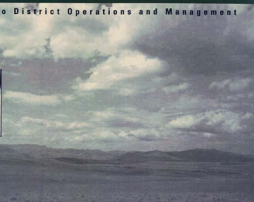
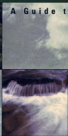


# THE RESOURCE CONSERVATION DISTRICT GUIDEBOOK

## A Guide to District Operations and Management



Produced by the California Conservation Partnership

with Generous Assistance from the California

Department of Conservation, November 6, 1999.

**THE RESOURCE CONSERVATION DISTRICT  
GUIDEBOOK:  
A GUIDE TO DISTRICT  
OPERATIONS AND MANAGEMENT**

**PRODUCED BY THE CALIFORNIA CONSERVATION PARTNERSHIP  
AND THE  
CALIFORNIA DEPARTMENT OF CONSERVATION**

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**VOLUME III  
APPENDICES**

## INTRODUCTION : MATERIALS FOR WORKSHOPS

Volume II of the *RCD Guidebook* is intended to provide you with the tools you will need to present workshops on the topics covered under Volume I. The materials in Volume II assume that workshop presenters on these topics have a good background in the contents of Volume I: Volume I presents the ideas; Volume II presents the materials you might need to present those ideas to others.

Volume II is divided into sections corresponding to those in volume I. Thus, there are workshop materials for Steps 1, 2, 4, 5, and 6 though not all of the contents of Volume I are embodied in workshops in Volume II. Because of the sheer quantity of material, training topics needed to be prioritized so that the most weight was given to subjects of greatest concern.<sup>1</sup>

Finally, in order to prevent elaborate cross-referencing in the *Guidebook* in general, and in Volume II especially, some duplication of workshop materials occurs here in Volume II. For instance, materials on RCD powers and authorities are presented in two places: under Step 1, RCDs 101, and under Step 4, Strategic Planning. Since this subject forms the foundation of what RCDs are and can do, it is appropriate that it appear in both places in the context of both workshops. Such instances of duplication, however, are kept to a minimum, and when they occur result in the addition of a few pages at most.

Each of the steps included in this volume corresponds to one in Volume I. One exception is the combination of Steps 5 and 6—matching programs to plans and grant writing—since these two closely related subjects lend themselves to combination in one workshop. Workshop materials for each step are divided into two parts. The first part presents a plan for the entire workshop, with enough of the content from Volume I included to be clear. The second part presents all of the handout materials called for in the workshop outline. In theory, you should be able to quickly organize and present workshops on topics covered in the *Guidebook* with a minimum of additional planning and preparation. You may, of course, tailor each workshop to your needs and add and remove supporting materials as you like. Every effort will be made, through piloting these workshop materials and soliciting feedback from workshop participants and presenters, to improve the design of the workshops and provide revisions to you as necessary.

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<sup>1</sup> Workshop materials are still being developed for steps 3, 7, 8, and 9 at the time of first printing of the *Guidebook*.

**APPENDIX A**

**INTRODUCTION TO DIVISION 9  
AND OTHER STATE CODES  
APPLICABLE TO RCDs**

## INTRODUCTION

*Division 9 of the California Public Resources Code* (referred to hereafter as simply *Division 9*) is the central guiding document for RCDs in the state. *Division 9* covers such topics as how to form a new RCD, how to appoint directors, the roles and responsibilities of directors, the powers and authorities of RCDs, and the roles of board presidents, district managers, and employees.

Conservation districts are not a division of state government; they are *special districts* of the state that are *locally governed*. There are numerous types of special districts throughout the state, including fire, police, and water districts. Although some special districts are governed locally by a city council or county board of directors, others, like RCD's, are governed by their own board of directors who are empowered to make decisions at the local level concerning issues most important to local communities.

Though not governed directly by the state, special districts, among them RCDs, are subject to state law concerning elections, powers and authorities, responsibilities, meetings, and much more. In addition, RCDs are considered agents of the state whenever an RCD enters into a contract with the state to receive grant money and implement projects.

This appendix is designed to give to a comprehensive overview of these laws, which are embodied in several state Codes: Division 9, The State Election Code, and the State Government Code. Since most references in this chapter are to Division 9, plain numerical article designations (for example, "§9151) refer to Division 9; other reference sources are stated with the article designation (for example, "Government Code §54151").

This chapter summarizes the most pertinent sections of Division 9; for a complete understanding of a particular issue, refer to the full text of Division 9 in Appendix C.

## FORMATION OF A RESOURCE CONSERVATION DISTRICT

### Purposes for Forming an RCD

RCDs are formed with specific resource issues in mind. Before RCDs became *resource* conservation districts (and were still considered merely *soil* conservation districts) only two purposes were considered legitimate reasons for forming a conservation district: to control runoff and to prevent or control soil erosion. After 1971 the reasons were expanded to four (§9151<sup>1</sup>):

- To control runoff
- To prevent or control soil erosion
- To develop a water supply or provide for distribution of water
- To improve land capabilities

---

<sup>1</sup> Except where noted, citations in this *Sourcebook* refer to *Division 9*, included here as Appendix B.

Nevertheless, the implications in these four purposes and what is now known about the many ways ecosystem elements influence one another, now give an RCD much broader arena in which to operate.

### **Lands Included in an RCD**

Any lands, both public and private, may be included in an RCD, provided their inclusion is related to at least one of the purposes outlined above. Lands included need not be contiguous (sharing common boundaries), but they must be subject to the same plans for managing erosion, runoff, water and land capabilities as stated above. No lands may be included in more than one conservation district, but lands within a district may lie within more than one county. In the latter case, the county with the greatest percentage of district lands is considered the principle county of the district (§9152).

### **Initiating an RCD**

An RCD may be formed or initiated in one of two ways:

1. By circulating a petition or
2. By resolution of a legislative body.

#### *Initiation by Petition*

An RCD may be formed by a petition of registered voters in the targeted district area. The paragraphs that follow give an overview of the petition process (§9161 through §9166).

The petition to be signed by voters must include:

- The statement of intent to form the RCD;
- A description of the territories and boundaries to be included in the district;
- A description of how the district will be financed;
- The reasons for forming the district;
- A proposed name for the district;
- The names and addresses of “not more than three” persons to be considered “chief petitioners”;
- A statement of any cities or other special districts (other than resource conservation) that will be included within the district; and
- A statement of whether the board of directors for the district will be a 5,7, or 9 member board.<sup>2</sup>

Before a petition can be circulated for signatures, however, the chief petitioners need to publish (in accordance with Government Code §6061<sup>3</sup>) a notice of intent stating the reasons for forming the district. This notice must be published in any county in which district lands might be included. The notice must be signed by at least one of the chief

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<sup>2</sup> Division 9 does not state conditions under which a board should be comprised of 5,7, or 9 members. It does, however, specify the method used to change the number of directors on a board (§9301).

<sup>3</sup> Government Code §6061 outlines the types of publications and the frequency of publication that constitute legal public notification.

petitioners and the notice also filed as an affidavit with the Local Agency Formation Commission (LAFCO) in the principle county in which the district is situated.

After notices are made, the petition can be circulated as one or more copies to be signed. To be deemed sufficient, the petition(s) must be signed by at least 10 percent of the registered voters in the proposed district. The petition(s) must be submitted to LAFCO within six months of the date the affidavit was filed. The commission has 30 days to determine whether the petition had the minimum number of signatures required. If it did not, the chief petitioners are given another 15 days to gather the necessary number of additional signatures. After this, the commission has 10 days to determine whether the new submissions are sufficient.

Once a petition is deemed sufficient, a Certificate of Sufficiency is issued to the chief petitioners by LAFCO.

### Initiating a New District by Resolution of a Legislative Body

A proposal to form an RCD may be submitted to the principle county or city in the proposed district in lieu of circulating a petition, but all steps for publicly announcing the petitioners' intention to form a district are followed as if a petition were to be circulated. Instead of a petition, however, the legislative body (a county board of supervisors or city council) holds a public hearing on a Resolution of Application. A notice of public hearing is published (in accordance with Government Code §6061) to inform the public. During the public hearing any person may give their views on the resolution.

#### *Approval of the Petition or Resolution*

Once a sufficient petition or resolution is submitted to the local agency formation commission, the document is reviewed by the commission (pursuant to Government Code §56826 and sections following). The commission then sends a copy of its resolution to the county board of supervisors of the principle county and any other associated counties within which the district will lie. The county board of supervisors then notifies the public (in accordance with §9181 and §9186) of its intention to:

1. Hold an election to form a new RCD (§9181) (for details on holding an election to form an RCD, See Division 9 §9181-9189, Appendix C).
2. Or its intention to declare the district formed and to appoint directors (if the petition had been signed by 80% of registered voters within the district--§9182).

### **Initial Director Appointments**

The process for establishing an initial RCD board of directors varies depending on whether the district lies in one or more than one county and whether the district encompasses incorporated or unincorporated territory, or both. Table 1-1 summarizes the various scenarios and the approach that needs to be taken with each.

Type of Lands:	Unincorporated Territory in One County:	Unincorporated Territory in Two or More Counties:	Unincorporated and Incorporated Territory:	Incorporated Territory in One City:	Incorporated Territory in Two or More Cities:
<b>Board Established By:</b>	Public Election or by Appointment of Board of Supervisors.	Public Election or by Appointment of Boards of Supervisors for all counties.  For appointments representation is proportional to population in each county but each county shall have at least one board member.	Public Election or By Appointment of both county Boards of Supervisors and City Councils.  For appointments, representation is proportional to population of counties and cities, but at least one board member is drawn from each.	Public Election or by Appointment of City Council	Public election or by Appointment of city councils.  For appointments, representation is proportional To population of each city, but at least one board member is drawn from each.

**RCD DIRECTORS AS OFFICE HOLDERS**

**Terms of Office**

RCD directors serve four-year terms (§9314). Directorships and associate directorships are strictly voluntary positions. No director may be paid a salary for his/her role in an RCD (§9303). Compensation for travel and other expenses incurred by attendance at meetings, however, is permissible.

**Qualifications**

Both new and multiple-term directors must qualify for office (§9352). Candidates for the office of RCD director must be registered voters in California. With the exception of Suisan RCD and Grasslands RCD<sup>4</sup>, candidates must also

1. Reside within the district and either own property in the district or have two or more years of experience as an associate director of an RCD; or
2. Be a designated agent of a resident landowner within the district (§9352).

An RCD director cannot be a member of a county board of supervisors and an RCD board of directors simultaneously (§9357).

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<sup>4</sup> Suisan and Grasslands RCDs are unique in that the majority of lands within these districts are preserves for wildlife and wetland habitats and as such are primarily owned by persons living outside the district. Division 9 specifically recognizes the uniqueness of these two districts and creates an exception to accommodate this (§9352c).

## **New Director Selection**

The district can fill expired terms by either election or appointment:

### *Elections*

On the first Tuesday after the first Monday in November in each even numbered year, the district, following the Uniform District Election Law (Election Code §23559), holds an election for one class of directors (§9359). Registered voters from the district at large are eligible to cast votes. A retiring director does not leave office until his/her successor has qualified for office (§9314).

### *Appointments*

As an alternative to holding an election, the RCD board may request that the county board of supervisors of the principal county appoint directors. The RCD board must file this request no later than 125 days before an election. After consulting with any other boards of supervisors of counties that contain the district, the principal county's board of supervisors appoints directors from a pool of candidates who have applied for the position. While an RCD is encouraged to submit a list of recommended candidates to the board of supervisors, the board is not limited to selecting candidates from such a list. Division 9 recommends that the board of supervisors select applicants who have demonstrated interest in soil and water conservation issues (§9314).

## **Office Term Expiration**

In order to prevent a complete turnover of district leadership Division 9 has created an arrangement whereby only approximately one-half of a district's director terms expire at one time. This is accomplished by the following. The district divides its board into two roughly equal-sized classes either at the time of initial formation of the district, or at some later date if the board elects to change the number of board directors (§9301). Since a board consists of five, seven, or nine members, one class has one more member than the other class (i.e., a five member board would have a three-person class and a two-person class).

Directors in the smaller of the two classes (having 2, 3, or 4 members, depending on the size of the board) have terms that expire during the next even-numbered year (on the last Friday in November of that year); directors in the larger of the two classes (having 3, 4, or 5 members) have terms that expire during the second even-numbered year (also on the last Friday in November of that year) after the year in which the election is held or appointments are made.



**Figure A-1. Director Office Term Expiration**

Board Size	Class I (Terms expire in next even-numbered year—e.g., 2004)	Class II (Terms expire in 2 <sup>nd</sup> even-numbered year—e.g., 2006)
5-Member Board	2 directors	3 directors
7-Member Board	3 directors	4 directors
9-Member Board	4 directors	5 directors

The reason for this arrangement is to guarantee that there will always be experienced directors on the board no matter what the outcome of elections.

### Director Vacancies

A director creates a *scheduled* vacancy when his/her term expires. Each director serves a four-year term, which terminates at noon on the last Friday in November of the second even numbered year after taking office (§9305 and §9314). However, the director holds his/her office until the district qualifies a successor (§9314).

A director creates an *unscheduled* vacancy (during an unexpired term) in his/her office when any of the following events occur (Government Code §1770, except where noted):

- The director dies.
- The director resigns. The director can resign from the board by notifying the board of supervisors of the principal county in writing (§9315).
- The director is removed from office. A competent tribunal may declare his/her election or appointment void. The director also creates an unscheduled vacancy during his/her term of office if the director should become disqualified (see Director Disqualifications below). The procedure for filling the unscheduled director vacancy depends on whether the exiting director was elected to office or appointed to office by the principal county board of supervisors. If the director creating the unscheduled vacancy was originally elected to the board, the remaining RCD directors can either
  1. Fill the vacancy themselves by making an appointment until the next election or
  2. Hold an election at the next scheduled election date (Government Code §1780).

If the directors opt to make an appointment, they must first post a vacancy notice and allow 15 days for responses. If the director creating the unscheduled vacancy was appointed by the county board of supervisors, the board of supervisors of the principal county appoints a new director to fill this vacancy (§9316). The new director serves until the end of the unexpired term. (Note: It is recommended that an RCD directly notify the board of supervisors of an unscheduled vacancy, since it is not always brought to their immediate attention otherwise.)

## Assumption of Office

Elected directors are given certificates of election notifying them of their election to the RCD board. Directors elected or appointed as part of the RCD initiation process assume office immediately upon election or appointment. Elections or appointments to fill scheduled vacancies assume their offices at noon on the last Friday in November (§9355).<sup>5</sup>

## Director Oath of Office

Division 9 states that each new director will take an oath of office (§9302), and these are governed by the provisions of Article xx of the California Constitution. Directors must file a signed oath of office either within 20 days of receiving their certificate of election or no later than 15 days after the last Friday in November.

## Code of Ethics for Director Conduct

Ethical behavior is a fundamental component of sound leadership. Since Division 9 does not provide one specifically, the following code of ethical behavior for RCD directors, adapted from the recommendations of the *California Special District Association Sample Policy Handbook*, is suggested.

The district's work is a team effort. Directors should therefore cooperate and communicate with each other to conduct the affairs of the district. The board as a whole, not individual board members, should discuss and address issues. During these discussions, directors should be responsive and attentive to the needs of other directors and employees. In addition, the directors should be willing to hear differing viewpoints. This is a healthy part of the decision-making process. However, once a decision has been made, all directors should support it and not hinder its implementation. The board should also approach district employees to supplement, upgrade, or enhance knowledge to improve the board's decision making. In particular, the working relationship between the board and the district manager should be especially close.

Directors should respect the professionalism of employees and seek to empower them to do their jobs. The primary responsibility of the board is formulating and evaluating district policy. They delegate other business, such as operational issues, to the appropriate personnel. In particular, clarifications regarding personnel and day-to-day operations are the jurisdiction of the district manager.

A district can and should foster a wide range of perspectives on issues. Conflicting points of view can often lead to creative solutions. Directors should focus on issues and problem solving when crafting district policy, not on eliminating diverse points of view.

The needs of the district's constituents are top priority. When responding to constituents, the directors should be courteous and positive. They should assess the question being asked and direct the constituent to the appropriate staff person or other

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<sup>5</sup> This has been amended by the California Election Code in 1990 and it changed the first day of office to the 1<sup>st</sup> Friday in December at noon. Division 9, unfortunately, was not amended to reflect this change.

resource.

### **Conflict of Interest**

Ethical behavior requires that conflicts of interest be avoided when serving as a district director. Directors should not derive personal economic benefits from holding a public post. To avoid such conflicts of interest, or the perceptions thereof, RCD directors must understand how conflicts can be created while serving on the district board:

A conflict of interest results when a director uses his/her official position to make, participate in, or influence a governmental decision and:

1. it is foreseeable that this decision will affect a director's economic situation; or
2. the effect of this decision on the director's economic situation is substantial; or
3. the effect of this decision on the director's economic situation is distinguishable from the effect on the public's economic situation.

For example, a conflict of interest occurs when a director who owns a business, such as a landscape/grading company, has sold services to the district. This action can have a significant effect on the director's economic situation that is distinguishable from the effect on the public's economic situation. To prevent such a conflict, directors are prevented from directly or indirectly selling equipment, materials, or services to the district (§9304).

