shall be conclusively presumed that redemption was made from the sale, unless prior to such time a deed was issued by the collector pursuant to the certificate of sale and such deed was recorded in the office of the recorder of the county in which the property described in the certificate of sale was located.

(Added by Stats. 1947, Ch. 1524.)

Chapter 6. Redemption and Its Termination

Article 1. Redemption Generally

Time and manner of redemption

26225. Property sold for delinquent assessments may be redeemed within three years from the date of sale, or thereafter before a collector's deed of the property has been delivered, by payment in lawful money of the United States to the collector of the amount for which the property was sold plus a penalty of three-fourths of 1 per cent per month from the date of sale until redemption.

Certificates of redemption

26226. On receipt of the redemption money plus the amount of the recorder's fee fixed in this article the collector shall make out duplicate certificates of redemption reciting the payment and stating the date and number of the certificate of sale to which the redemption applies.

Same: To redemptioner

26227. One of the duplicate certificates of redemption shall be given to the redemptioner.

Same: Redemption of part of property

26228. In case of a redemption of part of any property described in a certificate of sale, the part redeemed shall be described in the certificate of redemption.

Same: To county recorder

26229. The collector shall present the other duplicate certificate of redemption to the county recorder in whose office the certificate of sale is on file, and the recorder shall either:

(a) Attach the certificate of redemption to the certificate of sale to which it relates.

(b) File the certificate of redemption and mark the word "redeemed" or "partially redeemed," as the case may be, and the date and by whom redeemed on the margin of the certificate of sale.

Same: Fee

26230. The county recorder shall collect a fee of fifty cents ($0.50) for filing each certificate of redemption and making the marginal notations.

Right of assignee of certificate of sale

26231. When a certificate of sale has been assigned, the collector shall hold the redemption money for and on demand pay it to the holder of the certificate.

When incorrect statements binding on district

26232. No incorrect statement or estimate of assessments due or amount required to redeem is binding upon a district or its officers unless the incorrect statement or estimate was in writing signed by the collector and relied upon in good faith by the party paying the amount designated.

(Added by Stats. 1943, Ch. 648.)

Article 2. Partial Redemption

Time limit

26250. Redemption of a portion of any parcel of property separately from the whole parcel of which it is a part may be made as provided in this article at any time prior to the expiration of the period of redemption.

Separate valuation on assessment book

26251. If the portion to be separately redeemed has a separate valuation shown on the assessment book, the collector shall determine the amount due according to the valuation shown on the assessment book, and redemption of the portion may be made in the manner provided for in Article 1 of this chapter.

26252. If the portion to be separately redeemed does not have a separate valuation shown on the assessment book, the collector shall submit the description of the portion to the assessor. When description submitted to assessor

26253. The assessor shall place a valuation on the described property. Valuation by assessor

26254. The collector shall determine the amount due according to the valuation so placed upon the portion upon which separate redemption is requested and shall then refer the proposed redemption to the board. Determination of amount due Reference to board

26255. The board may either: Decision of board

(a) Confirm, modify, or set aside the valuation of the assessor.

(b) Refuse to authorize the separate redemption.

26256. The decision of the board shall be final, and the collector shall conform with it. Decision final

26257. Separate redemption, if authorized by the board, may be made in the manner provided for in Article 1 of this chapter. Manner of separate redemption

26258. The redemptioner of a portion of a parcel of property may also pay that part of the current assessment levied against the parcel of land out of which the portion was separately redeemed, as may be determined by the board to be fair, based upon the valuation placed on the parcel as shown on the current assessment book. Payment of part of current assessment

26259. Upon payment of the amount fixed as the sum to be paid as the current assessment on the portion of land separately redeemed, the collector shall enter on the current assessment book a reference to the order of the board authorizing payment of part of the assessment, the amount paid, and date of payment. Same: Duty of collector

Article 3. Deed on Termination of Redemption

26275. If property sold for delinquent assessments has not been redeemed and three years have elapsed from the date of its sale, the collector, upon demand, shall deliver a collector's deed to the property to the district or to the assignee holding the certificate of sale. Deed to district or its assignee

26276. Collector's deeds shall contain all of the following: Contents

(a) Date of the sale.

(b) Statement that no person redeemed the property during the time allowed for its redemption.

26277. The deed made by the collector may be in substantially the following form, the blanks being filled to show the facts in each case: Form

Collector's Deed

_____Irrigation District

On the_____day of_____, 19____, the collector of_____Irrigation District sold to_____ Irrigation District for a delinquent assessment real property

situated within the district and in the county of_____, State of California, described as follows:

(Insert description.)

No person has redeemed the property from the sale; the time for redemption has elapsed; and the purchaser has demanded a deed to the property.

Wherefore, I, the collector of_____Irrigation District, grant to_____all of the real property aforesaid.

Witness my hand and the seal of the district this _____day of_____, 19____.

(District Seal.)

_____
Collector of _____ Irrigation District

Deed to assignee

26278. If a collector's deed is demanded by an assignee of a certificate of sale, the form of deed shall be amended by striking out the words "the purchaser" and inserting in lieu thereof substantially the following: "_____ to whom the certificate of sale has been assigned."

Deed on partial redemption

26279. In case partial redemption has been made, the form of the collector's deed shall be modified to conform to the facts.

Fee for making deed

26280. The collector shall receive from the purchaser for the use of the district two dollars ($2.00) for making the deed except when the deed is to the district.

District as grantee

26281. When a district is the grantee, the collector shall make duplicate deeds to the property.

Article 4. Effect of Deed

Vests absolute title Exceptions

26300. A collector's deed conveys to the grantee free of all encumbrances the absolute title to the property described in it except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession.

Rights of district

26301. Where property has been conveyed to a district by a collector's deed, the district shall have the same rights in respect to the property and its rents, issues, and profits as a private purchaser.

Prima facie evidence

26302. A collector's deed when acknowledged or proved is prima facie evidence that:

(a) The land was assessed as required by law.

(b) The land was equalized as required by law.

(c) The assessments were levied in accordance with law.

(d) The assessments were not paid.

(e) At a proper time and place the property was sold as prescribed by law.

(f) The property was not redeemed.

(g) The person who executed the deed was the proper officer.

Conclusive evidence

26303. Except as against actual fraud a collector's deed acknowledged or proved is conclusive evidence of the regularity of all of the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed.