Note, however, that a conflict of interest *does not* result from an RCD director receiving the normal types of assistance provided by an RCD. Any landowner or land occupant, including an RCD director, is eligible to receive assistance from the RCD (§9412), provided RCD directors are not given preferential treatment in receiving district assistance.

To ensure that directors are informed and in compliance with this article of Division 9. Districts are advised to have directors sign and to keep on file copies of Form 700 for each director holding office. For copies of Form 700, as well as information on disclosing potential conflicts of interest and requirements for filing conflict of interest disclosures, see Appendix E.

### **Director Disqualification**

A director becomes disqualified when any of the following events occurs (Government Code §1770, except where noted):

1. A court hearing declares the director physically or mentally incapacitated by disease, illness, or accident. This incapacity renders the director unable to perform his/her duties of office for the remainder of his/her term.
2. The director ceases to be a resident of the state or district. The director need not be a resident landowner within the district if s/he is a designated agent of such a landowner (§9352). Suisan and Grasslands RCD directors are also exempt from this district residency requirement (§9352).

3. The director ceases to perform his/her duties for a period of three consecutive months and this intermission is not due to sickness.
4. A trial court has convicted the director of a felony or violation of his/her official duties.
5. The director refuses or neglects to file his/her oath of office within the time prescribed (for RCDs, this period is 20 days after receiving certificate of election/appointment; §9354)
6. The director is committed by a court to a hospital or sanitarium as a drug addict, inebriate, or stimulant addict.

**APPENDIX B**

**DIVISION 9 OF THE CALIFORNIA  
PUBLIC RESOURCES CODE**

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# **DIVISION 9, RESOURCE CONSERVATION**

## **Introduction**

Division 9 of the California Public Resources Code defines the State's framework for conducting the business of resource conservation within California. A central component of Division 9 is its authorization for resource conservation districts (RCDs) to be formed for the purpose of addressing local resource conservation needs. Particular emphasis is placed upon the conservation of soil and water resources. Division 9 defines the roles and responsibilities of RCDs, as well as the directors that are selected to govern them.

In addition to defining RCD formation and operation, Division 9 also authorizes the existence of a Resource Conservation Commission, to be served by a Division of Resource Conservation within the Department of Conservation. The Commission was conceived to establish soil and water resource conservation policy and provide guidance to RCDs. Although Division 9 still provides the format for which the Commission would function, the Commission was administratively abolished in the mid 1970's, and has never been reconstituted.

Other sections also remain in place in Division 9, even though they are no longer applicable. Most notable among these are sections relating to the authority of RCDs to levy property taxes. Much of this authority was made obsolete by the passage of Proposition 13 in 1978, which placed restrictions on property taxation through the addition of Article 13A to the State Constitution.

Since its inception in 1938, Division 9 has been periodically revised and updated. An ad hoc Soil Conservation Committee appointed by the Secretary of the Resources Agency proposed a comprehensive revision to Division 9 in 1990, while working in an advisory capacity to the Department of Conservation. A number of these recommendations were subsequently introduced as legislation and adopted (Ch. 831, Statutes of 1991). Most of these revisions address broadening the authorities of RCDs, and removing former ambiguities in the law.

The following version of Division 9 incorporates all of the revisions which have taken place between 1993 and 1996. The document has been formatted to facilitate the referencing of sections. Also included are notes on certain key sections, providing additional information and legislative history and relationships with other state and federal laws.

# CHAPTER 1. GENERAL PROVISIONS

Article	Beginning with Section
1. Policy of State .....	9001
2. Definitions .....	9015
3. Applicability.....	9041

## ARTICLE 1. POLICY OF STATE

### Section

- 9001 Legislative Declaration of policy; purposes
- 9002 Declaration of Legislative determination
- 9003 Designation as agencies of the state

### §9001 **Legislative Declaration of policy; purposes**

- (a) The Legislature hereby declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state. The Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil and water conservation and related natural resource conservation, and hereby declares that ~~the provisions of this division are~~ is enacted to accomplish the following purposes:
  - (1) To provide the means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of conservation practices, including but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resource, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.
  - (2) To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs.
  - (b) The districts, in addition to any other authority provided by law, may do all of the following:
    - (1) Ensure consistency with the authorities and policies of the United States, this state, counties, cities, public districts, other resource conservation districts, persons, associations, and corporations.
    - (2) With the consent of the owner, ~~to~~ construct on privately or publicly-owned lands, any necessary works for the prevention and control of soil erosion and erosion stabilization.
    - (3) Facilitate coordinated resource management efforts for watershed restoration and enhancement.
  - (c) The districts shall not conserve water for power purposes or produce or distribute power for their own use or for the use of others.

### §9002 **Declaration of Legislative determination**

It is hereby declared as a matter of legislative determination:

- (a) That the construction and maintenance on privately or publicly-owned land of works for resource conservation is in the general public interest and for the general public benefit.
- (b) That the expenditure of state, county, city, district, or other public funds that are available or may become available for planning, designing, or implementing the above, and for the construction or maintenance of such control or preventive works on privately or publicly-owned land, constitutes expenditure for the general public benefit.

**§9003 Designation as agencies of the state**

The Legislature hereby finds and declares that resource conservation districts are legal subdivisions of the state and, as such, are not-for-profit entities. For the purpose of contracting with state agencies only, resource conservation districts shall be considered agencies of the state.

ARTICLE 2. DEFINITIONS

**Section**

- 9015 Terms to have meanings attributed to them in article
- 9016 Commission
- 9017 Department
- 9018 Director
- 9019 Division
- 9020 Chief
- 9021 District or soil conservation district
- 9022 Public district
- 9023 Directors
- 9024 Board
- 9025 Principal county
- 9026 Principal district
- 9027 Landowner or owner of land
- 9028 Land occupant or occupant of land
- 9029 Voter
- 9030 Proxy
- 9031 Person
- 9032 Assessment roll
- 9033 Assessment records
- 9034 Assessor

**§9015 Terms to have meanings attributed to them in article**

As used in this division, the following terms have the meanings attributed to them in this article, unless the context otherwise requires.

**§9016 Commission**

"Commission" means the State Resource Conservation Commission.

**§9017 Department**

"Department" means the Department of Conservation.

§9018 **Director**

"Director" means the Director of Conservation.

§9019 **Division**

"Division" means the Division of Resource Conservation of the department.

§9020 **Chief**

"Chief" means the Chief of the Division of Resource Conservation.

§9021 **District or soil conservation district**

"District" or "soil conservation district" means a resource conservation district.

§9022 **Public district**

"Public district" means a district established under the law of this state, other than a resource conservation district.

**§9023 Directors**

"Directors" means the board of directors of a district; and when powers are conferred or duties are imposed upon directors in this division, the powers shall be exercised and the duties performed by the directors acting as a body and not as individuals.

**§9024 Board**

"Board" means the county board of supervisors.

**§9025 Principal county**

"Principal county" means the county in which all or the greatest portion of privately-owned land of a district is situated. The principal county remains the same regardless of any change in boundaries. The principal county of a consolidated district is that county in which all or the greatest portion of the privately-owned area in the consolidated district is located.

**§9026 Principal district**

"Principal district" means the district which has the greater land area of two districts proposed to be consolidated.

**§9027 Landowner or owner of land**

"Landowner" or "owner of land" 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. A guardian, executor, administrator, or other person holding property in a trust capacity under an appointment of court is the "owner" of such property, for the purposes of this division, and as such may do and perform any act provided for herein when authorized by an order of court, which order may be made without notice.

If any land is assessed on the assessment roll 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 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.

The holder of title to an undivided interest in any land is an owner as to his interest for the purposes of this division, and such undivided interests shall be counted and valued as though they were separate interests. If the assessment roll fails to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined are owners for the purposes of this division, of equal shares therein. The value of any land and the owners of any land are conclusively determined, for the purposes of this division, by the last equalized assessment roll.

**§9028 Land occupant or occupant of land**

"Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, lessee, tenant, or otherwise. A person legally entitled to possession of land is a land occupant as to that land whether in actual possession or not. A person in actual possession of land is a land occupant regardless of his right of possession.

**§9029 Voter**

"Voter" an elector who is registered to vote pursuant to Chapter 2 (commencing with Section 2100) of Division 2 of the Elections Code, and residing within the district.

**§9030 Proxy**

"Proxy" means a written authorization to sign a petition. Landowners may sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The holder of a proxy of an individual landowner shall be an individual 18 years of age or over, or a corporation, partnership, or other legal entity. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may sign a petition only by proxy.

**§9031 Person**

"Person" includes person, association, or corporation.

**§9032 Assessment roll**

"Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

**§9033 Assessment records**

"Assessment records" includes the assessment roll and all maps and other records relating to the assessment, levy, and collection of taxes, whether in the custody of the assessor or not.

**§9034 Assessor**

"Assessor" means the assessing officer of a county by whatever title he may be known.

## ARTICLE 3. APPLICABILITY

**Section**

- 9041 Construction of Division 9 as a continuation of existing law
- 9042 Pending actions and proceedings; accrued rights
- 9043 Continuation of officers and employees in office and employment
- 9044 Imperial Irrigation District

**§9041 Construction of Division 9 as a continuation of existing law**

This Division 9 of the Public Resources Code, insofar as it is substantially the same as the Division 9 of that Code repealed upon the enactment of this Division 9, shall be construed as a restatement and continuation of the existing law and not as a new enactment nor shall anything in this division impair the validity, the rights, or the obligations of any district formed prior to the effective date of this act.

**§9042 Pending actions and proceedings; accrued rights**

No action or proceeding relating to or arising out of the Division 9 of the Public Resources Code repealed upon the enactment of this Division 9 commenced before the effective date of this Division 9, and no right accrued, pursuant to that repealed Division 9, is affected by the provisions of this Division 9, but any step thereafter taken in such action or proceeding shall conform to the provisions of this Division 9 insofar as is possible.

**§9043 Continuation of officers and employees in office and employment**

All persons who, at the time this Division 9 (commencing with Section 9001) goes into effect, are officers or employees of a soil conservation district operating under the Division 9 repealed upon the enactment of this Division 9 shall continue to be officers or employees, of a resource conservation district as though Division 9 had not been repealed.

**§9044 The Imperial Irrigation District**

The Imperial Irrigation District may exercise the powers of a resource conservation district under this division in any area within its boundaries in which there is no resource conservation district organized and operating.



## CHAPTER 2. THE DIVISION OF RESOURCE CONSERVATION

Article	Beginning with Section
1. Organization.....	9051
2. Powers and Duties .....	9061
3. Funds and Expenditures .....	9081
4. The State Resource Conservation Commission .....	9101

### ARTICLE 1. ORGANIZATION

**Section**

- 9051 Existence of division
- 9052 Chief of division; appointment

**§9051 Existence of division**

There is in the Department of Conservation the Division of Resource Conservation.

**§9052 Chief of division; appointment**

The Division of Resource Conservation is in charge of a chief, designated as Chief of the Division of Resource Conservation, who is appointed by the director with the advice and consent of the commission. The appointment shall be made pursuant to the State Civil Service Act from an eligible list prepared by the State Personnel Board from the results of an open examination.

### ARTICLE 2. POWERS AND DUTIES

**Section**

- 9061 Responsibility of chief to director
- 9062 Assistance by chief in formation, organization, and operation of districts
- 9063 Plans and proposals
- 9064 Technical assistance to districts; watershed planning
- 9065 Cooperation; contributions of funds and services
- 9066 Coordination of activities of agencies
- 9067 Employment of clerical, technical, and other assistants
- 9068 Headquarters
- 9069 Civil service; transfer and status of personnel
- 9070 Transfer of available money
- 9071 Succession to state resource conservation commission

**§9061 Responsibility of chief to director**

The chief shall be responsible to the director for properly carrying out his functions under this division.

**§9062 Assistance by chief in formation, organization, and operation of districts**

The chief shall assist in the formation, organization and operation of resource conservation districts.

**§9063 Plans and proposals**

He may advise with organized resource conservation districts as to plans and proposals relating to resource conservation activities, and, when such plans or proposals are presented to him, approve, disapprove, or suggest modifications of such plans or proposals.

**§9064 Technical assistance to districts; watershed planning**

He may, with the approval of the State Resource Conservation Commission, provide technical assistance to resource conservation districts to aid cooperators in carrying out conservation practices and to aid districts in developing plans for achieving their soil and water conservation objectives. These plans shall include but not be limited to watershed planning pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, 83rd Congress, Second Session, as amended).

**Note: For more information on PL566 see note for § 9801.**

**§9065 Cooperation; contributions of funds and services**

He may cooperate with the United States, any resource conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of runoff or the control or prevention of soil erosion.

**§9066 Coordination of activities of agencies**

Insofar as consistent with the duties, obligations and responsibilities of other public agencies, the chief may promote coordination of the activities of such agencies in furtherance of the control of runoff and the prevention and control of soil erosion.

**§9067 Employment of clerical, technical, and other assistants**

The chief may employ such clerical, technical, or other assistants as he deems necessary.

**§9068 Headquarters**

The official headquarters of the chief shall be at Sacramento, California.

**§9069 Civil service; transfer and status of personnel**

All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Resource Conservation, Department of Conservation or engaged in the administration of a law, the administration of which is transferred to said division, shall remain in the state civil service and are hereby transferred to the division on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act except as to positions the duties of which are vested in a position that is exempt from civil service.

**§9070 Transfer of available money**

All money available, including money which becomes available after the effective date of this Division 9, for expenditure by any department, division, board, authority, commission, or office or employee thereof, to be used in the administration of any function, the exercise of any right, or performance of any duty, which function, right or duty is transferred by this Division 9, shall be transferred to the department, commission, division, board, authority, or officer or employee thereof which is to administer the function, exercise the right, or perform the duty.

**§9071 Succession to state resource conservation commission**

The Division of Resource Conservation shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters pertaining to resource conservation now or hereafter vested by law in the State Resource Conservation Commission, or any officer or employee thereof. The division shall have possession and control of all records, books, papers, and other property, real, personal and mixed, now or hereafter held for the benefit or use of the State Resource Conservation Commission, except that property heretofore purchased or acquired by the commission for the use of districts may be disposed of by the commission pursuant to Article 3 (commencing with Section 9081) of this chapter.

The Chief of the Division of Resource Conservation shall succeed to and is hereby vested with all the powers, duties, responsibilities and jurisdiction now or hereafter vested by law in the commission, except as to duties specifically vested in the commission by this Code.

## ARTICLE 3. FUNDS AND EXPENDITURES

**Section**

9081 Receipt and use of contributions

9082 Grants from United States; acceptance and administration

9084 Grants to districts

**§9081 Receipt and use of contributions**

The commission may receive contributions from the United States, public districts, resource conservation districts, public agencies, or persons and may use such contributions for the purposes of the district.

**§9082 Grants from United States; acceptance and administration**

The commission is authorized on behalf of the state to accept grants from the United States for the control of runoff and floods, the prevention or control of soil erosion, and for water conservation and to administer such grants pursuant to the terms thereof.

**§9084 Grants to districts**

- (a) Subject to availability of funds and any limitations imposed by this division, the department may provide grants to resource conservation districts for the purpose of assisting the districts in carrying out any work that they are authorized to undertake, including, but not limited to, grants for watershed projects.
- (b) (1) To qualify for a grant under subdivision (a), a resource conservation district may, until January 1, 2000, shall on and after January 1, 2000 do all of the following:
  - (A) Prepare an annual and a long-range work plan pursuant Section 9413. The long-range work plan shall reflect input from local agencies and organizations regarding land use and resource conservation goals.
  - (B) Convene regular meetings in accordance with the open meeting requirements of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code and requirements of this division.
  - (C) Secure sources of local support funding, which may include funding from in-kind contributions and services.
- (2) A resource conservation district seeking a grant pursuant to this section may, until January 1, 2000, and shall on and after January 1, 2000, submit to the department a grant proposal that includes, but is not limited to, all of the following information:
  - (A) A description of the work for which the grant is sought.
  - (B) An explanation of the public or private need for the work, including, ...

- (C) An itemized summary of the projected costs of the work.
  - (D) An estimate of the amount of the projected costs of the work that will .. contributions or services.
- (3) To qualify for a grant awarded pursuant to this section, a resource conservation district may, until January 1, 2000, and shall, on and after January 1, 2000, be required to provide at least a 25 percent local match of funding, of which 40 percent of that amount shall be provided in cash. The department shall give preference in the awarding of grants to those districts that, among other things, provide a greater percentage of local match funding than the minimum required by this paragraph.
  - (4) A resource conservation district that receives a grant awarded under this section may, until January 1, 2000, and shall, on and after January 1, 2000, provide the department with an informal accounting summary that describes how the grant money was spent in accordance with the purposes and conditions of the grant.
  - (5) Prior to January 1, 2000, the department may, in making grants to a district pursuant to subdivision (a), take into consideration whether, and to what extent, the district has chosen to exercise the authority provided in paragraphs (1) to (4), inclusive.