26304. An action, proceeding, defense, answer, counterclaim, or cross-complaint based on the alleged invalidity or irregularity of any collector's deed executed to the district or based on the alleged ineffectiveness of the deed to convey the absolute title to the property described in it may be commenced or interposed only within one year after the recordation of the deed. Statute of limitations: On collector's deed

26305. An action, proceeding, defense, answer, counterclaim, or cross-complaint based on the alleged invalidity or irregularity of any agreement of sale, deed, lease, or option executed by a district in connection with property deeded to it by its collector or based on the alleged ineffectiveness of the instrument to convey or affect the title to the property described in it may be commenced or interposed only within one year after the execution by the district of the instrument. Same: On instruments affecting acquired property

26306. The provisions of Sections 26304 and 26305 do not apply in the following cases: Same: Exceptions

(a) Where the assessments for which the property was sold were paid before the sale.

(b) Where the property was redeemed after the sale.

(c) Where the land was not subject to assessment at the time it was assessed.

(d) Where no assessments were due on the land at the time of sale.

(e) Where fraud is established.

(f) Where the deed is void on its face.

(g) Where the owner of the land was at the time of the sale a minor or insane person, in which case the earliest time that the statute of limitations begins to run is when the disability is removed.

26307. The burden of proof shall be upon the party urging the invalidity, irregularity, or ineffectiveness of an agreement, deed, lease, or option described in Sections 26304 and 26305 or of any assessments, sales, or assessment deeds of which he complains to show the invalidity, irregularity, or ineffectiveness, and he shall be required to plead specifically the grounds upon which he urges the invalidity, irregularity, or ineffectiveness. Burden of proof

Article 5. Recordation of Deed to District

26325. A certificate of the secretary on a collector's deed stating that it has been accepted by the board entitles the deed to be recorded. Requirement for recording deed

26326. A collector's deed to a district may be recorded in the usual manner of recording deeds or as provided in this article. Manner

26327. Both of the duplicate deeds shall be delivered by the collector to the secretary, and the secretary shall deliver them to the county recorder of the county where the property is situated. Delivery of duplicate deeds to recorder

26328. The county recorder shall retain one of the duplicate deeds and use it as a printed form for the purpose of Retention of one duplicate

making a record in his office of the recorded collector's deed. This duplicate is a printed form of deed within the meaning of Section 4130 of the Political Code.

Notations

26329. The recorder shall note on the duplicate deed retained in his office all of the following:

(a) Its filing number.

(b) Exact time of its reception.

(c) Name of the person at whose request it was recorded.

(d) Notation by the comparer that the record has been compared.

Deemed recorded

26330. The duplicate collector's deed retained by the recorder when properly noted as provided by this article and securely placed in the record books of his office is recorded within the meaning of the law and is constructive notice to all persons.

Other duplicate returned

26331. The recorder shall on the other duplicate of each collector's deed make the same notations as on the one retained in his office and return the unrecorded duplicate to the district.

Chapter 7. Assessment and Collection by County

Article 1. Assessment and Levy by County

Levy by board of supervisors

26500. If a board neglects or refuses in any year to levy assessments pursuant to this part, the board of supervisors of the office county shall, as provided in this article, perform the duties of the board of the district in respect to levying assessments in the same manner and with the same effect as if they were performed by the board.

Basis of assessment

26501. The applicable part of the equalized county assessment rolls of the affected counties shall be the basis of assessment for the district when its assessments are levied pursuant to this article.

Land not appearing on county assessment roll

26502. If any land subject to assessment for the purposes of the district does not appear upon a county assessment roll used as the basis of assessment for the district, the land omitted shall be forthwith assessed by the county assessor of the county in which it is situated upon an order of the board of supervisors making the assessment, and a description of the property omitted shall be written in the roll prepared for the district assessments.

Equalization

26503. The board of supervisors shall meet and equalize each assessment made pursuant to this article with the assessment of other land in the district. The same notice shall be given by the board of supervisors of a meeting for the purpose of equalizing the assessment to be made as herein directed as is provided to be given by a district secretary when a board is to meet to equalize assessments.

Expenses of levy. Action for non-payment

26504. All expenses incurred in levying the assessment shall be borne by the district concerned. Unless the expenses are paid within 60 days from the time when a demand for them is made, they shall be collected by an action commenced by the district attorney of the county whose board of supervisors prepared the assessment roll.

Article 2. Collection by County

26525. In case of the neglect or refusal of the collector of any district to perform the duties imposed upon him, the tax collector of the office county shall perform his duties and be accountable therefor upon his official bond. Collection by county tax collector

26526. When any county tax collector collects any assessments for any district, he shall pay the proceeds to the county treasurer of the office county. Disposition of assessments collected

26527. As to money collected by the county tax collector and paid to the county treasurer, the county treasurer shall perform the duties ordinarily imposed on the treasurer of a district and be accountable therefor upon his official bond. Duties of county treasurer

26528. The county treasurer shall place the money of the district in a special fund to the credit of the district and shall disburse it to the proper persons for the purposes for which the assessments raising it were levied. Same

26529. The county treasurer shall not pay any part of the money to the treasurer of the district until the county treasurer is satisfied that all of the valid obligations for which the assessments were levied and for which payment has been demanded have been paid. Restrictions on payment to district treasurer

Article 3. Supervision by District Attorney and Attorney General

26550. The district attorney of each office county shall ascertain each year whether the duties relating to the levying and collection of assessments in districts have been performed or not, and if he learns that the board or any official of any district has neglected or refused to perform any of these duties, he shall notify the board of supervisors or the county official required to perform the duty in the circumstances. Duties of district attorney

26551. Unless the board of supervisors or county official proceeds to perform the duties he has been notified to perform within 30 days after the receipt of notice, the district attorney shall take action in court to compel performance. Action to compel performance

26552. The district attorney shall give notice to other officials and take any action necessary to secure the performance in their proper sequence of subsequent duties relating to the levying and collection of assessments. Notice to other officials

26553. For the enforcement of the levying and collection of any assessment required to be levied and collected for the payment of any debt incurred, when complaint is made to the Attorney General that the district attorney of any county has not performed any duty devolving upon him by the provisions of this article or is not proceeding with due diligence or in the proper manner in the performance of the duty, the Attorney General shall make an investigation. If he finds the charge to be true, the Attorney General shall take any action necessary to enforce the performance of the duties relating to the levying and collection of assessments. Duty of Attorney General

PART 11. CHANGES IN ORGANIZATION

Chapter 1. Exclusion

Article 1. Petition and Notice

Exclusion petition

26700. The owners in fee of not less than one-half in area of a tract of land that is a portion of a district may jointly or severally file with the board a petition, praying that the tract be excluded from the district.

Executor, etc., may sign

26701. An executor, an administrator, or a guardian of an estate appointed under the laws of this State may on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge a petition to exclude land.

Acknowledgment

26702. The petition shall be acknowledged.

Contents

26703. A petition for exclusion shall set forth all of the following:

(a) The reasons why it is claimed that the tract should be excluded.

(b) A description of the tract.

(c) A description of the land of each petitioner which is proposed to be excluded, which need not be more particular than is required when the land is entered in the assessment roll by the county assessor.

(d) A description of the land in the tract proposed to be excluded of each owner of record who does not sign the petition together with the name of its owner according to the records of the county recorder of the county in which the land is situated.

Publication of notice of filing

26704. The secretary shall publish a notice of the filing of an exclusion petition for at least two weeks in some newspaper published in the office county and in a newspaper published in each other county containing land proposed to be excluded. If no newspaper is published in any one or more counties in which publication is required, notice shall be posted for the same time in at least three public places in the district, one of which notices shall be posted on the land proposed to be excluded.

Contents of notice

26705. The notice shall contain:

(a) A statement that a petition for exclusion of land has been filed.

(b) A description of the land proposed to be excluded.

(c) The names of the petitioners.

(d) The time of the hearing.

(e) An announcement that any persons interested in the proposed exclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the land or any of it should not be excluded.

Time of hearing

26706. The time of the hearing specified in the notice shall be the regular meeting of the board next after the giving of the notice is complete.

26707. Persons who do not at or before the hearing file objections in writing showing cause why the land should not be excluded and the petitioners assent to excluding the land in whole and in part. Effect of failure to object

Article 2. Hearing and Order

26725. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections. Matters heard

26726. The evidence at an exclusion hearing shall be taken down in shorthand and a record made of it and filed with the board. Shorthand record of evidence

26727. The expense of giving the notice and of the aforesaid proceedings on exclusion shall be paid by the persons filing the exclusion petition. Payment of expenses

26728. Upon the hearing of an exclusion petition the board shall order that the petition be denied: Grounds for denial

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any land described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any land described in the petition which the board deems it not for the best interests of the district to exclude except when the board judges that the land will not be benefited by the operations of the district.

26729. The board after the hearing of any exclusion petition shall order the exclusion of all or any part of the land described in it when as to the land to be excluded either: Grounds for order of exclusion

(a) The board judges that the land will not be benefited by the operations of the district.

(b) The board deems the exclusion to be for the best interest of the district and one of the following is true:

(1) No interested person has filed objections in writing showing cause why the land should not be excluded.

(2) All written objections made to the exclusion have been withdrawn.

(3) No written objection made to the exclusion is sustained at the hearing.

26730. When a board excludes any land from a district, the board shall make an entry in its minutes describing the change so that the new boundary of the district can be ascertained. Entry describing change

26731. For the purpose of describing the change the board may cause any survey to be made it deems necessary. Survey

26732. A copy of the entry in the minutes excluding any land, certified by the president and secretary, shall be filed for record in the recorder's office of each affected county. Recordation of copy of entry of exclusion

26733. No exclusion of land from any district impairs its existence, its rights, including those in or to property, or its obligations. Effect of exclusion: On property rights

Same: On office of director from the division

26734. If the land excluded from any district embraces the greater portion of any division of the district, the office of director from the division shall be vacant at the expiration of 10 days from the final order of the board excluding the land. The vacancy shall be filled by appointment by the board of supervisors of the office county from the district at large. A director so appointed shall hold office until the next general election for the district. A director then elected shall hold office for the unexpired term in the office of director from the division involved.

Article 3. Bondholders' Assent to Exclusion

Bondholders' assent

26750. If there are outstanding bonds of the district at the time of the filing of an exclusion petition, the holders of the outstanding bonds may severally assent in writing to the exclusion of the land described in the petition or any portion of it that may be excluded from the district by order of its board.

Acknowledgment

26751. The assent shall be acknowledged by each bondholder.

Recording in minutes

26752. The assent shall be filed with the board and recorded in its minutes.

Minutes as evidence of assent

26753. The minutes containing the assent or a copy of them certified by the secretary shall be admissible in evidence with the same effect as the assent.

Recordation

26754. A certified copy of the assent may be recorded in the office of the county recorder of the county in which the land to be excluded is situated.

Effect of assent

26755. When an assent to the exclusion of any land has been given by any bondholder, no assessments shall thereafter be levied on the land excluded on account of the bonds held by him at the time he gave his assent.

Article 4. Liability of Excluded Land

Application of article

26775. To the extent provided in Section 26755 the provisions of this article do not apply to outstanding bonds the holders of which have assented to the exclusion of the land from the district.

Outstanding obligations

26776. Land excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the land as fully as though the land had not been excluded.

Same: How considered

26777. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, land excluded shall be considered as part of the district the same as though the land had not been excluded.

Applicable provisions to compel payment

26778. All provisions which could be used to compel the payment by excluded land of its portion of the outstanding obligations had the exclusion not occurred may be used to compel the payment on the part of the land of the portion of the outstanding obligations of the district for which it is liable.

26779. Excluded land is not subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred after the filing with the board of the petition for the exclusion of the land from the district. Nonliability

26780. If within 10 days of the time of any order excluding any land from a district other land of equal or greater assessable value is included within the district, the excluded land is no longer subject to future levy of assessment by the district, except in the event of proceedings on behalf of bondholders to enforce the payment by the excluded land of its proportionate share of any principal or interest due and unpaid on the district's bonded indebtedness incurred while the excluded land was part of the district. Same: Exception

Article 5. Exclusion of District-Owned Land

26800. If any land has been deeded to the district and the district still holds title to it, the board may by resolution declare its intention to exclude the land if the board determines that the exclusion will be for the best interests of the district. Resolution

26801. The resolution of intention to exclude district-owned land shall: Contents of resolution

(a) Describe the land proposed to be excluded.

(b) Give the reasons for the proposed exclusion.

(c) Fix the time for the hearing of the matter, which time shall be not less than 28 days after the date of the adoption of the resolution.

26802. Thereupon, the secretary shall give notice of the resolution of intention to exclude district-owned land in the manner prescribed for giving notice of a hearing to exclude other land. Notice

26803. The notice shall: Contents of notice

(a) State the time of the hearing.

(b) Describe the land proposed to be excluded.

(c) Give the reasons for the exclusion stated in the resolution of intention.

(d) Notify all persons interested in the proposed exclusion that they may appear at the district office at the time fixed and file objections in writing showing cause, if any they have, why the land or any part of it should not be excluded as proposed in the resolution.

26804. The proceedings at the hearing and thereafter shall be as provided for in the case of the exclusion of other land from the district, but no evidence need be taken except proof of the giving of the notice unless an objection in writing to the exclusion of all or part of the land is filed with the board at or before the time of the hearing. Conduct of hearing and other proceedings

Chapter 2. Inclusion

Article 1. Petition and Notice

Land that may be included

26875. Land not a part of the district whether or not contiguous to it may be included within the district.

Qualified petitioners

26876. A majority of the holders of title to any tract of land who are also the holders of title to one-half or more of the area of the tract may file in the district office a petition praying that the tract of land be included within the district.