## ARTICLE 4. THE STATE RESOURCE CONSERVATION COMMISSION

**Section**

- 9101 Existence; membership; appointment; term
- 9102 Qualifications of members; representation
- 9103 Oath of office
- 9104 Compensation; expenses
- 9105 Quorum
- 9106 Chairman; election; term
- 9107 Secretary; appointment; compensation; expenses
- 9108 Study of problem; comprehensive resource conservation policy
- 9109 Determination of policies for guidance of chief
- 9110 Aid to and encouragement of resource conservation activities
- 9112 Responsibility of commission to director
- 9113 Reports

**§9101 Existence; membership; appointment; term**

There is in the Department of Conservation the State Resource Conservation Commission. It shall consist of nine members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years.

**§9102 Qualifications of members; representation**

The members of the commission to be appointed shall consist of the following:

- (a) Five persons who are directors of resource conservation districts. In making such appointments, the Governor shall provide as nearly equal representation as possible from all portions of the state.
- (b) Two persons from the general public.
- (c) One person who has expertise in, and represents the interests of, wildlife conservation.
- (d) One person who resides in, and represents the concerns of, the major urban areas of this state.

**§9103 Oath of office**

Within 30 days after his appointment, the appointed member shall take and file his oath of office as member of the commission.

**§9104 Compensation; expenses**

The members of the commission shall receive no compensation for their services as members but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the commission or when otherwise engaged in the work of the commission at its direction.

**§9105 Quorum**

Five members of the commission shall constitute a quorum for any purpose, including organization.

**§9106 Chairman; election; term**

The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected.

**§9107 Secretary; appointment; compensation; expenses**

The commission shall appoint a secretary. The secretary shall be a paid employee of the commission. The secretary shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties as such secretary.

**§9108 Study of problem; comprehensive resource conservation policy**

The commission shall cause to be studied and shall consider the whole problem of soil conservation within the state, and it may formulate, in cooperation with other state agencies, interested organizations, and citizens, a comprehensive resource conservation policy for the state.

**§9109 Determination of policies for guidance of chief**

The commission shall determine and advise policies for the guidance of the chief of the division in the performance and exercise of his duties and powers.

**§9110 Aid to and encouragement of resource conservation activities**

The commission shall aid and encourage, but not conduct, resource conservation activities.

**§9112 Responsibility of commission to director**

The commission shall be responsible to the director for properly carrying out its functions under this division.

**§9113 Reports**

The commission shall report annually to the Governor on the resource conservation projects and improvements accomplished by or with the aid of the state, and the commission may from time to time prepare and publish reports on the needs of the state and the local subdivisions thereof for resource conservation programs, developments, facilities and activities.



### CHAPTER 3. RESOURCE CONSERVATION DISTRICTS

Beginning with Article	Section
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2. Investigation of Proposals .....	9161
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#### ARTICLE 1. LANDS INCLUDED

**Section**

- 9151 Formation authorized; purposes
- 9152 Lands included in district
- 9153 Contiguity of lands; general requirements as to inclusion of lands
- 9154 Lands in one or more counties
- 9155 Lands publicly or privately owned

**§9151 Formation authorized; purposes**

A resource conservation district may be formed pursuant to this division for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

**Note: Under the original enactment of Division 9, a soil conservation district could only be formed for "the control of run-off and prevention and control of soil erosion." The additional functions of developing and distributing water and improving land capabilities reflect the expanded roles of Resource Conservation Districts in more general resource management.**

**§9152 Lands included in district**

The lands included in a district shall be those generally of value for agricultural purposes, including farm and range land useful for the production of agricultural crops or for the pasturing of livestock, but other lands may be included in a district if necessary for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, or land improvement, and for fully accomplishing the purposes for which the district is formed.

**Note: The original code allowed lands to be included even if they were only incidentally drained or irrigated whereas, the current law only permits inclusion of lands if necessary for the accomplishment of district purposes.**

**§9153 Contiguity of lands; general requirements as to inclusion of lands**

The lands included in any one district need not be contiguous but they shall be susceptible to the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement. No lands may be included in more than one district.

**§9154 Lands in one or more counties**

The lands included in any one district may be situated in one or more counties.

**§9155 Lands publicly or privately owned**

The lands included in a district may be publicly owned or privately owned.

## ARTICLE 2. INITIATION

**Section**

- 9161 Petition for new district
- 9162 Content of petition for new district
- 9163 Publication of intent to circulate petition
- 9164 Signatures needed to qualify petition
- 9165 Filing of petition with Local Agency Formation Commission (LAFCO)
- 9166 LAFCO certification of petition supervisors
- 9167 District formation by resolution of legislative body
- 9168 LAFCO processing of valid petition

**§9161 Petition for new district**

- (a) A new district may be formed pursuant to this chapter.
- (b) A proposal to form a district may be made by a petition of registered voters or by the adoption of a resolution of application.

**§9162 Content of petition for new district**

A proposal to form a new district may be made by petition which shall do all of the following:

- (a) State that the proposal is made and request that proceedings be taken for the formation pursuant to this chapter.
- (b) Set forth a description of the boundaries of the territory to be included in the district.
- (c) Set forth the methods by which the district will be financed.
- (d) State the reasons for forming the district.
- (e) Propose a name for the district.

- (f) Designate not more than three persons as chief petitioners, setting forth their names and mailing addresses.
- (g) State whether the formation is consistent with the sphere of influence of any affected city or affected district.
- (h) Specify the number of members, whether five, seven, or nine, of the initial board of directors and the method of their selection, as provided by Article 4 (commencing with Section 9201).

**§9163 Notification of intent to circulate petition**

- (a) Before circulating any petition, the chief petitioners shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.
- (b) The notice shall be signed by at least one, but not more than three, chief petitioners and shall be in substantially the following form:

"Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition proposing to form the \_\_\_\_\_ (name of the district) \_\_\_\_\_. The reasons for the proposal are: \_\_\_\_\_."

- (c) Within five days after the date of publication, the chief petitioners shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative
- (d) publication.
- (d) After the filing required pursuant to subdivision (c), the petition may be circulated for signatures.

**§9164 Signatures needed to qualify petition**

The petition shall be signed by not less than 10 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission pursuant to subdivision (h) of Section 56375 of the Government Code. The provisions of Sections 41 and 44 of the Elections Code shall govern the signing of the petition and the format of the petition.

**§9165 Filing of petition with Local Agency Formation Commission**

A petition may consist of a single instrument or separate counterparts. The chief petitioner or petitioners shall file the petition, including all counterparts, with the executive officer of the local agency formation commission of the principal county within six months of the date on which the chief petitioner or petitioners filed the affidavit with the executive officer pursuant to subdivision (c) of the Section 9163.

**§9166 LAFCO certification of petition**

- (a) Within 30 days after the date of filing a petition, the executive officer of the local agency formation commission shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.
- (b) If the certificate of the executive officer shows the petition to be insufficient, the executive officer shall immediately give notice by certified mail of the insufficiency to the chief petitioners. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the chief petitioners may file with the executive officer a supplemental petition bearing additional signatures.
- (c) Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his or her examination.
- (d) The executive officer shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination. The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners.

**§9167 District formation by resolution of legislative body**

- (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district. Except for the provisions regarding signers and signatures, a resolution of application shall contain all of the matters specified for a petition in Section 9162. Before submitting a resolution of application, the legislative body shall conduct a public hearing on the resolution.
- (b) Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the county or city.
- (c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.
- (d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

**§9168 LAFCO processing of valid petition**

Once the chief petitioners have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Chapter 5 (commencing with Section 56825) of Part 3 of Division 3 of Title 5 of the Government Code.

**NOTE: Division 3 of Title 5 of the Government Code is the Cortese-Knox Local Government Reorganization Act of 1985.**

ARTICLE 3. ELECTION AND FORMATION

**Section**

- 9181 Presentation to board of directors
- 9182 Dispensing with election; appointment of directors
- 9183 Notification of Local Agency Formation Commission
- 9184 Filing election argument; selection of election argument; rebuttal of arguments
- 9185 Filing election argument
- 9186 Publication of notice of election
- 9187 Compliance with Uniform District Election Law
- 9188 Board of supervisors resolution; election in favor
- 9189 Transmittal of fees to LAFCO
- 9190 Validity of proceedings

**§9181 Presentation to board of supervisors**

- (a) If the local agency formation commission approves the formation of a district, with or without amendment, wholly, partially, or conditionally, the executive office shall mail a copy of the resolution of the commission's determinations to the board of supervisors of each county within which territory of the proposed district lies. Within 35 days following the adoption of the commission's resolution, the board of supervisors shall call and give notice of the election to be held in the proposed district. If the proposed district lies in more than one county, the board of supervisors shall call and give notice of the election to be held in the territory of the proposed district which lies in that county.
- (b) The election shall be held on the next regular or special election date not less than 113 nor more than 150 days after the date the board of supervisors calls and gives notice of the election.
- (c) Notice of the election shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation circulated within the territory of the proposed district which lies in the county.

**§9182 Dispensing with election; appointment of directors**

- (a) Notwithstanding Section 9181, if the board of supervisors of the principal county finds that the petition filed with the executive officer of the local agency formation commission pursuant to Section 9165 has been signed by not less than 80 percent of the registered voters residing within the area to be included within the district, the board may dispense with an election, adopt the resolution required pursuant to Section 9188, and designate the members of the board of directors pursuant to Article 4 (commencing with Section 9201).
- (b) Notwithstanding Section 9181, if the local agency formation commission approves a consolidation or reorganization pursuant to Section 56839 of the Government Code which results in the formation of a district without an election, the commission may designate the members of the board of directors from the membership of the board of directors of any of the consolidated or reorganized districts pursuant to subdivision (k) of Section 56844 of the Government Code. The terms of office of the directors shall be determined pursuant to Section 23506 of the Elections Code.

**NOTE: §56844 of the Government Code states the terms and conditions of organization or reorganization. Subsection (k) specifies that any office, department, or board and the functions of these entities may be changed to the extent authorized by this act. Section 23506 of the Elections Code states that directors of a district formed either in an odd-numbered or even-numbered year shall hold office until the next following odd-numbered year.**

**§9183 Notification of Local Agency Formation Commission;**

- (a) Within five days after the district formation election has been called, the board of supervisors of each county within which territory of the proposed district lies shall transmit by registered mail a written notification of the election call to the executive officer of the local agency formation commission of the principal county. The written notice shall include the name and a description of the proposed district and may be in the form of a certified copy of the resolution adopted by the board of supervisors calling the district formation election.
- (b) The executive officer of the local agency formation commission shall submit an impartial analysis of the proposed district formation to the officials in charge of conducting the district formation election, pursuant to Section 56859 of the Government Code.

**NOTE: The analysis is subject to LAFCO commission approval.**

**§9184 Filing election argument**

- (a)
  - (1) The chief petitioners, the agency filing the resolution, or any member or members of the board of supervisors authorized by the board, any individual voter or bona fide associations of citizens entitled to vote on the district formation proposition, or any combination of these voters and associations of citizens, may file with the elections official of the principal county a written argument for or a written argument against the proposed district formation.
  - (2) Arguments shall not exceed 300 words in length. Based on the time reasonably necessary to prepare and print the text of the proposition, analysis, arguments, and sample ballots and to permit the 10-day public examination period as provided in Section 3795 of the Elections Code for the particular election, the elections official of the principal county shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters pursuant to Section 9185. Notice of the date fixed shall be published by the elections official pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the elections official.
- (b) If more than one argument for or more than one argument against the proposed district formation is filed with the elections official within the time prescribed, the elections official shall select one of the arguments for printing and distribution to the voters. In selecting the arguments, the elections official shall give preference and priority in the order named to the arguments of the following:
  - (1) Chief petitioners or the agency filing the resolution.
  - (2) The board of supervisors or any member or members of the board authorized by the board.
  - (3) Individual voters or bona fide associations of citizens or a board authorized by the board.

- c) When the elections official of the principal county has selected the arguments for and against the measure which will be printed and distributed to the voters, he or she shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the elections official of the principal county not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) \_\_\_\_\_," or "Rebuttal to Argument Against Measure (or Proposition) \_\_\_\_\_" the blank spaces being filled in only with the letter or number, if any, which designates the measure. Words used in the title shall not be counted when determining the length of any rebuttal argument.

**§9185 Sections comprising petition; affidavit of landowner**

- (a) The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question at least 10 days prior to the date of the election. The ballot pamphlet is "official matter" within the meaning of Section 10010 of the Elections Code. Section 3795 of the Elections Code shall apply to the materials required to be contained in the ballot pamphlet.
- (b) The ballot pamphlet shall contain the following in the order prescribed:
- (1) The complete text of the proposition.
  - (2) The impartial analysis of the proposition submitted by the executive officer of the local agency formation commission.
  - (3) The argument for the proposed district formation.
  - (4) The rebuttal to the argument in favor of the proposed district formation.
  - (5) The argument against the proposed district formation.
  - (6) The rebuttal to the argument against the proposed district formation.

**§9186 Publication of notice of election.**

The notice of the election published pursuant to subdivision (c) of Section 9181 shall contain all of the following:

- (a) The date of the election.
- (b) The name of the proposed district.
- (c) The purposes for which the district is to be formed.



- (d) A statement that the first directors will be elected at that election or will be appointed, as the case may be, if the district is formed.
- (e) A description of the boundaries of the proposed district.

**§9187 Compliance with Uniform District Election Law**

- (a) Except as otherwise provided in this division, the formation election and the election of members of the district board shall be held and conducted in accordance with the Uniform District Election law [Part 4 (commencing with Section 10500) of Division 10 of the Elections Code].
- (b) If less than a majority of the votes cast at the election is in favor of forming the district, the board of supervisors of the principal county shall declare the proceedings terminated.

**§9188 Board of Supervisors resolution; election in favor**

If the majority of the votes cast at the election is in favor of forming the district, the board or boards of supervisors shall by resolution entered on its minutes declare the district duly organized under this division, giving the name of the district, and the purposes for which it is formed, and describing its boundaries. If the district lies in more than one county, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution to the clerk of the board of supervisors of each of the other counties in which the district lies.

**§9189 Transmittal of fees to LAFCO**

Immediately after adoption of a resolution pursuant to Section 9188, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution along with a remittance to cover the fees required by Section 54902.5 of the Government Code to the executive officer of the local agency formation commission. The executive officer shall complete the proceedings pursuant to Chapter 8 (commencing with Section 57200) of Part 4 of Division 3 of Title 5 of the Government Code.

**NOTE: §§57200-57205 of the Government Code requires a certification of completion following a resolution ordering an organizational change and the procedure for filing the certification.**

**§9190 Validity of proceedings**

- (a) No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of any district.
- (b) The validity of the formation and organization of a district shall not be contested in any proceeding commenced more than 60 days after the date that the formation of the district is complete.

**ARTICLE 4. INITIAL BOARD OF DIRECTORS**

**Section**

- 9201 Initial board of directors
- 9202 District board selection; unincorporated territory in a single county
- 9203 District board selection; unincorporated territory in more than one county
- 9204 District board selection; incorporated and unincorporated territory
- 9205 District board selection; incorporated territory in a single county
- 9206 District board selection; incorporated territory in more than one county

**§9201 Initial board of directors**

The initial board of directors of a district formed on or after January 1, 1992, shall be determined pursuant to this article.

**§9202 District board selection; unincorporated territory in a single county**

In the case of a district which contains only unincorporated territory in a single county, the district board may be elected or may be appointed by the county board of supervisors.

**§9203 District board selection; unincorporated territory in more than one county**

In the case of a district which contains only unincorporated territory in more than one county, the district board may be elected or may be appointed by the boards of supervisors of the counties in which the district is located. If the district board is appointed by the boards of supervisors, they shall appoint directors according to the proportionate share of population of that portion of each county within the district, provided that each board of supervisors shall appoint at least one director.

**§9204 District board selection; unincorporated and incorporated territory**

In the case of a district which contains unincorporated territory and the territory of one or more cities, the district board may be elected or appointed by the county board of supervisors and the city councils in which the district is located. If the district board is to be appointed, the board of supervisors and the city council or councils shall appoint directors according to the proportionate share of population of that portion of the county and each city within the district, provided that the board of supervisors and each city council shall appoint at least one director.

**§9205 District board selection; incorporated territory within a single city**

In the case of a district which includes only incorporated territory within a single city, the district board may be elected or appointed by the city council.

**§9206 District board selection; incorporated territory in more than one city**

In the case of a district which includes only incorporated territory in more than one city, the district board may be elected or appointed by the city councils in which the district is located. If the district board is appointed, the city councils shall appoint directors according to the proportionate share of population of that portion of each city within the district. However, each city council shall appoint at least one director.

**ARTICLE 7. DISTRICT DIRECTORS**

**Section**

- 9301 Taking of office by directors
- 9302 Oath of office
- 9303 Compensation; expenses; director prohibited from being salaried
- 9304 Conflict of interest; sales to district
- 9305 Classification of directors; terms of office
- 9306 Organization of directors; election
- 9307 Secretary; appointment; term; compensation
- 9308 Selection of time and place for monthly meetings; declaration that district organized
- 9309 Change of time or place of regular meeting; publication of notice
- 9310 Special meetings; entry of order and giving of notice
- 9311 Order to specify business to be transacted at special meeting; transaction of business not specified
- 9312 Quorum
- 9313 Public meetings; public inspection of records
- 9314 Terms of office; holding office until successor qualifies; appointment of directors as
  - alternative to election
- 9315 Resignations of directors
- 9316 Vacancies
- 9317 Vacancies

**§9301 Taking of office by directors**

- (a) The board of directors shall consist of five, seven, or nine directors. The number of directors may be changed by resolution adopted by a majority of the members of the board of directors after publication of notice of the intended change at least once in a newspaper of general circulation published in each county in which the district is located.
- (b) If the number of directors is increased, the new positions shall be treated as vacancies and shall be filled as provided in Section 9317, except that if the board of directors is appointed as provided in subdivision (b) of Section 9314, then the new positions shall be filled in the same manner pursuant to Section 9316. If the number of directors is decreased, the terms of the directors in office on the date of the resolution adopted pursuant to subdivision (a) shall not be reduced.