Owner of undivided interest

26877. If a petitioner is the owner of an undivided interest in land, he shall be deemed to be the owner of that fraction of the total area of the land which his interest bears to the whole.

Signature and acknowledgment by executor, etc.

26878. An executor, an administrator, or a guardian of an estate appointed under the laws of this State may on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge a petition to include land.

Acknowledgment required

26879. The petition shall be acknowledged.

Statements in petition

26880. A petition for inclusion may either or both:

(a) State that if the land described in it is included within the district, it shall not become liable by assessment or otherwise for any of the outstanding obligations of the district and that the land then within the district shall not be liable by assessment or otherwise on account of any expenses for the acquisition of property then used or to be used for the irrigation of the land to be included, but that the land to be included shall be subject to any assessments and charges that may be necessary to provide for all or part of the cost of property necessary to provide for its irrigation and the cost of maintaining and operating the property or the liability of the land to be included may be limited solely to the fixing and collecting of charges for the use of water on the included land.

(b) Set forth any other terms or conditions with respect to the inclusion of the land described in the petition and the liability of the land for any expenses to be incurred thereafter.

Manner of giving notice

26881. The secretary shall give notice of the filing of an inclusion petition in the same manner and for the same time as notices of bond elections are required to be given.

Contents of notice

26882. The notice shall contain:

(a) A statement of the purpose of the petition.

(b) A description of the land proposed to be included.

(c) The names of the petitioners.

(d) The time of the hearing.

(e) An announcement that any persons interested in the proposed inclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the land or any of it should not be included as proposed in the petition.

Time of hearing

26883. The time of the hearing specified in the notice shall be the regular meeting of the board next after the giving of the notice is complete.

26884. The petitioners shall advance to the secretary sufficient money to pay for the publication of the notice of the inclusion hearing. Publication expenses

26885. Persons who do not at or before the hearing file objections in writing showing cause why the land should not be included and the petitioners assent to including the land in whole and in part. Effect of failure to object

Article 2. Hearing and Order

26900. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections. Matters heard

26901. No land shall be included within a district unless either the owner has petitioned for its inclusion or the board after an inclusion hearing determines that it can be irrigated by means of some of the works of the district or by means of practicable works connecting therewith and will be benefited by the irrigation. Inclusion of land in district

(Amended by Stats. 1947, Ch. 725.)

26902. The board to which an inclusion petition is presented may require as a condition precedent to granting it: Conditions precedent to granting petition

(a) Payment by the petitioners severally to the district such respective sums, as nearly as they can be estimated by the board, as the petitioners or their predecessors in title would have been required to pay to the district as assessments had the land of the petitioners been included in the district at the time it was originally formed.

(b) The performance of any other conditions that the board may consider proper.

26903. The board after the hearing of any inclusion petition shall order the inclusion of all or any part of the land described in it, subject to any conditions that may be prescribed in any manner specified in this chapter, when as to the land to be included the following are true: Grounds for inclusion

(a) The board finds that the petition complies with Article 1 of this chapter.

(b) The board finds that the inclusion of the land will be for the best interests of the district.

(c) Either that:

(1) No sufficient protest against the inclusion has been made by owners of land within the district.

(2) If a sufficient protest has been made, enough signatures have been withdrawn from it so that it is no longer sufficient.

26904. In making an order including land the board may provide that land included within the district shall be subject to the terms and conditions contained, pursuant to Section 26880, in the petition for inclusion. Inclusion subject to conditions

26905. If the board determines that only a part or parts of the land described in an inclusion petition should be Dismissal of petition

Excepted parts

included, the petition shall be dismissed except as to each part the board determines to include as to which either:

(a) The petitioners include a majority of the holders of title to land in it who also are the holders of title to at least one-half of the area in it.

(b) Within 60 days from the time the determination is made, there is filed with the board the consent in writing of a majority of the holders of title to land in it who also hold title to at least one-half of the area in it.

Consent to inclusion of part of land

26906. A consent to the inclusion of a part of the land originally petitioned to be included shall be acknowledged.

Public lands of United States

26907. Any public land of the United States which can be irrigated by means of any of the works of the district or by any practicable works connecting therewith and will be benefited by the irrigation may be included within any district by order of its board without any petition therefor except as may be required by the laws of the United States.

Same: Conditions of inclusion

26908. Agreeable to the laws of the United States and the proper regulations or consent of any authorized department thereof or the laws of this State, as the case may be, any conditions the board deems just may be imposed upon any public land of the United States or of this State as a part of the order of inclusion without the agreement or hearing provided for in Article 3 of this chapter.

Several petitions

26909. If more than one petition for the inclusion of land has been presented, the board may in one order include within the district any number of separate tracts of land.

Description of land in inclusion order

26910. An inclusion order shall describe the land included within the district by the inclusion proceeding.

Same: Survey may be made

26911. For the purposes of describing the land the board may cause any survey to be made it deems necessary.

Recordation of inclusion order

26912. A copy of the inclusion order, certified by the president and secretary, shall be filed for record in the recorder's office of each affected county.

Minutes as evidence of petition

26913. Upon the filing for record of the copies of the inclusion order, the secretary shall record the inclusion petition in the minutes of the board, and the minutes or a certified copy of them shall be admissible in evidence with the same effect as the petition.

Effect of inclusion

26914. No inclusion of land into any district impairs its existence, its rights, including those in or to property, or its obligations.

Applicable provisions

26915. Included land is subject to the provisions of this division except to the extent of any changes made by the conditions of inclusion.

Article 3. Inclusion Subject to Conditions

Inclusion with conditions

26930. When the board finds that the inclusion of any land without condition would work an injury as to the land already within the district, the board may prescribe any conditions

upon the inclusion of the land that the board deems just, which may include:

(a) Priority of right to water for the land already in the district.

(b) Payment of an additional annual charge upon the land included.

When conditions become effective

26931. If any conditions are prescribed by the board, they shall not be effective until adopted in the manner provided by either the main or alternative procedure for including land subject to conditions.

Main procedure

26932. Sections 26933 to 26936 constitute the main procedure for inclusion of land subject to conditions.

Agreement by owners

26933. All of the owners of the land subject to the conditions shall before an order for its inclusion is made sign an agreement with the district describing the land so to be included and specifying the conditions.

Acknowledgment

26934. The agreement shall be acknowledged.

Recordation

26935. The agreement shall be filed for record in the office of the county recorder of the county in which the land included is situated.

When land becomes part of district

26936. Upon the filing for record of the agreement and upon the filing for record of a copy of the order including the land, the land shall become a part of the district subject to the conditions in the agreement.

Alternative procedure

26937. Sections 26938 to 26948 constitute the alternative procedure for inclusion of land subject to conditions.

Adjournment of hearing

26938. The board may adjourn the hearing for not less than 30 nor more than 60 days.

Publication of notice of time and place

26939. The board shall give notice of the time and place of the adjourned hearing by publication for not less than once a week for three consecutive weeks in a newspaper of general circulation published in the office county and in a newspaper of general circulation published in each other county containing land proposed to be included.

Contents of notice

26940. The notice shall set out at length the conditions proposed to be imposed and direct all persons interested to appear at the time and place specified in the notice and show cause in writing, if any they have, why the conditions should not be imposed.

Contents of order

26941. At the hearing or at any further adjournment thereof entered upon the minutes the board may by resolution adopt, reject, or modify the conditions as it deems just, and the order for inclusion shall contain the conditions the board finally adopts.

Final order

26942. The order shall be final when each copy required to be filed for record is filed for record.

Limitation on recording

26943. No certified copy of the order shall be filed for record for a period of 30 days after the making of the order.

Period for filing objections

26944. During the 30 days a majority of the holders of title to the land described in the petition for inclusion who also hold title to more than one-half of the area of that land may file with the secretary a statement or statements in writing

signed by them objecting to the inclusion of the land with the conditions imposed thereon.

Acknowledgment of statement

26945. The statement shall be acknowledged.

Objections presented to board

26946. The secretary shall present the objections to the board.

Dismissal of petition

26947. If the board finds the objections to be in the required form and signed by the required number of holders of title, the board shall enter in its minutes an order dismissing the petition for inclusion, and no further proceedings shall be had thereon.

Same: Without prejudice

26948. The order of dismissal shall be without prejudice to the filing of other petitions for the inclusion of the same land or any part of it.

Article 4. Protest Against Inclusion

Protest by landholders in district

26965. A protest against the inclusion of land, signed by not less than 3 per cent of the holders of title to the land within the district who are also the holders of title to not less than 3 per cent in value of the land within the district according to the last equalized assessment of the district, may be presented to the board prior to the hearing of the inclusion petition.

Withdrawal of protest or signatures

26966. Prior to or at the hearing of the inclusion petition the protest or any signatures to it may be withdrawn.

Protest or signatures not withdrawn

26967. If prior to or at the hearing the protest is not withdrawn or sufficient signatures to it are not withdrawn so that those remaining constitute less than 3 per cent of the holders of title to all of the land within the district or hold less than 3 per cent in value of the land within the district according to the last equalized assessment of the district, or if the board deems it not for the best interests of the district to include in it any of the land described in the petition for inclusion, the board shall adopt a resolution stating the facts and describing the land proposed to be included in the district.

Resolution

Order of inclusion election

26968. Upon the adoption of the resolution, the board shall order that an inclusion election be held within the district to determine whether or not the land described in the resolution shall be included.

Petitioners' undertaking with sufficient sureties

26969. Before calling an inclusion election the board may require an undertaking, with sufficient sureties, from the petitioners for the inclusion of the land conditioned that the petitioners or the sureties will pay all the costs of holding the election in case the inclusion is denied.

Order of inclusion despite protest

26970. When a sufficient protest against the inclusion is presented to the board, which is not withdrawn nor made ineffective by the withdrawal of signers from it, but the board declares that the inclusion of the land or a portion of it with conditions imposed will be for the best interest of the district, the proceedings shall continue as if no protest were filed, and the order of inclusion shall be made but shall not be filed for record nor become effective until after both of the following occur in the following order:

(a) The conditions are adopted by the owners of or holders of title to the land to be included in the manner provided by either the main or alternative procedure for including land subject to conditions. Conditions for recordation and effectiveness

(b) An inclusion election is ordered and the inclusion upon conditions is approved by a majority of the votes cast at the election.

Article 5. Inclusion Elections

26985. The board shall fix the day for holding an inclusion election and cause notice of it to be given. Notice of election

26986. The notice of an inclusion election shall describe the land to be included. Description in notice

26987. The notice of an election upon the inclusion of land with conditions, in addition to other requirements, shall contain a brief statement of the conditions imposed. Statement of conditions

26988. Notice of an inclusion election shall be given, and the election shall be held and conducted, its returns made and canvassed, and its result ascertained and declared in substantially the manner prescribed for a bond election. Manner of conducting election

26989. The ballots at an inclusion election shall contain "For inclusion" and "Against inclusion" or words equivalent thereto. Contents of ballots

26990. When the election is upon the inclusion of land with conditions the ballot shall contain "For inclusion with conditions" and "Against inclusion with conditions." Same: Inclusion with conditions

26991. If at an inclusion election a majority of all the votes cast are against the inclusion, the board shall order that the petition be denied and shall proceed no further in the matter. Majority vote against

26992. If a majority of the votes at an inclusion election are in favor of the inclusion, the board, except when the inclusion is subject to conditions imposed pursuant to the main or alternative procedure for including land subject to conditions, shall thereupon order that the land be included in accordance with the resolution adopted by the board. Majority vote for

26993. When the inclusion of land subject to conditions imposed pursuant to the main or alternative procedure is approved at an inclusion election, a certified copy of the order declaring the result of the election shall be filed for record with the order of inclusion. Land subject to conditions Recordation of order

Chapter 3. Consolidation

Article 1. Resolutions for Consolidation

27150. Two or more districts may be consolidated as provided in this chapter. Consolidation

27151. The board of a district shall pass a preliminary consolidation resolution when either: Preliminary consolidation resolution

(a) In the judgment of the board it is for the best interest of the district that it be consolidated with one or more other districts.

(b) There is presented to the board a petition requesting consolidation signed by signers equal in number to and possessing the qualifications of signers required to sign a petition for the formation of the district with its then boundaries.

Same: Contents

27152. The preliminary consolidation resolution shall contain all of the following:

(a) Recital of the facts requiring the passage of the resolution.

(b) Declaration of the advisability of the consolidation and the willingness of the board to consolidate.

(c) Specification of the elective offices for the consolidated district agreed upon by the board.

(d) Name for the consolidated district agreed upon by the boards.

Same: Certified copy to department

27153. Each board passing a preliminary consolidation resolution shall forward a certified copy of it to the department.

Article 2. Reference to Department

Investigation

27175. Upon the receipt of certified copies of the preliminary consolidation resolution adopted by two or more districts, the department shall forthwith make or cause to be made any investigation that it deems necessary.

Report

27176. Upon the completion of the investigation but not more than 90 days after the receipt by the department of a copy of the resolution from the board last adopting it, the department shall submit to each board its report thereon.

Same: Contents

27177. The department shall include in the report:

(a) If the department considers advisable the elimination of a portion of the land in any of the districts to be consolidated, a recommendation to that effect and a statement of the reasons of the department therefor.

(b) A description of the land recommended to constitute the proposed consolidated district.