(c) The directors first elected shall take office immediately upon qualifying.

**§9302 Oath of office**

Each director shall take the oath of office.

**§9303 Compensation; expenses; director prohibited from being salaried officer or employee**

The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for such necessary expenses, but no director shall be appointed to any position for which he would receive compensation as a salaried officer or employee of the district.

**Note: Resource Conservation Districts may properly use their funds to pay premiums for major medical group insurance plans for the directors through the California Special District Association even though directors are not permitted to receive compensation for their services.**

**§9304 Conflict of interest; sales to district**

No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials, or services to the district.

**§9305 Classification of directors; terms of office**

After all have qualified, the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.

**§9306 Organization of directors; election**

After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors.

**§9307 Secretary; appointment; term; compensation**

The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors.

**§9308 Selection of time and place for monthly meetings; declaration that district organized**

The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held. Upon the completion of all the foregoing determinations by the directors, the district shall be declared to be organized.

**§9309 Change of time or place of regular meeting; publication of notice**

The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after a notice of the change is published pursuant to Section 6061 of the Government Code in the principal county and in each other county in which any portion of the district lies.

**Note: §6061 of the Government Code states that the notice shall be published one time in a newspaper of general circulation.**

**§9310 Special meetings; entry of order and giving of notice**

Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meetings shall be given by mail by the secretary to each director not joining in the order.

**§9311 Order to specify business to be transacted at special meeting; transaction of business not specified**

The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in which case matters not specified may be considered by unanimous consent and acted upon.

**§9312 Quorum**

A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

**§9313 Public meetings; public inspection of records**

All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

**§9314 Terms of office; holding office until successor qualifies; appointment of directors as alternative to election**

- (a) The term of office of directors, except those first elected shall be four years. The expiration of the term of any director does not constitute a vacancy and the director shall hold office until his or her successor has qualified.
- (b) (1) As an alternative to the election of directors, the board of directors may, by a resolution presented to the board of supervisors of the principal county, request the board of supervisors to appoint directors, except those first elected. In any election year, the board of directors shall file its request with the board of supervisors no later than 125 days prior to the election. A copy of the resolution shall be furnished to the official responsible for conducting the election at the time it is presented to the board of supervisors of the principal county. The board of supervisors shall, by ordinance, appoint directors, after consultation with the board of supervisors of any other county which contains any part of the district, from those candidates who have filed an application with the board of supervisors. Each application shall include the signatures of 10 qualified voters of the district, a statement that there shall be no election for that district, and any other information specified by the board of supervisors. If the directors are to be appointed, a notice of election shall not be published, but a notice of vacancy shall be posted pursuant to Section 54974 of the Government Code.
- (2) Appointment of directors by the board of supervisors does not affect the status of a district as an independent special district.
- (3) If the board of supervisors does not conduct interviews of potential candidates or make an appointment within 60 days after the expiration of the term, the board of directors may make the appointment.
- (c) It is the intent of the Legislature to encourage districts to opt for selection of directors by election, but where directors are appointed pursuant to subdivision (b), it is the intent to the Legislature that the board of supervisors solicit recommendations from within the district, including public, private, and nonprofit entities, and appoint only applicants determined by the board of supervisors to have a demonstrated interest in soil and water conservation. In selecting directors pursuant to subdivision (b), the board of supervisors shall endeavor to achieve balanced representation on the board of directors of the district. In order to avoid undue financial burdens to districts and to thereby promote the objectives of this division, the Legislature hereby encourages counties to waive or minimize the charges for costs of elections conducted pursuant to this division.

**Note: Section (b) was added by amendment in 1985. Prior to this change all directors were selected by elections. Due to the high costs involved in holding general elections, many districts now opt for this method of appointing directors. Section 54974 of the Government Code stipulates that a notice of vacancy shall be posted within 20 days after a vacancy occurs and an appointment shall not be made for at least 10 working days after the notice is posted. This section also provides for an immediate short-term appointment if an emergency exists.**

**§9315 Resignations of directors**

Resignations of directors shall be made in writing to the board of supervisors of the principal county.

**§9316 Vacancies**

In case of a vacancy in the office of director appointed pursuant to Section 9314, the vacancy shall be filled, as provided in Section 9314, by appointment for the unexpired term by the board of supervisors of the principal county.

**§9317 Vacancies**

Notwithstanding any other provisions of law, a vacancy in the office of a director who has been elected shall be filled pursuant to Section 1780 of the Government Code.

**Note: §1780 of the Government Code details how a vacancy on a governing board of special districts shall be filled. The remaining directors may either (1) fill the vacancy by appointment until the next general election is scheduled OR (2) call an election for the next scheduled election date. The appointment must occur within 60 days of the vacancy but 15 days after posting a notice of the vacancy. If the vacancy is not filled within 60 days by the directors then the board of supervisors can appoint or set an election date. If the district board falls below a quorum, the supervisors may immediately appoint a new director.**

**ARTICLE 8. GENERAL DISTRICT ELECTIONS**

**Section**

- 9351 General district election; time for holding
- 9352 Qualification of candidate; landowner
- 9353 Law governing
- 9354 Qualifications of elected directors; payment of bond premiums by district
- 9355 Time of taking office
- 9356 Election by division
- 9357 Exclusion of county boards of supervisors
- 9358 Nomination of candidates
- 9359 Eligibility to vote in district elections

**§9351 General district election; time for holding**

"General district election" is the district election required to be held on the first Tuesday after the first Monday in November in each even-number year, at which a successor shall be chosen for each director whose term of office expires in that month.

**§9352 Qualification of candidate; landowner**

- (a) Directors shall be registered voters in the state.
- (b) Except as provided in subdivision (d), directors shall (1) reside within the district and either own real property in the district or alternatively have served, pursuant to the district's rules, for two years or more as an associate director providing advisory or other assistance to the board of directors, or (2) be a designated agent of a resident landowner within the district.
- (c) If the board of directors has provided for selection of directors by division, these residency requirements shall apply to the division the director represents, rather than to the district as a whole.
- (d) The Legislature finds and declares that the primary function of the Suisun Resource Conservation District and Grasslands Resource Conservation District in maintaining wildlife and wetland habitats will be impaired unless there is adequate opportunity for participation by landowners on the boards of directors of those districts. The Legislature further finds and declares that, because of the natural conditions prevailing in the territory of those districts, the majority of privately owned lands therein are owned by persons residing outside the districts. Therefore, owners of land within the Suisun Resource Conservation District and Grasslands Resource Conservation District, or their agents, may serve on the respective boards of directors thereof, regardless of whether they are residents of the district. For purposes of this subdivision, ownership of land shall be determined from the last equalized assessment roll of the county or counties within which the district is situated.

**§9353 Law governing**

Except as otherwise provided in the chapter, districts governed by this chapter are subject to the provisions of the Uniform District Election Law.

**Note: The Uniform district Election Law (§23500-23559 of the Election Code) provides a procedure for the election of elected officers in districts.**

**§9354 Qualifications of elected directors**

Elected directors shall qualify within 20 days from the date of receipt of their certificates of election by taking the oath.

**§9355 Time of taking office**

The directors so elected and qualified shall take office at noon on the last Friday in November following their election.

**Note: The Election Code was revised in 1990 changing the time of taking office to the first Friday in December. However, the Public Resources Code has not been updated to reflect that change.**



**§9356 Election by division**

- (a) Except as provided in subdivision (b), directors shall be elected at large.
- (b) A district may, by ordinance, provide for election of directors by division. In order to reduce election costs, the divisions shall be established along the boundaries of existing voting precincts. Prior to adopting a resolution pursuant to this subdivision, the text of the proposed resolution, including proposed division boundaries, shall be published pursuant to Section 6066 of the Government Code, together with notice of the hearing at which the resolution will be considered. At the time stated in the notice for the hearing, the board of directors shall consider the proposal and shall hear any and all objections thereto. If, after the hearing, the board determines it to be in the best interests of the district, it shall adopt the resolution as proposed or as amended at the hearing. Directors in office at the time of adoption of the resolution shall remain in office until the next general district election, at which time a director shall be elected to each division established by the resolution. The directors elected at that election shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.
- (c) If it is proposed to change the number of directors of a district divided into divisions, or if it is proposed to change the number of divisions in a district, that change shall be conditional upon adoption by the board of directors of a new or revised resolution under subdivision (b) and the provisions and procedures of subdivision (b) shall be applicable thereto.
- (d) Notwithstanding subdivisions (b) and (c), in any district in which directors are appointed pursuant to Section 9314, the board of supervisors of the principal county shall make the appointments by division, as called for in the resolution adopted pursuant to subdivision (b), in lieu of the election specified in subdivision (b), and those appointments shall become effective, and the terms of existing directors shall expire, on the same date as if the directors were elected.

**§9357 Exclusion of County Board of Supervisors**

Members of county boards of supervisors shall not be eligible to simultaneously hold office as a district director.

**§9358 Nomination of Candidates**

Nomination of candidates shall be in writing and signed by at least five landowners of the district. Nominations shall be filed with the clerk of the board of supervisors of the principal county.

**§9359** Except as election of directors by division may be provided pursuant to Section 9356, all registered voters in a district shall be qualified electors and eligible to vote in district elections.

**ARTICLE 9. GENERAL POWERS OF DISTRICT**

**Section**

- 9401 Management of district; conduct of business
- 9402 Conduct of surveys, research, etc.; dissemination of information; cooperation
- 9403 Acceptance of gifts and grants of money
- 9403.5 Fees for services
- 9404 Contracts; agents, officers and employees
- 9405 Acquisition of lands and property
- 9406 Taking conveyances, leases and contracts
- 9407 Right to sue and be sued; appearance
- 9408 Cooperation; contracts; acceptance and use of contributions
- 9409 Improvements and operations on public and private lands
- 9410 Operation and maintenance of works constructed by district
- 9411 Dissemination of information; demonstrational projects
- 9412 Assistance to private landowners or land occupants; loan or rental of equipment; eligibility of director as landowner to receive assistance or loan
- 9413 Development of annual and long-range plans
- 9414 Acceptance and administration of projects located within district
- 9415 Management of projects within district as agent
- 9416 Cropping and tillage operations and range practices; standards
- 9417 Cooperation with other districts; association of districts
- 9471.5 Legislative intent; conservation between state and federal agencies
- 9418 District attorney or county counsel; legal advice and assistance
- 9419 Educational programs; awards and prizes
- 9420 Advisory committees

**§9401 Management of district; conduct of business**

The board of directors of a district shall manage and conduct the business and affairs of the district.

**§9402 Conduct of surveys, research, etc.; dissemination of information; cooperation**

The directors shall be empowered to conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures and works of improvement needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive control measures and works of improvement; provided, however, that in order to avoid duplication of surveys, investigations, and research activities, the directors shall seek the cooperation of local, state, and federal agencies.

**§9403 Acceptance of gifts and grants of money**

The directors may accept gifts and grants of money from any source whatsoever to carry out the purposes of the district.

**§9403.5 Fees for services**

The directors may establish and charge fees for services provided by the district to, and upon the request of, persons or governmental entities. No fee shall exceed the cost reasonably borne by the district in providing the service.

**§9404 Contracts; agents, officers and employees**

The directors may execute all necessary contracts. They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation.

**§9405 Acquisition of lands and property**

The directors may acquire by purchase, lease, contract, or gift all lands and property necessary to carry out the plans and works of the district. The directors may acquire conservation easements as provided in Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code on lands within the district. A district acquiring a conservation easement shall prepare a management plan for the easement which fully describes the intent and legal obligations respecting the easement and which shall be consistent with the goals of the State Soil Conservation Plan and other policies adopted pursuant to Section 9108.

**§9406 Taking conveyances, leases and contracts**

The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district.

**§9407 Right to sue and be sued; appearance**

The directors may sue and be sued in the name of the district and may appear in person or by counsel.

**§9408 Cooperation; contracts; acceptance and use of contributions**

- (a) The district directors may cooperate and enter into contracts or agreements with the state, the United States, any county, any city, any other resource conservation or other public district in this state, any person, or the commission, in furtherance of the provisions of this division, and to that end may use any funds available to the district as provided in this chapter, and may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.
- (b) Districts may cooperate with counties and cities on resource issues of local concern. It is the intent of the Legislature to encourage districts to facilitate cooperation among agencies of government to address resource issues of local concern.
- (c) Districts may cooperate with federal, state, and local agencies and owners of private lands under the agreement between the California Association of Resource Conservation Districts and various public and private entities known as the coordinated resource management and planning memorandum of understanding.

**§9409 Improvements and operations on public and private lands**

The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, wildlife enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

**§9410 Operation and maintenance of works constructed by district**

The directors may operate and maintain, independently or in cooperation with the United States or this state or any state agency or political subdivision or any person, any and all works constructed by the district.

**§9411 Dissemination of information; demonstrational projects**

The directors may disseminate information relating to soil and water conservation and erosion stabilization, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof, or any person.

**§9412 Assistance to private landowners or land occupants; loan or rental of equipment; eligibility of director as landowner to receive assistance or loan**

Each district may provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation. When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan or rent to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving the aid or assistance agrees to devote and use the aid or assistance on his or her lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that the landowner or land occupant is also a director, any landowner is qualified to and may receive assistance or loans under this section.

**§9413 Development of annual and long-range plans**

- (a) Each district may develop district-wide comprehensive annual and long-range work plans as provided in this section. These plans shall address the full range of soil and related resource problems that are found to occur in the district.
- (b) The long-range work plans may be adopted and updated every five years, in accordance with a standard statewide format which shall be established by the commission. Districts may amend the long-range plan prior to the five-year update in order to address substantive changes occurring since the adoption of the most recent long-range work plan. The long-range plans shall serve the following functions:
  - (1) Identification of resource issues within the district for purposes of local, state, and federal resource conservation planning.
  - (2) Establishment of long-range district goals.
  - (3) Provision of a framework for directors to identify priorities for annual district activities.
  - (4) Provision of information to federal, state, and local governments and the public concerning district programs and goals.
  - (5) Setting forth a basis for evaluating annual work plan achievements and allocating available state funding to the district.
  - (6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.
- (c) The annual work plans may be adopted on or before March 1 of each year in a format which shall be consistent with the district's long-range work plan. The annual work plans shall serve the following functions:
  - (1) Identification of high priority actions to be undertaken by the district during the year covered by the plan.

- (2) Identification of the person or persons responsible for undertaking each planned task, how it will be performed, when it will be completed, what constitutes completion, and the cost.
  - (3) Demonstration of the relationship of annual tasks to the long-range district goals identified in the long-range work plan.
  - (4) Provision of assistance to the local field office of the Soil Conservation Service of the United States Department of Agriculture in adjusting staff and program priorities to match district goals.
  - (5) Informing the public of the district's goals for the year.
  - (6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.
  - (7) Provision of a basis for assisting the commission in determining district eligibility for state funding under this division.
- (d) A district may prepare an annual district report. The annual district report shall be completed on or before September 1 of each year in a format consistent with the long-range and annual plans, so that progress made during the reporting period towards district goals can be readily determined. The annual report shall serve the following functions:
- (1) To report on the district's achievements during the reporting period to the commission, the department, the board of supervisors of any county in which the district is located, and any agency that review district requests for funding assistance.
  - (2) To increase public awareness of district activities.
  - (3) To compare district accomplishments during the reporting period with annual work plan objectives for that period and to identify potential objectives for the next annual work plan.

**§9414 Acceptance and administration of projects located within district**

Directors may accept, by purchase, lease, or gift, and administer any soil conservation, water conservation, water distribution, erosion control, or erosion prevention project located within the district undertaken by the United States or any of its agencies, or by this state or any of its agencies.

**§9415 Management of projects within district as agent**

The directors may manage, as agents of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project, within or adjacent to the district; and may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, water conservation,

water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project within or adjacent to the district.

**§9416 Cropping and tillage operations and range practices; standards**

The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands.

**§9417 Cooperation with other districts; association of districts**

- (a) The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of resource conservation districts may be organized to facilitate that cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein.
- (b) It is the intent of the Legislature to encourage districts to organize in countywide or regional associations for the purposes of (1) providing coordinated representation of the districts before federal, state, and local governmental agencies and (2) coordinating program planning, funding, and delivery of services.

**§9417.5 Legislative intent; cooperation between state and federal agencies**

It is the intent if the Legislature that concerned state agencies, in cooperation with resource conservation districts and other appropriate local entities, work with the agencies of the United States Department of Agriculture and the Department of the Interior, the Environmental Protection Agency, and other federal agencies, to maximize cooperative opportunities for federal, state, and private funding for competitive grants and contracts or watershed protection, restoration, and enhancement programs of resource conservation districts.