(c) A description of the divisions in the proposed consolidated district, which divisions shall be five in number.

Same: Further contents

27178. The department shall also include in the report:

(a) If any of the land recommended to be eliminated has theretofore received water from the district in which it is situated, a recommendation of the portion, if any, of the assessments theretofore paid upon the land to the return of which the respective owners are equitably entitled.

(b) A recommendation as to the apportionment to the land in the respective districts of any outstanding indebtedness as the department deems equitable.

Article 3. Consolidation Elections

Order for election

27200. A consolidation election to submit to the voters in each district the question of the consolidation shall be called

by each board which has adopted a preliminary consolidation resolution by an order made either:

(a) Within 10 days after receiving the report on the consolidation from the department in which the department states the consolidation to be desirable.

(b) Upon the adoption by each board of a resolution declaring its determination that the proposed consolidation is desirable after either:

(1) Receiving the report on the consolidation from the department in which the department states the consolidation not to be desirable.

(2) Not receiving the report on the consolidation from the department within 90 days after the submission to it of the copy of the preliminary consolidation resolution from the board last adopting it.

Notice

27201. Notice of a consolidation election shall be given for the time and in the manner provided for notice of bond elections.

Contents of ballots

27202. The ballots shall contain "Consolidation—Yes" and "Consolidation—No" or words equivalent thereto.

Elective officers

27203. At a consolidation election there shall be elected the directors and other officers of the consolidated district, who shall be nominated and voted for as provided for a general election.

Conduct and canvass

27204. A consolidation election shall be conducted and the returns canvassed so far as practicable in accordance with the requirements for a general election.

Majority vote required

27205. If a majority of the votes cast in each district at a consolidation election are "Consolidation—Yes," the consolidation is approved.

Article 4. Consolidation Order and Its Effect

Effect of consolidation

27225. If the consolidation is approved at a consolidation election, the consolidation is effective, and the consolidated district under the name specified for it in the preliminary consolidation resolutions succeeds to all of the rights, privileges, and properties of all of the districts participating in the consolidation and shall be subject to all of their indebtedness, bonded and otherwise, as respectively apportioned.

Powers and duties

27226. When consolidated, the consolidated district possesses all of the powers of, is governed by, and is subject to all of the provisions of this division except as in this chapter otherwise provided as though originally formed pursuant to Part 2 of this division.

Qualification and organization of elective officers

27227. If the consolidation is approved at a consolidation election, the directors and other officers elected at the election shall thereupon become the officers of the consolidated district and shall qualify and organize in the manner provided for a newly formed district.

Order and contents

27228. Within 10 days after a consolidation is made, the board of the consolidated district shall make an order:

(a) Declaring the consolidation effective.

(b) Setting out the date that the consolidation became effective.

(c) Describing the land in the consolidated district.

Recordation

27229. A copy of the order, certified by the president and secretary of the consolidated district, shall be forthwith filed for record in the office of the county recorder of each affected county.

Right of owners of eliminated land

27230. If any land eliminated from the proposed consolidated district never received water from the district in which it was situated, its owners are entitled to the return of all assessments theretofore paid upon the land.

Apportionment of outstanding indebtedness

27231. The board of a consolidated district within 60 days after the consolidation shall act upon the recommendation of the department as to the apportionment of any outstanding indebtedness, and the board shall apportion to the lands in the consolidated district any outstanding indebtedness as it deems equitable.

Same: Levy of future assessments

27232. All future assessments necessary to retire the indebtedness shall be levied in accordance with the apportionment.

Sale of bonds

27233. Any bonds of any districts which have been consolidated, which bonds were authorized prior to the consolidation but which were not issued, may by order of the board of the consolidated district be sold or disposed of in the manner provided in this division, and the proceeds of the sale or disposition shall be applied to the purpose for which the bonds were authorized.

Chapter 4. Voluntary Dissolution

Article 1. Petition for Dissolution

Dissolution

27400. Any district may be dissolved in the manner provided in this chapter.

Assent of Secretary of Interior required

27401. When a contract authorized by law has been made between a district and the United States for the construction and operation of necessary works for the delivery of water or for a water supply, the district shall not be dissolved and no proceedings had in any court or otherwise for the dissolution of the district until the written assent of the Secretary of the Interior is given to the dissolution.

Petition

27402. A majority in number of the holders of title to all of the land who are also the holders of title to a majority in value of all of the land according to the equalized assessment of the district for the year next preceding upon which any assessment has been made may propose the dissolution of the district by a petition signed by them.

Contents

27403. The petition for dissolution shall set forth all of the following:

(a) The amount of the outstanding indebtedness, if any, which need not include any obligations for the enforcement of which a suit was barred by law prior to filing the petition with the board.

(b) A general description of the indebtedness, showing the amount of each description of indebtedness and the names of the respective owners so far as known.

(c) The estimated cost of the dissolution of the district.

(d) The assets of the district, including works and water rights.

27404. The petition shall also set forth all of the following: Further contents

(a) A detailed statement of all the land sold to the district for assessments.

(b) The amount of the assessments on each parcel of land sold.

(c) All assessments unpaid.

(d) The amount of assessments unpaid upon each parcel of land.

(e) If any proposition has been made by the holders of the indebtedness to settle it, the proposition together with any plan proposed to carry it into execution.

27405. The petition shall be filed with the board. Filing petition

Article 2. Alternative Petition for Dissolution

27420. A petition to dissolve a district pursuant to this chapter shall conform to the provisions of this article if as to the district all of the following are true: Alternative petition

(a) It has no indebtedness except indebtedness a suit for which is barred by law.

(b) It has no assets.

(c) It has ceased to be a going concern.

(d) It has no irrigation system by which it conveys water for irrigation or domestic purposes to any of the residents in it.

27421. The petition shall be signed by two-thirds of the voters residing in the district and by the holders of title to at least 50 per cent of the acreage within the district and 50 per cent in value of all of the land, the value of the land to be determined by the next preceding equalized assessment of the district. Qualified petitioners

27422. The petition for dissolution shall contain all of the following: Contents of petition

(a) Statements showing the facts described in Section 27420.

(b) A statement that it is the desire of the signers of the petition to have the district dissolved.

(c) A recital that an application will be made to the superior court in and for the principal county for a decree of dissolution of the district under the provisions of this chapter.

The petition need not contain any other matter.

27423. In a petition prepared pursuant to this article no plan of dissolution is required. No plan required

27424. The petition shall be filed with the board. Filing petition

Article 3. Dissolution Elections

Calling dissolution election

27440. Upon the filing of a petition for dissolution the board shall call a dissolution election.

Questions submitted

27441. At a dissolution election there shall be submitted to the voters of the district the question of whether or not the district shall be dissolved, its indebtedness liquidated, and its assets distributed in accordance with the plan proposed in the petition for dissolution, or if no plan has been proposed, then in accordance with a plan proposed by the board in the notice of the election.

No plans required

27442. It is not necessary that any plan for the dissolution of a district or any plan for the liquidation of its indebtedness or the distribution of its assets be proposed by the board if the petition for its dissolution was prepared pursuant to Article 2 of this chapter.

Assent of, or provision for, creditors

27443. If the district has any oustanding indebtedness a suit for the enforcement of which is not barred by law, the dissolution election shall not be called until the assent of all the known holders of valid indebtedness against the district is obtained or provision is made in the plan for the payment of nonassenting holders.

Notice of election

27444. Notice of a dissolution election shall be given by both:

(a) Posting notices in three public places in each election precinct in the district for at least 20 days.

(b) Publication of notice in some newspaper published in the principal county, once a week for at least three successive weeks before the election.

Contents of notice

27445. The notice of the dissolution election shall set forth all of the following:

(a) The time of holding the election.

(b) The fact that it is proposed to dissolve the district.

(c) A brief summary of the plan, if any, proposed for liquidating the indebtedness of the district and disposing of its assets.

Conduct and canvass

27446. A dissolution election shall be held and its result determined and declared as nearly as practicable in conformity with the provisions governing general elections.

Contents of ballots

27447. At a dissolution election the ballot shall contain "Dissolution of the district—Yes" and "Dissolution of the district—No" or equivalent words.

Article 4. Court Proceedings Upon Dissolution

Validation of proceedings and plan

27465. If upon the canvass it is found and declared by the board that two-thirds of the votes cast at the election are in favor of dissolution of the district the district shall file a petition in the superior court of the principal county to determine the validity of the proceedings had and of the proposed plan, if any, for the dissolution of the district.

By district assessment payer

If no petition is filed by the district within 30 days after the canvass of the vote, then any district assessment

payer may file a petition for the same purpose in the superior court of the principal county.

27466. Proceedings brought by an assessment payer shall be had in the same manner and with the same effect as if brought by the district. Conduct and effect

27467. The petition to the superior court shall set forth the facts required to be set forth in the petition for dissolution to the board and all of the proceedings thereon. Requisite facts in petition

27468. Jurisdiction of all parties interested may be had by publication of a notice of the pendency of the proceeding for at least once a week for three weeks in a newspaper of general circulation published in one newspaper in each affected county. The newspapers shall be designated by the court in which the proceeding is pending. Acquiring jurisdiction

27469. Jurisdiction shall be complete 30 days after the completion of the publication of the notice. When jurisdiction completed

27470. When the proceeding is brought by an assessment payer, the district shall be a defendant. Instead of service of summons upon the district notice shall be served personally on all directors who can be found in the State. As to any director who can not be found in the State, service by publication as provided in this article is sufficient. Procedure in assessment payer's proceedings

27471. The proceeding is in rem. In rem

27472. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this chapter are applicable to the proceeding. Applicable rules

27473. The court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. Irregularities or omissions

Article 5. Dissolution Contests

27490. In the proceeding in the superior court contests may be had as provided in this article. Dissolution contests

27491. Within 30 days after the completion of publication of notice of the proceedings anyone interested may appear and contest the validity of any or all of the following: Time within which to appear and contest

(a) The proceedings for dissolution had prior to his appearance.

(b) The plan or any portion of it proposed for the dissolution of the district.

(c) The validity of any portion of the indebtedness set out in the petition for dissolution filed with the board.

27492. No contest of any matter which may be contested pursuant to this article shall be made other than in the time and manner specified in this article. Contest barred

27493. Contests shall be speedily tried and judgment rendered. Speedy trial

27494. The costs of any contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Costs

Appeal
Time of hearing and determination

27495. Any party to a contest may appeal at any time within 30 days after the entry of judgment. The appeal shall be heard and determined within three months from the taking of the appeal.

Article 6. Dissolution Decree

Determination of regularity, etc., of proceedings

27510. At the hearing on a petition for dissolution the court shall hear and determine the regularity, legality, and correctness of all proceedings.

Matters determined

27511. The court may determine all of the following:

(a) The validity of any sales for assessments.

(b) The amount of any assessment or assessments due upon the various parcels of real estate within the district.

(c) The amount of any assessment or assessments theretofore paid upon the various parcels and lots of real estate therein.

(d) The rights and liabilities of all parties.

Acts to be performed by court order

27512. The court in its decree may make the orders necessary to do any or all of the following:

(a) Carry out the plan for the discharge of the indebtedness and distribution of the property of the district.

(b) Apportion any indebtedness found due and declare the portions to be liens upon the various parcels and lots of land within the district.

(c) Sell the assets of the district in such manner as may effectuate the plan and as the court may judge best, either in one lot or in parcels as may be provided.

(d) Convey the works, water rights, and any other assets of the district, including certificates of sale held by it and assessments due it.

Lien

27513. The amounts of any assessments found due upon the various parcels of land, other than assessments for which sales have been made to the district, together with legal interest from the time when the assessments became delinquent are liens respectively on the parcels affected thereby.

Same: Foreclosure

27514. A purchaser of the assessments at the sale ordered by the court and the holders of liens apportioned by the court may foreclose the same by action in the superior court and shall in the action join all these assessments and liens held by him and which remain unredeemed.

Redemption

27515. A redemption from these assessments and liens may be made at any time before foreclosure sale by payment of the amount due to the clerk of the court for the use of the then holders of the assessments and liens and the clerk shall thereupon enter a minute of the payment, which payment shall discharge the lien.

Discharge of lien

Manner of redemption

27516. When land has been assessment sold by the collector, the manner of its redemption is provided for in Article 7 of this chapter.

Formation of corporation to acquire assets

27517. A corporation may be formed under the general corporation law for the purpose of acquiring the assets of a district, including the irrigation system, if any, dams, reser-

voirs, canals, franchises, and water rights, which corporation shall have all the powers, rights, and franchises of corporate bodies formed under the general corporation law, and in addition shall have any further powers as may be necessary to possess and carry on the irrigation system and exercise the franchises and water rights.

Distribution of assets

27518. Whenever all the property of a district has been disposed of and all the obligations thereof, if any, have been discharged, the balance of the money of the district shall be distributed to the assessment payers in the district upon the last assessment book in the proportion in which each has contributed to the total amount of the last assessment levied, and the court shall enter a final decree declaring the district to be dissolved.

Final decree of dissolution

Payment of barred obligations

27519. It shall not be necessary in winding up the affairs of a district to pay any portion of an obligation of the district for the enforcement of which a suit is barred by law.

Article 7. Redemption and Its Termination Upon Dissolution

Dissolution not barred

27540. The period prescribed for the redemption of property sold for delinquent assessments does not bar the dissolution of any district.