**§9418 District attorney or county counsel; legal advice and assistance**

The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all matters concerning the district, except that if the principal county has a county counsel, then the directors shall call upon him for such legal advice and assistance. The district attorney or county counsel, as may be appropriate, shall, upon the request being made, give such advice and assistance.

**§9419 Educational programs; awards and prizes**

- (a) The directors may engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purpose may develop educational programs both for children and for adults. In the development of those programs, the directors may authorize the giving of awards and prizes for outstanding achievement.
- (b) Each district may develop and disseminate or utilize conservation education programs for use in kindergarten through grade 12. As an option to developing these programs independently, it is the intent of the Legislature to encourage both collaboration with other organizations and incorporation of elements of existing programs.
- (c) A district may conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality.
- (d) A district may sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration.

**§9420 Advisory committees**

The board of directors of a district may appoint advisory committees to provide technical assistance in addressing soil and related resource problems, to assist in coordinating conservation programs and activities, and to share information relating to the functions or purposes of the district. Representatives of state, federal, and local governmental agencies, including school districts, as well as private organizations, may serve on these advisory committees.



ARTICLE 10. PROPERTY OF DISTRICT

**Section**

- 9451 Legal title vested in district
- 9452 Power of director; right to lease or sell
- 9453 Unnecessary property; disposition
- 9454 Lease of equipment to other districts
- 9455 Sale or conveyance of property; execution; resolution; consideration
- 9456 Proceeds of sale; disposition
- 9457 Purchasing policies and procedures; law governing; public distribution

**§9451 Legal title vested in district**

The legal title to all property acquired by a district under the provisions of this division shall immediately and by operation of law vest in such district, and shall be held by such district for its uses and purposes under this division.

**§9452 Power of director; right to lease or sell**

The directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess property of any kind, and may lease or sell it as provided in this article.

**§9453 Unnecessary property; disposition**

The directors may determine by resolution entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or lease such property.

**§9454 Lease of equipment to other districts**

Notwithstanding anything to the contrary in Section 9453, the directors may lease district equipment to any other public district for use by such public district for resource conservation purposes on land within the boundaries of a resource conservation district or on land adjacent to the district and under the jurisdiction of such other district, if such use will directly affect the land within the resource conservation district.

**§9455 Sale or conveyance of property; execution; resolution; consideration**

A sale or conveyance of any property held by a resource conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed.

**§9456 Proceeds of sale; disposition**

The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district.

**§9457 Purchasing policies and procedures; law governing; public distribution**

The board of directors shall adopt purchasing policies and procedures governing the purchase of supplies and equipment as required by Section 54201 through 54204, inclusive, of the Government Code. The policies shall be in writing, copies of which shall be available for public distribution.

**Note: §54201 through §54204 of the Government Code governs purchases by local agencies. §54201 defines local agencies and includes districts. Local agencies are empowered to expend public funds to acquire property. §54202 directs local agencies to adopt policy and procedures governing purchases and §54204 requires that the policy be in the form of a written rule or regulation that is available for public distribution. §54203 does not apply to districts.**

## ARTICLE 11. INCLUSION OF LANDS

**Section**

9481 Law governing; exception

**§9481 Law governing; exception**

The inclusion of additional lands in a district shall be made in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code, except that unless otherwise provided in this chapter, the lands included in any district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement.

**Note: The District Reorganization Act of 1965 (Division 1 of Title 6 of the California State Government Code) was repealed in 1985 by AB 115 and was replaced by the Cortese-Knox Local Government Reorganization Act of 1985 (AB 558).**

**The District Reorganization Act of 1965 established the procedures governing changes of organization and reorganization of special districts. Division 9 of the Public Resources Code refers to this legislation for the procedures involved in initiating, conducting, and completing changes in district organization. The legislative intent of the 1965 act was to halt the proliferation of special districts, contain urban sprawl and to deal with increasing applications for annexation beginning in the early 1960s. (West's Ann.Cal.Gov.Code §9481) The provisions of the act were intended to slow the formation of special districts when change is initiated by developers or interest groups. However the code also provided for streamlined processing at the discretion of local government bodies when the purpose and function of the new district is in conformity with local growth plans.**

**The Cortese-Knox Local Government Reorganization Act of 1985 consolidated three parallel and duplicative laws that governed changes in the boundaries and organization of cities and special districts: (1) The Knox-Nisbet Act of 1963, (2) The District Reorganization Act of 1965, and (3) The Municipal Organization Act of 1977. The new act did not significantly alter the existing provisions but reorganized and consolidated the previously confusing elements of the three laws. An annual Guide to Cortese-Knox Local Government Reorganization Act of 1985 is available through the Joint Publications Office in Sacramento.**

ARTICLE 12. DISSOLUTION

**Section**

9491 Law governing

**§9491 Law governing**

A district may be dissolved in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

**Note: See note for §9481.**

# CHAPTER 4. DISTRICT FINANCE

Beginning with Article	Section
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## ARTICLE 1. REGULAR ASSESSMENTS

### Section

- 9501 Estimate of amount needed for fiscal year; notice
- 9502 Division of estimate by counties in proportion to value; determination; statement of apportionment
- 9503 Amounts to be included in estimate
- 9504 Regular assessments
- 9505 Maximum assessment; determination of valuation; costs of recomputation
- 9506 Levy of assessment; amount
- 9507 Amount to be raised; rate; allowance for delinquency
- 9508 County auditor; levy of assessment upon failure of board
- 9509 Computation and entry on assessment roll
- 9510 Provisions relating to collection of county taxes; adoption; liability on official bonds
- 9511 Settlement of county treasurers with directors
- 9512 Appropriation from county general fund if no assessment levied; limitation

### §9501 Estimate of amount needed for fiscal year; notice

The directors shall, on or before January 1 of the calendar year during which an assessment is to be levied for the first time, notify the State Board of Equalization as provided in Revenue and Taxation Code Sections 756 and 759 and, annually on or before August 1st, furnish the county auditor and the board of supervisors an estimate in writing of the amount of money necessary to be raised by assessment for the purposes of the district for the next ensuing fiscal year.

**Note: §759 of the Revenue and Taxation Code was repealed in 1976. The section had provided an alternative procedure for transmitting an estimate of value of state-assessed property to the county auditor. §756 has been slightly amended but still requires the submission of an assessment estimate and roll to the county auditor for the following year.**

**§9502 Division of estimate by counties in proportion to value; determination; statement of apportionment**

If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county. The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county.

**§9503 Amounts to be included in estimate**

The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys.

**§9504 Regular assessments**

Assessments levied pursuant to this article shall be known as regular assessments.

**§9505 Maximum assessment; determination of valuation; costs of recomputation**

The regular assessment in any one year shall not exceed two cents (\$0.02) on each one hundred dollars (\$100) of assessed valuation of the land, exclusive of improvements, trees, and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights, standing trees, or timber are involved.

The cost to the assessor, if any, of re-computing assessed valuations in accordance with this section shall be paid by the district requesting an assessment levy pursuant to this article.

**§9506 Levy of assessment; amount**

The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements, trees, and mineral rights, within the county and within the district to be known as the "\_\_\_\_\_ (name of district) Resource Conservation District assessment," sufficient to raise the amount reported to them in the estimate of the directors.

**§9507 Amount to be raised; rate; allowance for delinquency**

The rate, as determined by the board, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. On or before September 1st of each year the board shall fix the rate, composed of the number of cents or fraction thereof for each one hundred dollars (\$100) of assessed valuation of land exclusive of improvements and mineral rights, such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

**§9508 County auditor; levy of assessment upon failure of board**

If the board fails to levy the assessment, the auditor of the county shall do so, providing the directors have requested the assessment.

**§9509 Computation and entry on assessment roll**

The assessment shall be computed and entered on the assessment roll by the auditor.

**§9510 Provisions relating to collection of county taxes; adoption; liability on official bonds**

The provisions of law relating to the levy and collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

**§9511 Settlement of county treasurers with directors**

The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the treasurer of the principal county all money belonging to the district and in their possession.

**§9512 Appropriation from county general fund if no assessment levied; limitation**

If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a soil conservation district, or a portion thereof is located may, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required. This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

ARTICLE 2. DISTRICT FISCAL PROCEDURE

**Section**

- 9521 Depository of district funds
- 9522 Treasurer of principal county; receipt of money; responsibility on official bond
- 9523 Distribution of moneys; warrants; joint powers agreement
- 9524 Money on hand, receipts and disbursements; report; verification; filing
- 9525 Debt limitation; validity of excess debts; exception
- 9526 Verified statement of financial condition; filing; contents
- 9527 Financial statement; posting or publication; method
- 9528 Annual audit; law governing
- 9529 Transfer of moneys to surplus money account
- 9530 Investment of surplus moneys; interest and other increments

**§9521 Depository of district funds**

- (a) Except as provided in subdivision (b), the treasury of the principal county is the depository of all of the funds of the district.
- (b) As an alternative to using the county treasury as depository, a district may adopt a resolution transferring responsibility for the district treasury to the board of directors of the district, which shall deposit district funds as provided in Article 2 (commencing with Section 53630) of Chapter 4 of part 1 of Division 2 of Title 5 of the Government Code. Following adoption of the resolution, the provisions of this article relating to the county treasurer and county treasury shall not apply to the district.

**§9522 Treasurer of principal county; receipt of money; responsibility on official bond**

The treasurer of the principal county shall receive and receipt for all money of the district and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this article, of the money of the district held by him.

**§9523 Distribution of moneys; warrants; joint powers agreement**

The treasurer shall pay out money of the district only upon warrants approved by the county auditor, drawn upon order of the board of directors, signed by the president and attested by the secretary.

Whenever two or more districts enter into a joint powers agreement, or whenever a district enters into a joint powers agreement with other agencies of the state, the agency or entity administering the agreement shall determine where its funds shall be deposited and how such funds shall be paid out.

**§9524 Money on hand, receipts and disbursements; report; verification; filing**

The treasurer shall report in writing at each regular meeting of the directors and as often at other times as the directors may request the amount of money on hand, and the receipts and disbursements since his last report. The report shall be verified and filed with the secretary.

**§9525 Debt limitation; validity of excess debts; exception**

The directors or other officers or employees of a district shall have no power to incur any indebtedness or liability in excess of the amount of money available under the provisions of this division. Any debt or liability incurred in excess of the express provisions of this division is void. Except, however, that nothing in this section shall prevent the directors from borrowing from such federal, state, county, public or private funds which are, or which may in the future become, available to the directors for the furthering of the work of the district in any manner or by the sale of bonds payable solely from any revenue of the district, if the assets acquired by such a loan or bond constitute the entire security for the loan or bond and if no indebtedness or liability is incurred by the directors in excess of the amount of the assets acquired.

**§9526 Verified statement of financial condition; filing; contents**

The directors at their regular monthly meeting in July of each year shall make and file with the secretary a verified statement of the financial condition of the district showing particularly the receipts and disbursements of the preceding fiscal year together with the source of the receipts and the purposes of the disbursements.

**§9527 Financial statement; posting or publication; method**

The annual financial statement shall be posted or published as the directors may determine. Such posting or publication shall be commenced within 10 days after the financial statement is filed with the secretary. If it is posted it shall be posted at the place of regular meeting of the directors and copies thereof shall be made available for delivery to any landowner in the district upon his request to the secretary. If the statement is published, it shall be published pursuant to Section 6066 of the Government Code in the principal county and in each other county in which any part of the district lies.

**Note: §6066 of the Government Code states that the statement shall be published once a week for two weeks in a newspaper of general circulation.**

**§9528 Annual audit; law governing**

An annual audit of the books, accounts, records, papers, money, and securities shall be made as required by Section 26909 of the Government Code.



**Note: §26909 of the Government Code requires an annual audit of every special purpose district by the county auditor or a contracted CPA. The cost is to be borne by the district. For cross-county districts the audit is to be conducted and paid for by the county in which the district treasury is located. If the annual budget of the district is less than \$500 then the audit may be conducted for a two year period.**

**§9529 Transfer of moneys to surplus money account**

The directors of the district may, at such times as they deem necessary, determine whether any portion of the money on deposit in the treasury of the principal county is not necessary for immediate use; and if so, it shall determine the amount, which amount shall thereupon be designated as "surplus money" and transferred to a "surplus money account" in the treasury of the principal county.

**§9530 Investment of surplus moneys; interest and other increments**

- (a) "Surplus moneys", as determined pursuant to Section 9529, shall be invested exclusively in bonds or interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest.
- (b) Interest earned and other increment derived from any investment under this section shall be credited to the surplus money account for investment under this section.

ARTICLE 3. CLAIMS

**Section**

9541 Claims for money or damages; law governing

**§9541 Claims for money or damages; law governing**

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

**Note: §900 through 935.9 of the Government Code requires the presentation of a claim to a public entity before a suit can be initiated. This provision is intended to give the public entity sufficient information to investigate the claim and settle without litigation where possible. §940 through §960.8 of the Government Code concerns actions against public entities and public employees. This part of the code states that a public entity may be sued if it has been presented with a claim and if it has then rejected that claim. The code specifies time limitations on legal actions, allows the state to settle any pending actions and provides the Attorney General as defense for the public entity.**

ARTICLE 4. DISTRICT ELECTION COSTS

**Section**

9545 Payment by county; reimbursement

9546 Billing of candidate for costs

**§9545 Payment by county; reimbursement**

Except as provided in Section 9546, the county shall pay any and all costs attributable to the conduct of district elections and shall be reimbursed for such expenditure the following year by a special assessment levied and collected in the same manner as regular assessments pursuant to the provisions of Article 1 (commencing with Section

9501), except that the limitations set forth in Section 9505 shall not apply to such assessment.

**§9546 Billing of candidate for costs**

The county shall bill any candidate for district office for the actual prorated costs of printing, handling, and translating his statement of qualifications contained in the voter's pamphlet accompanying the sample ballot.

## CHAPTER 5. DISTRICT REORGANIZATION

Beginning with Article	Section
1. Consolidation .....	9601
2. Partition.....	9611
3. Changing Name of District.....	9621
4. Transferring Land from one District to Another.....	9635

### ARTICLE 1. CONSOLIDATION

**Section**

9601 Authority to consolidate districts; law governing

**§9601 Authority to consolidate districts; law governing**

Any two or more contiguous districts, or districts situated within the same geophysical area, organized under this division may consolidate in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

**Note: See note for §9481.**

### ARTICLE 2. PARTITION

**Section**

9611 Law governing

**§9611 Law governing**

A partition of a district shall be made in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

**Note: See note for §9481**

ARTICLE 3. CHANGING NAME OF DISTRICT

**Section**

- 9621 Method
- 9622 Resolution
- 9623 Resolution; copy with request for change to board of supervisors
- 9624 Consideration of request for change; grant or denial by board of supervisors
- 9625 Negative action on request; copy to initiating board of directors
- 9626 Favorable action on request; copies to counties and state
- 9627 Change in district name

**§9621 Method**

A district may change its name by action of the board of supervisors of the principal county as provided by this article.

**§9622 Resolution**

Whenever in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, it may pass a resolution reciting such fact.

**§9623 Resolution; copy with request for change to board of supervisors**

A copy of the resolution shall be forwarded to the board of supervisors of the principal county with the request that the name of the district be changed to the stated name.

**§9624 Consideration of request for change; grant or denial by board of supervisors**

The board of supervisors of the principal county shall consider this request at their next regular meeting and may grant or deny the request. Their action shall be officially recorded in their minutes.

**§9625 Negative action on request; copy to initiating board of directors**

If the action of the board of supervisors on this request is negative, they shall forward a copy of the resolution to the board of directors initiating the request.

**§9626 Favorable action on request; copies to counties and state**

If the action of the board of supervisors on this request is favorable, they shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards of supervisors of all the other counties in which any portion of the district lies, the State Board of Equalization, and the Secretary of State.

**§9627 Change in district name**

On acknowledgment of the change of name by the Secretary of State, the name of the district shall be considered changed.

ARTICLE 4. TRANSFERRING LANDS FROM ONE DISTRICT TO ANOTHER

**Section**

9635 Transfer of land to contiguous district; law governing

**§9635 Transfer of land to contiguous district; law governing**

One district may transfer land within its boundaries to a district contiguous thereto in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

**Note: See note for §9481**

## CHAPTER 9. FEDERAL AID PROJECTS

### Section

- 9751 Designation of state resource conservation commission as agency of state; administration of state plan; federal approval
- 9752 Formulation and submission of state plan; authority; purpose; provisions
- 9753 Acceptance and receipt of money grants; authority; availability of funds for necessary expenditures
- 9754 Powers of commission in carrying out plan
- 9755 Delegation of powers to designated agents or agencies; authority
- 9756 Annual report; contents; transmission of copies
- 9757 Obligations or liabilities of commission

### §9751 **Designation of state resource conservation commission as agency of state; administration of state plan; federal approval**

In order to carry out the purposes of the Soil Conservation and Domestic Allotment Act enacted by the Congress of the United States, the State Resource Conservation Commission (hereinafter referred to as "commission") is hereby designated as the agency of the State of California to administer any state plan authorized by this chapter which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary of Agriculture") for the State of California pursuant to the provisions of the Soil Conservation and Domestic Allotment Act.

**Note: The Soil Conservation and Domestic Allotment Act (§590a et seq. of Title 16 of the U.S. Code) was initially enacted in 1935 in response to increasing problems of soil erosion and unemployment in the 'Dust Bowl' during the Great Depression.**

**The intent of the legislation was to permanently provide for "the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment." Subsequent amendments have added the goals of preserving and improving soil fertility, promoting the economic use and conservation of land, and reducing exploitation and wasteful and unscientific uses of national soil resources (§590g). To achieve these goals, the United States Secretary of Agriculture was authorized to "cooperate or enter into agreements with, or to furnish financial or other aid to, any agency" or individual.**

**Federal grants are transferred through the local and State committees of the Agricultural Stabilization and Conservation Service (ASCS). To qualify for these federal program benefits, an individual producer must prepare a conservation plan and have the plan approved by the local RCD (§590h[b]).**

### §9752 **Formulation and submission of state plan; authority; purpose; provisions**

The commission is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of the Soil Conservation and Domestic Allotment Act, a state plan for each calendar year beginning with the year

1949. It shall be the purpose of each such plan to promote such utilization of land and such farming practices as the commission finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility, promote the economic use of land, diminish the exploitation and wasteful and unscientific use of natural soil resources, and reestablish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of Section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and also for such methods of administration not in conflict with any law of this state and such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

**Note: The Commission began work on the state plan in 1962 but never completed the project.**

**§9753 Acceptance and receipt of money grants; authority; availability of funds for necessary expenditures**

Upon the acceptance of each such plan by the Secretary of Agriculture, the commission is authorized and empowered to accept and receive all grants of money made pursuant to the Soil Conservation and Domestic Allotment Act for the purpose of enabling the state to carry out the provisions of such plan, and all such funds, together with any moneys which may be appropriated by the state for such purpose, shall be available to the commission for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the plan, and benefit payments.

**§9754 Powers of commission in carrying out plan**

In carrying out the provisions of each such plan, the commission shall have power: to employ such agents or agencies, and to establish such agencies, as it may find to be necessary; to cooperate with local and state agencies and with agencies of other states and of the federal government; to conduct research and educational activities in connection with the formulation and operation of such plan; to enter into agreements with producers, and to provide by other voluntary methods, for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the commission determines to be fair and reasonable.

**§9755 Delegation of powers to designated agents or agencies; authority**

For the purpose of carrying out each such plan according to its terms, the commission is hereby authorized to delegate any of the powers herein conferred to such agents or agencies as may be designated by the commission and approved by the Secretary of Agriculture.

**§9756 Annual report; contents; transmission of copies**

The commission shall render for each year an annual report to the Governor, who shall transmit a copy thereof to each house of the Legislature, covering its administration of such plan and all operations thereunder, including also the expenditure of funds, and each such reports shall be printed as a public document promptly upon its transmittal to the Governor.

**§9757 Obligations or liabilities of commission**

Nothing herein shall be construed or operate to impose any obligation or liability upon the commission other than as herein specified.



## CHAPTER 10. IMPROVEMENT DISTRICTS IN RESOURCE CONSERVATION DISTRICTS

Beginning with Article	Section
1. Formation.....	9801
2. Assessments.....	9831
3. Inclusion of Land.....	9851
4. Improvement District Management.....	9861
5. Improvement District Warrants .....	9881
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### ARTICLE 1. FORMATION

**Section**

- 9801 Formation of improvement district; authority; general powers of district
- 9802 Definitions
- 9803 Petitioners; number and status
- 9804 Petition; contents
- 9805 Number designations
- 9806 Petition; separate instruments
- 9807 Petition; filing; inspection
- 9808 Survey of proposed improvements
- 9809 Plans and specifications; preparation; estimate of cost; statement of proposed assessment
- 9810 Plans, estimate and statement; filing; inspection
- 9811 Hearing; notice; contents
- 9812 Hearing; notice; manner of giving
- 9813 Objections
- 9814 Changes by directors; exclusion and inclusion of property
- 9815 Inclusion of additional property; hearing
- 9816 Terms and conditions; inclusion in plans and specifications
- 9817 Denial of petition
- 9818 Dismissal of proceedings
- 9819 Approval of petition; contents of order
- 9820 Description of lands
- 9821 Certified copy of order; recordation

**§9801 Formation of improvement district; authority; general powers of district**

For purposes of cooperating with landowners or any other agency or for purposes of cooperating with the United States under provisions of the Watershed Protection and Flood Prevention Act (Chapter 656, Public Law 566, 83rd Cong., 2nd Session), and all acts amendatory thereof or supplementary thereto, lands which need not be contiguous may be formed into an improvement district for constructing, both in or for the improvement district, one or more of the following:

- (a) Flood prevention improvements, including structural and land treatment measures.
- (b) Improvements for the agricultural phases of conservation, development, utilization, drainage disposal, and distribution of water.
- (c) Improvements for the prevention or stabilization of soil erosion.

**Note: The Watershed Protection and Flood Prevention Act of 1954 (Chapter 18 of Title 16 of the United States Code) was intended to reduce problems of erosion, floodwater and sediment damage in the watersheds of the nation. The bill is also referred to as "The Small Watershed Act" due to limitations on amount of acreage to be affected, size of structures to be built, and funds to be spent.**

**The Federal Government is directed to cooperate with the States and local conservation districts "for the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment." In order to assist local districts in carrying out these goals, the Secretary of Agriculture may: (1) furnish financial and other assistance to local organizations; and, (2) enter into cost-share agreements with organizations for projects that are based on conservation plans developed with and approved by the Resource Conservation Districts. (§1003).**

**§9802 Definitions**

As used in connection with improvement districts:

- (a) "Improvement" includes operation, maintenance, change, and acquisition of existing works, and the construction, operation, and maintenance of new works.
- (b) "Construction" includes, but is not limited to, the preparation and execution of plans, maintenance and operation.
- (c) "Real property" means land only.
- (d) "Owner of real property" means "owner of land".
- (e) "Improvement district" means a resource conservation district improvement district formed pursuant to this chapter.
- (f) "Land" means land within the improvement district or proposed improvement district.

**§9803 Petitioners; number and status**

The formation of an improvement district shall be proposed and the petition therefor shall be signed by two-thirds or more in number of the owners of real property in the proposed improvement district.

**§9804 Petition; contents**

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 of the proposed improvement district.
- (c) Names of the owners of all real property within the proposed improvement district with their last known addresses.
- (d) Description and assessed value of the real property owned in the proposed improvement district by each owner, which shall be according to the next preceding equalized assessment roll. District owned real property in the proposed improvement district shall be described whether or not it appears on the next preceding assessment roll.
- (e) Signatures of the petitioners.

**§9805 Number designations**

The petition, all proceedings in reference to it, the improvement district, and the real property in it shall be designated by a number.

**§9806 Petition; separate instruments**

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

**§9807 Petition; filing; inspection**

A petition to form an improvement district shall be filed with the secretary of the district and may be inspected by all persons interested.

**§9808 Survey of proposed improvements**

Upon receipt of a petition to form an improvement district the directors shall cause a survey to be made of the proposed improvements, if any.

**§9809 Plans and specifications; preparation; estimate of cost; statement of proposed assessment**

If the survey shows that the improvements are feasible, the directors 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, which may include an amount not in excess of 10 percent of the aggregate cost of the proposed improvements to create a reserve fund to be used and applied as additional security for the payment of principal of and interest on any warrants of the improvement district issued against assessments levied for the payment of the cost of the proposed improvements.
- (c) Statement of the proposed assessment for the cost of the proposed improvements apportioned to each parcel of real property in the proposed improvement district as the parcels appear on the last equalized assessment roll and to district owned real property in the proposed improvement district whether or not it appears on the last equalized assessment roll, which assessments shall be apportioned in accordance with the assessed value of the real property, as such value is shown on the next preceding equalized assessment roll.

**§9810 Plans, estimate and statement; filing; inspection**

If there are any, the plans and specifications, estimate of cost, and the statement of the proposed assessment shall be filed with the secretary of the district and may be inspected by all persons interested.

**§9811 Hearing; notice; contents**

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 directors shall give notice of a hearing upon the petition, and if a special assessment is to be levied in the improvement district pursuant to this chapter, the notice shall also state that the hearing is called to determine whether or not the special assessment should be levied.

**§9812 Hearing; notice; manner of giving**

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 pursuant to Section 6066 of the Government Code in the principal county of the district.
- (c) Mailing a copy of the notice to the last known address of all of the owners of real property in the proposed improvement district to the addresses appearing in the petition.

The notices shall be posted and mailed not less than 20 days prior to the date set for the hearing.

**Note: §6066 of the Government Code states that the notice shall be published once a week for two weeks in a newspaper of general circulation.**

**§9813 Objections**

At the hearing the directors shall hear any objections coming before it to any of the following:

- (a) The petition.
- (b) The formation of the improvement district.
- (c) The real property 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.

**§9814 Changes by directors; exclusion and inclusion of property**

At the hearing the directors shall make any changes in reference to the matters set forth in Section 9813 as they consider proper. The directors may exclude any part of the real property described in the petition from the proposed improvement district and may include additional real property.

**§9815 Inclusion of additional property; hearing**

If any additional real property is included in the proposed improvement district, the hearing shall be continued and the owners of the added real property given personal notice of not less than 20 days of the addition of the land to the improvement district.

**9816 Terms and conditions; inclusion in plans and specifications**

The directors may include in the plans and specifications such terms and conditions as to the respective parcels of real property in the improvement district with respect to tolls, charges, assessments, or the conservation or use of soil and water or any other matters as the directors deem necessary or proper.

**§9817 Denial of petition**

Regardless of any findings made by the directors if more than one-third in number of the holders of title to the real property within a proposed improvement district object at the hearing to its formation or the levy of the proposed assessment, the directors shall deny the petition, and no further proceeding shall be had on it.

**§9818 Dismissal of proceedings**

If at the hearing the directors find that it would not be for the best interests of the district and the proposed improvement district to form the improvement district the directors shall order the proceedings dismissed without prejudice to their renewal.

**§9819 Approval of petition; contents of order**

If the directors find that it would be for the best interests of the district and the proposed improvement district to form the improvement district, they shall make and enter in their minutes a final order:

- (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 real property in the improvement district according to assessed value as shown on the next preceding equalized assessment roll.

**§9820 Description of lands**

The order shall contain a description of the lands within the improvement district.

**§9821 Certified copy of order; recordation**

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.

ARTICLE 2. ASSESSMENTS

**Section**

- 9831 Elements
- 9832 Payment in installments
- 9833 Statement to auditor and supervisors
- 9834 Collection of annual installments
- 9835 Application of tax laws; county officers; duty and liability
- 9836 County treasurers; settlement with directors; payment to principal county
- 9837 Lien of assessments
- 9838 Change or re-subdivision of property; reapportionment of assessment
- 9839 Reduction of assessment to actual cost; assessments on district-owned property
- 9840 Supplemental assessment; authority
- 9841 Supplemental assessment; procedure
- 9842 Additional assessment

**§9831 Elements**

Any assessment levied pursuant to Section 9819 shall include both of the following sums:

- (a) An amount equal to interest on any deferred payments at a rate not exceeding 7 percent each year.
- (b) An amount equal to 10 percent more than all other sums to be raised by the assessment, in order to provide for anticipated delinquencies.

**§9832 Payment in installments**

The assessment may be made payable in not more than 10 annual installments.

**§9833 Statement to auditor and supervisors**

The directors, on or before the 15th day of August each year, shall furnish the auditor and board of supervisors of each county in which any portion of the improvement lies a statement in writing of the amounts of the installments of the improvement district assessment, if any, due for the next ensuing fiscal year in respect of each parcel of real property within the improvement district.

**§9834 Collection of annual installments**

Each annual installment of the improvement district assessments shall be collected by county officers in the same manner and at the same time as county taxes.

**§9835 Application of tax laws; county officers; duty and liability**

The provisions of law relating to the collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made a part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

**§9836 County treasurers; settlement with directors; payment to principal county**

The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the principal county all money belonging to the improvement district and in their possession.

**§9837 Lien of assessments**

The assessment and each installment of it shall be and remain a lien on the real property in the improvement district in the same manner as and in addition to the annual assessment of the district.

**§9838 Change or re-subdivision of property; reapportionment of assessment**

Upon a change or re-subdivision of any parcel of real property in an improvement district, the directors upon their own initiative or upon a petition of the owner of the parcel so changed or re-subdivided, 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.

**§9839 Reduction of assessment to actual cost; assessments on district-owned property**

If the actual cost of the improvements is substantially less than the estimated cost the assessment may be reduced proportionately on each parcel by re-computing it based on actual costs with the percentage and interest provided for in Section 9831 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.

Installments of assessments levied on district-owned real property becoming due while the property is still owned by the district shall be paid by the district. Conveyance of such real property into private ownership shall not release the lien thereon of the assessment and the unpaid installments of it.



**§9840 Supplemental assessment; authority**

If the assessments levied upon real property 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 real property in the improvement district sufficient to pay the cost or the warrants.

**§9841 Supplemental assessment; procedure**

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.

**§9842 Additional assessment**

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 owners of real property in the improvement district, an additional assessment may be levied substantially in the same manner as the original assessment.

ARTICLE 3. INCLUSION OF LAND

**Section**

- 9851 Petition; filing
- 9852 Petition; contents
- 9853 Proceedings
- 9854 Conditions of inclusion
- 9855 Approval of conditions

**§9851 Petition; filing**

If at any time it is desired to include additional real property within an improvement district, a petition for inclusion signed by the owners of real property to be included may be filed with the directors.

**§9852 Petition; contents**

The inclusion petition shall describe the boundaries of the improvement district as enlarged by the proposed inclusions and give the names and addresses of the owners of the additional real property in substantially the same manner as in the original petition for forming an improvement district.

**§9853 Proceedings**

The same proceedings shall be had on the improvement district inclusion petition as upon the original petition for the formation of an improvement district.

**§9854 Conditions of inclusion**

The directors may prescribe any conditions upon the inclusion of the real property that they deem just.

**§9855 Approval of conditions**

If any conditions not contained in the petition for inclusion are prescribed by the directors the real property shall not be included until two-thirds in number of the petitioners approve the conditions in writing.

**ARTICLE 4. IMPROVEMENT DISTRICT MANAGEMENT**

**Section**

- 9861 Directors and officers; rights, powers and privileges
- 9862 Directors; power to hold property
- 9863 Permission to carry water through conduits
- 9864 Work of improvement; purchases
- 9865 Charges in lieu of assessments
- 9866 Application of tolls and charges to reduction of assessments
- 9867 Use of district funds in lieu of assessment
- 9868 Facilities use charges
- 9869 Particular powers of directors
- 9870 Cooperation and contracts with United States

**§9861 Directors and officers; rights, powers and privileges**

In a district containing an improvement district the directors and all of the officers of the district each respectively has all the rights, powers, and privileges as to the improvement district, its real property, 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.

**§9862 Directors; power to hold property**

The directors 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.

**§9863 Permission to carry water through conduits**

The directors 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.

**§9864 Work of improvement; purchases**

The work of improvement provided for in this chapter and the purchase of all supplies, material, and equipment therefor shall be performed by the district, or in the discretion of the directors contracts may be made for the work and material after notice calling for bids, as prescribed by the directors.

**§9865 Charges in lieu of assessments**

The directors may, in lieu in whole or in part of levying assessments for the operation of improvement district works, fix and collect reasonable charges for the use of water or for any other service furnished by means of the improvement district works.

**§9866 Application of tolls and charges to reduction of assessments**

All such tolls, connections charges, and additional assessments shall be held and applied upon and reduce the last installment or installments of the improvement district assessment.

**§9867 Use of district funds in lieu of assessment**

The directors may provide for the maintenance and operation of the works of an improvement district from the funds of the resource conservation district in lieu of levying further improvement district assessments for such purposes.

**§9868 Facilities use charges**

Notwithstanding any other provision of this Code, the directors of a district in which an improvement district exists may establish facilities use charges for the use of the facilities in such improvement district and, in establishing such charges, may provide that water shall be furnished or delivered through such facilities only to lands and real property in such improvement district in respect of which such facilities use charges or annual installments thereof, fixed as provided in this section, shall have been paid in advance. Such facilities use charges shall be in amounts equal to the respective amounts of the assessments theretofore levied against the real property in such improvement district for purpose of providing such facilities. In establishing such charges the directors shall provide (a) that payment in full of any such assessment shall constitute payment in advance

in full of such facilities use charge; (b) that all facilities use charges not so paid in advance in full shall be payable in annual installments, each such annual installment to be equal in amount to (i) the annual installment of the unpaid assessment theretofore levied against the real property in respect of which such charge is payable and due on or before the next succeeding November 20th plus interest thereon at the rate provided in the order levying such assessment plus 10 percent in addition (added for anticipated delinquencies), plus (ii) all delinquent annual installments, if any, of such unpaid assessment together with penalties and interest at said rate on such delinquent installments; and (c) that payment of any annual installment of any such facilities use charge shall constitute payment in full of the annual installment of such unpaid assessment due on or before the next succeeding November 20th and of all delinquent annual installments, if any, of such unpaid assessment.