Procedure by owner

27541. If any land has been sold for delinquent assessments of a district in process of dissolution or in a district which has been dissolved and the time allowed for redemption has not expired, the owner of the property or anyone in interest may redeem it by paying the amount due on it to the county treasurer of the principal county, who shall issue his receipt therefor.

Computation of amount due

27542. The amount due shall be computed as if redemption were being made in a district not dissolved nor being dissolved.

Duty of county recorder upon payment

27543. Upon the presentation of the receipt and filing fee of fifty cents ($0.50) the county recorder shall attach it to the certificate of sale to which it relates or file it and mark the word "redeemed," the date, and by whom redeemed on the margin of the certificate of sale.

Deed to purchaser

27544. When any property has been sold for nonpayment of assessments, and no redemption has been made within the time allowed therefor, and the district has been dissolved before the expiration of the redemption period, a deed for the property sold and described in the certificate of sale shall upon demand be made to the purchaser by the county treasurer of the county in which the district or the greater part of it is or was situated.

Recitals in deed

27545. The deed shall contain all the recitals of the certificate of sale and a recital that the district has been dissolved and a deed executed in pursuance of the authority given in this article.

Effect of deed

27546. A deed so executed shall have the same effect as if executed by the collector of a district not dissolved.

Chapter 5. Involuntary Dissolution

Article 1. Commencement of Proceeding

Involuntary dissolution

27700. This chapter provides an alternative method for the dissolution of districts and does not prevent dissolution of a district by any other means.

Limited application of chapter

27701. This chapter is limited in application to any district as to which either:

(a) All of the following are true:

(1) Has been organized for more than three years.

(2) Has neglected to secure an adequate water supply.

(3) Does not have a reasonable prospect of securing an adequate water supply for the land of the district without prohibitive cost.

(4) Has neglected to acquire a system of works or finance them.

(b) Or all of the following are true:

(1) Has been organized for more than 10 years.

(2) For more than five years after the acquisition of a system of works has neglected to maintain the works or for more than five years after the works have been acquired has neglected to supply or make available water for the irrigation of more than 10 percent of the land in the district.

(Amended by Stats. 1947, Ch. 786.)

Proceeding by Attorney General

27702. Any district may be dissolved by the superior court of the principal county by a proceeding brought by the Attorney General upon his own information in the name of the people of the State of California.

Prior publication of notice of intention to start suit

27703. Before proceeding by the Attorney General to dissolve a district can be commenced, the Attorney General shall publish for two consecutive weeks in some newspaper published in the principal county a notice to all parties in interest that it is his intention to commence a proceeding for the dissolution of the district.

Applicable rules

27704. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this chapter are applicable to the proceeding provided in this chapter.

Article 2. Reference to Department

Reference to Department of Public Works

27725. Before the trial of a proceeding commenced by the Attorney General to dissolve a district the court may direct the department to investigate all the affairs of the district, including:

Matters of investigation

(a) The water supply that may be obtained by the district without prohibitive cost.

(b) The feasibility and practicability of irrigating all or a reasonable amount of the land.

(c) All other matters which the court may direct or the department may deem pertinent as affecting the possible success or failure of the district as an irrigation enterprise and which may be necessary to enable the court to determine the question of dissolution.

Access to records; official cooperation

27726. For the purpose of making the investigation, the department shall have access to all the records of the district, and all officers and employees and other persons in any manner connected with or employed by the district shall furnish information which the department may require which has already been obtained or determined, including maps, plans, estimates, field notes, and other data.

Findings and conclusions

27727. The department shall report its findings and conclusions to the court as soon as practicable and within 90 days or within any further time not exceeding 90 days granted by the court.

Article 3. Procedure upon Dissolution

Judgment of dissolution

27750. In the judgment of dissolution the court shall determine the amount of indebtedness outstanding against the district, including the costs of the court action in which the district is dissolved.

When district dissolved

27751. Upon final judgment of dissolution in a proceeding commenced by the Attorney General to dissolve a district the district shall be dissolved.

Ex officio officers

27752. Thereafter, the appropriate county officers of the principal county shall act as ex officio officers of the district. The county treasurer shall perform the duties of the district treasurer. The county tax collector shall perform the duties of the district collector. The county assessor shall perform the duties of the district assessor. The county clerk shall perform the duties of the secretary. The board of supervisors shall perform the duties of the board of directors.

Disposal of records

27753. The records and papers of every kind belonging to the district shall be turned over to the appropriate county officers.

Payment of outstanding indebtedness by taxation

27754. The appropriate county officers shall proceed to levy and collect as much taxes as may be necessary upon the land formerly embraced within the district, in the same manner and with the same procedure for nonpayment that county taxes are levied and collected, for the purpose of paying any outstanding indebtedness not provided for by previous assessments.

Sale or distribution of property

27755. All property of every kind belonging to the district, including land sold to the district for assessments, shall be sold at public sale or shall be distributed to the owners of land within the district upon the terms and for the consideration the court may impose.

Use of proceeds

27756. The proceeds, if any, from the public sale or the distribution together with all other moneys of the district on hand shall be used to discharge and pay any and all indebtedness of the district.

Disposition of surplus funds

27757. All funds remaining after all outstanding indebtedness has been paid shall be apportioned and paid to the assessment payers according to the last equalized assessment of the district.

Dissolution not barred by debts

27758. The outstanding indebtedness of any district shall not operate as a bar to dissolution by the superior court when provision is made for the payment of the indebtedness in the manner provided in this article.

PART 12. REPEALS

29975. The following acts are hereby repealed: Repeals

Yr.	Ch.	Pg.	Yr.	Ch.	Pg.
1854	57	76	1893	211	295
1860	220	182	1897	189	254
1863–4	89	87	1903	5	3
1863–4	174	167	1907	298	569
1865–6	470	609	1915	1	1
1865–6	556	777	1917	160	243
1867–8	135	112	1917	591	905
1871–2	634	945	1919	356	751
1873–4	214	312	1919	370	778
1875–6	110	79	1921	600	1018
1875–6	347	486	1923	225	449
1875–6	396	547	1927	748	1415
1875–6	491	731	1929	64	136
1877–8	300	374	1931	53	46
1877–8	306	387	1933	75	513
1877–8	345	468	1937	24	92
1877–8	526	820	1941	466	1765
1887	34	29			

29976. The following acts are hereby repealed: Repeals

Yr.	Ch.	Pg.
1917	606	936
1933	994	2557
1935	833	2250

Notwithstanding the repeal of said acts the provisions thereof as codified in this division shall continue to apply to the Palo Verde Irrigation District. Exception

29978. The repeals effected by this part shall not be construed to deprive any district or any person or other entity of any substantial right which would have existed or hereafter exist had such repeals not been effected. Construction of repeals

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