**§9869 Particular powers of directors**

On behalf of an improvement district the directors may do any or all acts necessary or desirable to carry out the purposes of the improvement district, including, but not limited to any or all of the following:

- (a) Acquire without cost to the United States such land, easements, or right-of-way as will be needed in connection with improvements installed or constructed with the financial assistance of the United States;
- (b) Assume such share of the cost of installing or constructing any improvements involving the financial assistance of the United States as are equitable in consideration of the anticipated benefits from such improvements;
- (c) Defray the costs of operation and maintenance of such works of improvement in accordance with such terms as may be agreed upon;
- (d) Acquire, or provide assurance that the district, the improvement district, or the owners of real property have acquired, such water rights as may be needed in the installation and operation of the work of improvement;
- (e) Obtain agreements to carry out soil conservation measures and proper farm plans from owners of real property in connection with such a work of improvement.

**§9870 Cooperation and contracts with United States**

On behalf of an improvement district, the directors may cooperate and contract with the United States, or with any officer, department, bureau, or agency thereof, to accomplish any of the purposes of the improvement district, or to exercise any of the powers of the directors in relation to such improvement districts.

## ARTICLE 5. IMPROVEMENT DISTRICT WARRANTS

**Section**

- 9881 Issuance; signatures; amount
- 9882 Payment; amounts and times
- 9883 Interest; rate; payment
- 9884 Interest coupons
- 9885 Payees
- 9886 Sale; price; method
- 9887 Investment surplus and sinking funds in warrants
- 9888 Payment of costs from proceeds of assessment
- 9889 Payment of warrants from proceeds of assessment
- 9890 Use of warrants and proceeds

**§9881 Issuance; signatures; amount**

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.

**§9882 Payment; amounts and times**

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.

**§9883 Interest; rate; payment**

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.

**§9884 Interest coupons**

Coupons for the interest on these warrants may be attached to them.

**§9885 Payees**

Improvement district warrants may be made payable to any of the following:

- (a) Bearer.
- (b) Persons furnishing work, labor, or material.
- (c) The contractor if the work of improvement is to be done under contract.

**§9886 Sale; price; method**

Improvement district warrants may be sold by the district for not less than par at either public or private sale.

**§9887 Investment surplus and sinking funds in warrants**

Any surplus funds and any money held by a district in a sinking or depreciation fund may in the discretion of its directors be invested in the warrants of any improvement district within the district.

**§9888 Payment of costs from proceeds of assessment**

Except as otherwise provided by law, the cost of constructing, acquiring, or improving works of an improvement district shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the real property in the improvement district for such purposes.

**§9889 Payment of warrants from proceeds of assessment**

Improvement district warrants shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the real property within the improvement district for improvement purposes.

**§9890 Use of warrants and proceeds**

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.

ARTICLE 6. ADVANCE PAYMENT OF ASSESSMENTS

**Section**

- 9901 Time of payment; authority
- 9902 Liability of property for assessment
- 9903 Reduction or removal of lien by delivery of warrants for cancellation
- 9904 Maturities of warrants delivered to lessen or remove assessment lien
- 9905 Procedure upon delivery of warrants for cancellation

**§9901 Time of payment; authority**

At any time before improvement district warrants are issued, the amount of any improvement district assessment on any real property, exclusive of interest and the -0-percent added for anticipated delinquencies, may be paid in money to the treasurer of the principal county of the district.

**§9902 Liability of property for assessments**

Real property on which the amount of the improvement district assessment has been paid pursuant to Section 9901 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.

**§9903 Reduction or removal of lien by delivery of warrants for cancellation**

Any owner of real property of an improvement district who desires at anytime to lessen or remove the lien upon his real property of any improvement district assessment may deliver to the treasurer of the principal county for cancellation warrants payable out of the assessment.

**§9904 Maturities of warrants delivered to lessen or remove assessment lien**

The directors 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.

**§9905 Procedure upon delivery of warrants for cancellation**

The treasurer of the principal county shall notify the directors of the amount of the principal and interest due and to become due on the warrants delivered for cancellation. The directors shall thereupon cause the property cancellation and proper record and credit to be made against the improvement district assessment on the real property of the person delivering the warrants.

ARTICLE 7. ACTIONS AND PROCEEDINGS

**Section**

9911 Limitation of actions

9912 Action to determine validity of assessment or warrant

**§9911 Limitation of actions**

All acts, proceedings, conclusions, and findings of fact, including the levy of an assessment, by the directors 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.

**§9912 Action to determine validity of assessment or warrant**

An action to determine the validity of an assessment or of any warrants may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

**Note: §860 through §870 (Chapter 9) of the Code of Civil Procedure allow a public agency or an individual to initiate an action in the county superior court to determine the validity of agency matters. This chapter defines the nature of the proceedings.**

## ARTICLE 8. DISSOLUTION OF IMPROVEMENT DISTRICTS

**Section**

- 9921 Petition; time; filing
- 9922 Hearing
- 9923 Order of dissolution; power of directors
- 9924 Order of dissolution; recordation

**§9921 Petition; time; filing**

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 owners of real property constituting the improvement district required to sign a petition to form the improvement district, may be filed with the directors requesting that the improvement district be dissolved.

**§9922 Hearing**

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.

**§9923 Order of dissolution; power of directors**

The directors may, after the hearing, order the improvement district dissolved.

**§9924 Order of dissolution; recordation**

The order of dissolution shall be recorded in the same manner as the order forming the improvement district.



## CHAPTER 11. TAHOE RESOURCE CONSERVATION DISTRICT

### Section

- 9951 Creation; area
- 9952 Law governing; initial board; funds
- 9953 Legislative intent

**Note: Chapter 11 added by amendment in 1974**

### §9951 **Creation; area**

The Tahoe Resource Conservation District is hereby created to consist of those parts of the counties of Placer and El Dorado lying within the Tahoe Basin adjacent to Lake Tahoe and that additional and adjacent part of the County of Placer outside of the Tahoe Basin which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The district lands defined and described herein shall be as precisely delineated on official maps of the district.

### §9952 **Law governing; initial board; funds**

- (a) Except as otherwise provided in this chapter, the organization and functions of the Tahoe Resource Conservation District shall be governed by the provisions of this division.
- (b) The initial Board of Directors of the Tahoe Resource Conservation District shall be composed of the following five persons who shall each be an owner of land within the area described in Section 9951:
  - (1) One person appointed by the California Tahoe Regional Planning Agency who may be a member of such agency.
  - (2) One person appointed by the City of South Lake Tahoe.
  - (3) One person appointed by the Board of Supervisors of El Dorado County.
  - (4) Two persons appointed by the Board of Supervisors of Placer County.
- (c) The members of the initial board of directors shall classify themselves by lot so that the term of three members shall expire November 1976, and the term of two members shall expire November 1978. The members of the initial board of directors shall qualify, take office, and serve exactly as if elected at a general resource conservation district election. The expiration of the term of any such director shall not constitute a vacancy and he shall hold office until his successor has qualified. Successors to the members of the initial board of directors shall be elected at a general resource conservation district election in accordance with the provisions of this division.

- (d) Moneys received by any resource conservation district pursuant to Section 9505 on lands transferred to the Tahoe Resource Conservation District shall be transferred to the Tahoe Resource Conservation District, and any and all costs of establishing the Tahoe Resource Conservation District shall be a first charge on any such funds. The Board of Directors of the Tahoe Resource Conservation District shall determine whether the treasury of Placer County or of El Dorado County shall be the depository of the funds of the Tahoe Resource Conservation District for the purposes of Article 2 (commencing with Section 9521) of Chapter 4 of this division.

**§9953 Legislative intent**

It is not the intent of the Legislature that the Tahoe Resource Conservation District shall in any way affect the responsibilities, authority, and jurisdiction of the California Tahoe Regional Planning Agency, the Tahoe Regional Planning Agency, the California Tahoe Conservancy Agency, or the Tahoe Conservancy Agency.

## CHAPTER 12. SUISUN RESOURCE CONSERVATION DISTRICT

### Section

- 9960 Definitions
- 9961 Organization, powers and functions of district
- 9962 Water management practices on privately owned lands; regulation, improvement, inspection; violations; civil penalties
- 9963 Formation of improvement district; law governing proceedings; petition
- 9964 Special assessments on consenting owners' lands; issuance of bonds; construction of improvements without inviting public bids
- 9965 Legislative findings; assistance to private landowners

**Note: Chapter 12 added by amendment in 1977.**

### §9960 Definitions

The following definitions shall govern the interpretation of this chapter:

- (a) "Suisun Marsh" means the Suisun Marsh as defined in Section 29101.
- (b) "Primary management area" means the primary management area as defined in Section 29102.
- (c) "Suisun Marsh Protection Plan" means the plan identified and defined in Section 29113.
- (d) "District" means the Suisun Resource Conservation District.
- (e) "Board" means the board of directors of the district.
- (f) "Individual ownership" means a separate privately owned parcel of land within the primary management area. Contiguous parcels of land owned by the same legal entity comprise a single individual ownership.
- (g) "Department" means the Department of Fish and Game.

**Note: This section of Division 9 refers to three sections (§29101, §29102, and §29113) of Division 19 of the Public Resources Code governing Suisun Marsh Preservation. Division 19 recognizes Suisun Marsh to contain 10% of the remaining natural wetlands in California and to provide an important wintering habitat for waterfowl. It is the policy of the State to preserve and protect the resources of this area for current and future generations by regulating water quality and supply, water management, production of waterfowl plants, degradation by humans, and buffer areas surrounding the marsh. §29101 and §29102 identify 'Suisun Marsh' and the 'primary management area' in reference to a map published in Section 16 of the Statutes of the 1977-78 Regular Session that enacted Division 19. Section 29113 refers to a plan that was developed in response to the Suisun Marsh Preservation Act of 1974. The Suisun Marsh Protection Plan provides for the orderly and long-range conservation, use and management of the natural, scenic, recreational and manmade resources of the marsh.**

**§9961 Organization, powers and functions of district**

Except as otherwise expressly provided in this chapter, the organization, powers, and functions of the district shall be governed by the provisions of this division.

**§9962 Water management practices on privately owned lands; regulation, improvement, inspection; violations; civil penalties.**

- (a) The district shall have primary local responsibility for regulating and improving water management practices on privately owned lands within the primary management area of the Suisun Marsh in conformity with Division 19 (commencing with Section 29000) and the Suisun Marsh Protection Plan.
- (b) The district shall issue regulations requiring compliance with any water management plan or program for privately owned lands within the primary management area if the plan or program has been prepared by the district and approved and certified by the San Francisco Bay Conservation and Development Commission as a component of the local protection program required by Chapter 6 (commencing with Section 29500) of Division 19.
- (c) Following certification of the district's component of the local protection program by the San Francisco Bay Conservation and Development Commission, the board or its employees may, after approval by a vote of four-fifths of the membership of the board, obtain an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure and enter onto privately owned lands within the primary management area for the purpose of determining whether or not the land-owner is complying with the regulations of the district. Following a determination that a landowner is violating the regulations, and after written notice to the landowner, the board may request the District Attorney of the County of Solano to take appropriate action.
- (d) The first violation by any person of any district regulation adopted pursuant to subdivision (b) shall be subject to a civil penalty not to exceed five hundred dollars (\$500). A subsequent violation of the same district regulation by the same person shall be subject to a civil penalty not to exceed five thousand dollars (\$5,000).
- (e) The civil penalties prescribed in this section shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the District Attorney of the County of Solano. Such action shall take precedence over all other civil matters on the calendar, except those matters to which equal precedence on the calendar is granted by law. Any penalty collected under this section shall be paid to the Treasurer of the County of Solano and shall be credited one-half to the county general fund and one-half to the district.

**Note: (a) Division 19 gives the Suisun Resource Conservation District authority to plan and regulate use of the marsh. §29401 requires the RCD to prepare a management program "designed to preserve, protect and enhance plant and wildlife communities within the primary management area of the marsh including but not limited to enforceable standards for diking, flooding, draining, filling and dredging of sloughs, managed wetlands and marshes." There are several other references to the duties of the RCD in marsh management.**

**(b) Chapter 6 (§29500-29510) of Division 19 states that a permit is necessary to do any development work within the Suisun Marsh. These marsh development permits will only be issued if a project is in conformity with the protection plan. The Chapter makes provisions for some works that do not require permits and allows for special issuance of permits if an emergency exists.**

**(c) §1822.5 through §1822.57 (Title 13) of the Code of Civil Procedure identify the grounds for issuance of an inspection warrant. Issuance of a warrant is justified if entry to inspect has previously been sought and refused or upon reasonable cause which includes possible nonconformity or to perform a routine inspection. The title also specifies the procedures for issuing the warrant and conducting the inspection.**

**§9963 Formation of improvement district; law governing proceedings; petition**

Notwithstanding the provisions of Section 9803, the formation of an improvement district within the primary management area may be proposed and the petition therefor may be signed by a majority of the members of the board. Thereafter, proceedings with regard to the formation of the proposed improvement district shall be in accordance with Sections 9804 through 9821, inclusive. However, wherever "petition" is used in those provisions, it shall be deemed to refer to the petition of the majority of the members of the board; and, notwithstanding Section 9817, the petition shall not be required to be dismissed unless more than one-half of the holders of title to the real property within the proposed improvement district object to its formation or the levy of the proposed assessment.

**§9964 Special assessments on consenting owners' lands; issuance of bonds; construction of improvements without inviting public bids**

The district may, with the consent of the owner, levy special assessments on the lands of the consenting owner within the district pursuant to the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code) or the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) and issue bonds to represent unpaid assessments pursuant to the Improvement Act of 1911 or the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) to finance the construction of improvements on those lands as provided by Section 9409.

Notwithstanding any provisions of Division 7 (commencing with Section 5000) or Division 12 (commencing with Section 10000) of the Streets and Highways Code, the district may contract for the construction of these improvements without inviting public bids therefor.

**Note: The three acts referred to in this section provide alternative policies for conducting and financing public improvements. All three are contained in the Street and Highway Code.**

**The Municipal Improvement Act of 1913 (§1000 et seq) allows for the formation of assessment districts as a mechanism to pay for improvements that serve a public purpose. It specifies the general procedures to which the 1911 and 1915 acts refer.**

**The Improvement Act of 1911 (§5000 et seq) authorizes improvements for public use through the use of parcel assessments as obligations against owners of property within the assessment district.**

**The Improvement Bond Act of 1915 (§8500 et seq) provides an alternative system for the issuance of bonds to be secured by assessments to pay for the cost of improvements.**

**§9965 Legislative findings; assistance to private landowners**

- (a) The Legislature finds that compliance with the mandated regulations of the district will produce benefits by improving wildlife habitat in the primary management area and that providing public funds to partially offset the costs of complying with those regulations would serve a valid public purpose. Assistance under this section shall not be treated as taxable income to a private landowner.
- (b) Each year the district shall submit to the department an estimate of an amount sufficient to reimburse the private landowners in the primary management area for 50 percent of the operation and maintenance costs which it anticipates they will incur the following fiscal year in carrying out this chapter and Division 19 (commencing with Section 29000). Funds for this purpose shall not exceed five thousand dollars (\$5,000) per individual ownership. The funds shall be included in the budget of the department payable from the Wildlife Restoration Fund and shall be available to the department for disbursement to the private landowners in accordance with subdivision (c).
- (c) Each fiscal year, any private landowner in the primary management area who desires to qualify for the assistance provided by this section shall, by December 31, submit to the district a claim for those costs incurred that calendar year in carrying out the operation and maintenance activities specified in that landowner's individual ownership management program. Each claim shall be accompanied by substantiating documents, as determined by the district. The district shall review each claim to determine its appropriateness by, including, but not limited to, an on-site inspection to establish that the physical improvements or management procedures for which a claim is submitted have been satisfactorily completed. The district shall submit the individual ownership claims to the department for review and approval for payment equal to 50 percent of each claim. However, no payment shall exceed five thousand dollars (\$5,000). In any fiscal year in which the funds appropriated for purposes of this section are insufficient to pay 50 percent of each claim, the department shall pay all approved claims on a pro rata basis. In any fiscal year in which no funds are appropriated for purposes of this section, the department shall pay no claims.

## CHAPTER 13. VENTURA COUNTY RESOURCE CONSERVATION DISTRICT

### Section

- 9970 Application of chapter
- 9971 Organization and functions
- 9972 Exclusion of territory
- 9973 Divisions
- 9974 Boundaries; recommendations; hearings; approval; certification;  
modification
- 9975 Board; composition; appointments; term of office
- 9976 Election of directors; nomination
- 9977 Map and description of division boundaries; nomination of directors
- 9978 Quorum

**Note: Chapter 13 added by amendment in 1978.**

### §9970 **Application of chapter**

The provisions of this chapter apply only to the Ventura County Resource Conservation District. For the purposes of this chapter, "district" means the Ventura County Resource Conservation District.

### §9971 **Organization and functions**

Except as otherwise provided in this chapter, the organization and functions of the district shall be governed by the provisions of this division.

### §9972 **Exclusion of territory**

Whenever any territory in the district is included in a city by reason of incorporation or annexation, that territory may be excluded from the district upon the effective date of its inclusion in the city, subject only to compliance by the district with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

Upon the exclusion of such territory, all unencumbered funds standing to the credit of the area upon the date of its exclusion shall be divided between the city and the district in proportion to the assessed value of real property of the territory excluded and the portion remaining. For the purposes of this section, "unencumbered funds" means a sum of money consisting of uncollected taxes, including taxes levied and collected for the territory on property withdrawn after the date of exclusion, and other uncollected amounts belonging to or due such territory, that is in excess of an amount sufficient to pay all claims and accounts against the territory.

In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of exclusion, the property within any territory

excluded from the district shall remain liable for assessment and payment of its pro rata share of the tax therefor.

**Note: §54900 through §54916.5 of the Government Code (Chapter 8) discuss boundary changes for cities and districts. Only §54900 through §54903 are relevant for resource districts. These sections state that the tax or assessment levying authority of the district shall file for a change of boundaries. A statement of change and a map must be filed before the new boundaries can be established and before taxes or assessments can be levied.**

### §9973 **Divisions**

The district shall consist of three divisions, conforming generally to the major natural resource areas of the county, as follows:

- (a) Division 1 (Northern): The Ojai Division, generally coextensive with the boundaries of the predecessor Ojai Resource Conservation District.
- (b) Division 2 (Central): Santa Clara Valley Division, comprising the area generally embracing the Santa Clara River Watershed.
- (c) Division 3 (Southern): South Ventura County Division, conforming generally with the boundaries of the predecessor South Ventura County Resource Conservation District.

### §9974 **Boundaries; recommendations; hearings; approval; certification; modification**

- (a) Within 60 days after the initial organization meeting of the board of directors of the district, a description and map of the district showing recommended division boundaries thereof shall be adopted by the board of directors with a resolution petitioning the Board of Supervisors of the County of Ventura to review and approve such boundaries.
- (b) Within 30 days after receipt of the petition, the board of supervisors shall refer the request to the local agency formation commission for recommendations and report.
- (c) Within 30 days after receipt of the request from the board of supervisors, the local agency formation commission shall conduct a noticed public hearing at which any interested person may appear and present testimony relative to the proposed boundaries.
- (d) Within 30 days after the hearing, the local agency formation commission shall submit its boundary recommendations to the board of supervisors.
- (e) Within 30 days after receipt of the commission's boundary recommendations, the board of supervisors shall conduct a noticed public hearing to consider the recommendations. If the board of supervisors approves the boundaries as recommended, it shall certify the boundaries by resolution and file a copy with the board of directors of the district.



- (f) Once certified by the board of supervisors, boundaries of a division may be modified pursuant to the procedures for their initial certification, as provided in this chapter.

**§9975 Board; composition; appointments; term of office**

- (a) Notwithstanding subdivision (b) of Section 9183 or Sections 9241 and 9242, the board of directors of the district shall be composed of nine persons initially appointed by the Board of Supervisors of the County of Ventura, with three directors appointed to represent each division.
- (b) A director shall be an owner of land, or a designated agent of an owner of land, within the territory included in the division of the district he or she will represent. An agent of a landowner shall reside within the territory included in the division of the district he or she will represent.
- (c) Notwithstanding any other law, at the first regular meeting of the board of directors of the district after January 1, 1989, the directors shall classify themselves into two classes. One class shall have four members and the other class shall have five members. The term of office of those in the class having four members shall expire at noon on the last Friday in November 1990. The term of office of those in the class having five members shall expire at noon on the last Friday in November 1992. The board of directors shall arrange the classification so that not more than two directors from any division are in one class.

**§9976 Election of directors; nomination**

Upon the expiration of the terms of office of directors, pursuant to Section 9975, their successors shall be elected in the manner provided in Article 8 (commencing with Section 9351) of Chapter 3. Directors shall be nominated by divisions and elected at large. After the expiration of a term of office, a director shall continue to hold office and serve until his or her successor has qualified.

**§9977 Map and description of division boundaries; nomination of directors**

At least 110 days prior to the day fixed for the general district election, the secretary of the district shall deliver to the county clerk a map and description of the boundaries of the divisions from which directors shall be nominated. The number designated shall equal the number of directors to be elected at that election as determined in accordance with subdivision (d) of Section 9975.

**Note: This section refers the reader to a subdivision (d) of §9975 which does not exist. In 1988 subdivision (d) was changed to (c) when a previous subsection (b) was deleted by amendment. The reference in this section was not amended to reflect this change.**

**§9978 Quorum**

Five directors shall constitute a quorum for the conduct of the business of the board of directors of the district.

## **APPENDIX C**

### **CHANGES TO DISTRICTS: NAMES, BOUNDARIES, CONSOLIDATIONS, ASSOCIATIONS OF DISTRICTS**

## **Changes to Districts**

The enclosed sample documents are intended to provide you with an idea of how changes can be made to districts through your Local Agency Formation Commission (LAFCO). LAFCO jurisdictions vary across the state. Consult your telephone directory or county government office for the LAFCO in your district.

In addition, RCDs have the right under Division 9 (§9417) to form associations of any combination of districts. The final enclosure in Appendix C provides sample Articles of Association for San Diego County RCDs.

**APPENDIX D**  
**PARTNERSHIP AGREEMENTS**

**APPENDIX E**  
**CONFLICT OF INTEREST DISCLOSURE**

## **INTRODUCTION**

**APPENDIX F**

**A SUMMARY OF THE MAJOR PROVISIONS  
OF THE RALPH M. BROWN ACT**

by

**Michael Jenkins**



## **RALPH M. BROWN ACT**

The Ralph M. Brown Act is California's "sunshine" law for local government. It is found in the California Government Code beginning at Section 54950. In a nutshell, it requires local government business to be conducted at open and public meetings, except in certain limited situations. The Brown Act is based upon state policy that the people must be informed so they can keep control over their government.

In 1993 the Legislature made sweeping changes to the Brown Act. A few additional changes to the law were enacted in 1997 and 1998. This paper briefly summarizes and discusses the major provisions of the Brown Act as of Spring, 1999.

### **APPLICATION OF THE BROWN ACT TO "LEGISLATIVE BODIES"**

The requirements of the Brown Act apply to "legislative bodies" of local governmental agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g. the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Section 54952).

Standing committees of a legislative body, which consist solely of less than a quorum of the body, are subject to the requirements of the Act. Some common examples include the finance, personnel, or similar policy subcommittees of the city council or other city legislative body that have either some "continuing subject matter jurisdiction" or a meeting schedule fixed by formal action of the legislative body. Standing committees exist to make routine and regular recommendations on a specific subject matter, they survive resolution of any one issue or matter, and are a regular part of the governmental structure.

The Brown Act does not apply to *ad hoc* committees consisting solely of less than a quorum of the legislative body, provided they are composed solely of members of the legislative body and provided that these *ad hoc* committees do not have some "continuing subject matter jurisdiction," and do not have a meeting schedule fixed by formal action of a legislative body. Thus, *ad hoc* committees would generally serve only a limited or single purpose, they are not perpetual and they are dissolved when their specific task is completed.

Advisory and standing committees may, but are not required to, have regular meeting schedules. Even if such a committee does not have a regular meeting schedule, its agendas should be posted at least 72 hours in advance of the meeting. If this is done, the meeting is considered to be a regular meeting for all purposes. If this is not done, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply.

Some private entity governing bodies may fall under the requirements of the Brown Act if either of the following applies: (i) the private entity is created by the elected legislative body to exercise lawfully delegated authority, or (ii) the private entity receives funds from the local agency and the private entity's governing body includes a member of the legislative body who was appointed by the legislative body (Section 54952).

The Brown Act also applies to persons who are elected to serve as members of a legislative body of a local agency who have not yet assumed the duties of office (Section 54952.1).

## MEETINGS

The central provision of the Brown Act requires that all “meetings” of a legislative body be open and public. The Brown Act definition of the term “meeting” (Section 54952.2) is a very broad definition that encompasses almost every gathering of a majority of Council members and includes:

“Any congregation of a majority of members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

In plain English, this means that a meeting is any gathering of a majority of members to hear *or* discuss any item of city business or potential city business.

There are six specific types of gatherings that are *not* subject to the Brown Act. We refer to the exceptions as: (1) the individual contact exception; (2) the seminar and conference exception; (3) the community meeting exception; (4) the other legislative body exception; (5) the social or ceremonial occasion exception; and (6) the standing committee exception. Unless a gathering of a majority of members falls within one of the exceptions discussed below, if a majority of members are in the same room and *merely listen* to a discussion of city business, then they will be participating in a Brown Act meeting that requires notice, an agenda, and a period for public comment.

### **1. The individual contact exception**

Conversations, whether in person, by telephone or other means, between a member of a legislative body and any other person does not constitute a meeting (Section 54952.2(c)(1)). However, such contacts may constitute a “serial meeting” in violation of the Brown Act if the individual also makes a series of individual contacts with other members of the legislative body for the purpose of “developing a collective concurrence.” For an explanation of what constitutes a “serial meeting,” see the following section of this paper.

### **2. The seminar and conference exception**

The attendance by a majority of members at a seminar or conference or similar educational gathering is also generally exempted from Brown Act requirements (Section 54952.2 (c)(1)). This exception, for example, would apply to attendance at a California League of Cities or California Contract Cities seminar. However, in order to qualify under this exception, the seminar or conference must be open to the public and be limited to issues of general interest to the public or to cities. Finally, this exception will not apply to a conference or seminar if a majority of members discuss among themselves items of specific business relating to their own city, except as part of the program.

### **3. The community meeting exception**

The community meeting exception allows members to attend neighborhood meetings, town hall forums, chamber of commerce lunches or other community meetings sponsored by an organization other than the city at which issues of local interest are being discussed (Section 54952.2(c)(3)). However, members must observe several rules that limit this exception. First, in order to fall within this exception, the community meeting must be "open and publicized." Therefore, for example, attendance by a majority of a body at a homeowners association meeting that is limited to the residents of a particular development and only publicized among members of that development would not qualify for this exemption. Also, as with the other exceptions, a majority of members cannot discuss among themselves items of city business, except as part of the program.

### **4. The other legislative body exception**

This exception allows a majority of members of any legislative body to attend meetings of other legislative bodies of the city or of another jurisdiction (such as the county or another city) without treating such attendance as a meeting of the body (Section 54952.2(c)(4)). Of course, as with other meeting exceptions, the members are prohibited from discussing city business among themselves except as part of the scheduled meeting.

### **5. The social or ceremonial occasion exception**

As has always been the case, Brown Act requirements do not apply to attendance by a majority of members at a purely social or ceremonial occasion provided that a majority of members do not discuss among themselves matters of public business (Section 54942.2(c)(5)).

### **6. The standing committee exception**

This exception allows members of a legislative body, who are not members of a standing committee of that body, to attend an open and noticed meeting of the standing committee without making the gathering a meeting of the full legislative body itself. The exception is only applicable if the attendance of the members of the legislative body who are not standing committee members would create a gathering of a majority of the legislative body; if not, then there is no "meeting." If their attendance does establish a quorum of the parent legislative body, the members of the legislative body who are not members of the standing committee may only attend as "observers" (Section 54952.2(c)(6)). This means that members of the legislative body who are not members of the standing committee should not speak at the meeting, sit in their usual seat on the dais or otherwise participate in the standing committee's meeting.

Other than in situations which fall into certain enumerated exceptions, all meetings of a legislative body must occur within the boundaries of the local governmental agency (Section 54954). Exceptions to this rule include meeting outside the jurisdiction to comply with a court order or attend a judicial proceeding, to inspect real or personal property, to attend a meeting with another legislative body in that other body's jurisdiction, to meet with a state or federal representative to discuss issues affecting the local agency over which the other officials have jurisdiction, to meet in a facility outside of, but owned by, the local agency, or to visit the office of the local agency's legal counsel. These are meetings and in all other respects must comply with agenda and notice requirements.

“Teleconferencing” may be used as a method for conducting meetings whereby members of the body may be counted towards a quorum and participate fully in the meeting from remote locations within the city (Section 54953(b)). The following requirements apply: the remote locations may be connected to the main meeting location by telephone, video or both; the notice and agenda of the meeting must identify the remote locations; the remote locations must be posted and accessible to the public; all votes must be by roll call; and the meeting must in all respects comply with the Act, including participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction. No person can compel the legislative body to allow remote participation. The teleconferencing rules only apply to members of the legislative body; they do not apply to staff members, attorneys or consultants who can participate remotely without following the posting and public access requirements.

## **SERIAL MEETINGS**

In addition to regulating all gatherings of a majority of members of a legislative body, the Brown Act also addresses individual contacts between members of legislative bodies. On the one hand, the Brown Act specifically states that nothing in the Act is intended to impose Brown Act requirements on individual contacts or conversations between a member of a legislative body and any other person (Section 54952.2(c)(1)). However, the Brown Act also prohibits a series of such individual contacts if they result in a “serial meeting” (Section 54952.2(b)).

A serial meeting is a series of meetings or communications between individuals so that even though a majority of members never gather in a room at the same time, ideas are exchanged among the majority through either one or more persons acting as intermediaries or through use of a technological device (such as a telephone answering machine, or computer e-mail or voice mail).

Commonly, serial meetings are conducted in one of two ways; either a staff member, a member of the body, or some other person will individually contact a majority of members of a body to share ideas among the majority or, without the involvement of staff, member A will call member B and member B will call member C and so on to share ideas among a majority.

Traditionally, the California Attorney General and many city attorneys advised that serial meetings were not permitted under the Brown Act. The 1993 amendments to the Brown Act specifically prohibited such meetings.

Of course, the prohibition against serial meetings does not prohibit all communication between individuals regarding city business. The Brown Act only prohibits the use of serial meetings for the purpose of “developing a collective concurrence” concerning an issue. However, this phrase should not be interpreted too narrowly. Merely the exchange of information or discussion of ideas about a matter of city business will probably be interpreted to be an effort to “develop a collective concurrence.” In fact, we know that representatives of newspaper organizations and staff members in the Attorney General's office interpret the prohibition against serial meetings to prohibit any substantive briefings of members of a legislative body by staff. We do not subscribe to such a conservative interpretation of the Brown Act. We believe that such an interpretation is not practical and is not necessary to meet the intent of the Act.

However, we recommend the following guidelines be used to assure that individual contacts do not inadvertently result in a collective concurrence among a quorum in violation of the serial meeting prohibition described above. These rules of conduct apply **only** when a majority of a legislative body is involved in a series of contacts or communications. The types of contacts considered include contacts with local agency staff members, constituents, developers, lobbyists and other members of the legislative body.

## **1. Contacts with staff**

Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. To underscore the seriousness of this concern, the Attorney General takes the position that individual staff briefings of a majority of the members of a body on substantive issues are per se illegal seriatim meetings, and hence, are not permitted. While we do not agree with this highly restrictive interpretation, there is no doubt that staff briefings can too easily lead to collective concurrence if not handled carefully. To avoid developing a collective concurrence through a staff briefing:

a. Individual briefings of a majority of members of a legislative body should be unidirectional, in that information should flow from staff to the member and the member's participation should be limited to asking questions and acquiring information. Otherwise, multiple members could separately give staff direction thereby causing staff to shape or modify its ultimate recommendations in order to reconcile the views of the various members, resulting in a collective concurrence.

b. Members should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known to them.

c. Staff may present its viewpoint to the member, but should not ask for the member's views and the member should avoid providing his or her views unless it is absolutely clear that the staff member is not discussing the matter with a quorum of the legislative body.

## **2. Contacts with constituents, developers and lobbyists**

As with staff, a constituent or lobbyist can also inadvertently become an intermediary among a majority of a legislative body causing a violation of the Brown Act by sharing thoughts among a majority of members through a series of individual contacts. Many constituents' unfamiliarity with the requirements of the Act aggravate this potential problem because they may believe that a member of a legislative body should in the ordinary course of performing his or her public duty commit to a position in a private conversation in advance of a meeting. To avoid development of a collective concurrence in constituent conversations:

a. First, state the ground rules "up front." Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.

b. Explain to the constituent that you will not make a final decision on a matter prior to the meeting. For example: "State law prevents me from giving you a commitment outside a meeting. I will listen to what you have to say and give it consideration as I make up my mind."

- c. Do more listening and asking questions than expressing opinions.
- d. If you disclose your thoughts about a matter, counsel the constituent not to share them with other members of the legislative body.

### **3. Contacts with fellow members of the same legislative body**

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail or deputies or other staff members, is the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body, no meeting has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, thereby creating the possibility of achieving a collective concurrence outside a public meeting. Therefore, avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting and this problem will not arise.

These suggested rules of conduct may seem unduly restrictive and impractical, and may make acquisition of important information more difficult or time-consuming. Nevertheless, following them will help assure that your conduct comports with the Brown Act's goal of achieving open government. If you have questions about compliance with the Act in any given situation, you should ask them of your city attorney; adherence to the above guidelines is not a substitute for securing advice from your legal advisor.

## **NOTICE AND AGENDA REQUIREMENTS**

Two key provisions of the Brown Act which ensure that the public's business is conducted openly are the requirements that legislative bodies post agendas prior to their meetings (Sections 54954.2, 54955 and 54956) and that no action or discussion may occur on items or subjects not listed on the posted agenda (Section 54954.2). Limited exceptions to the rule against discussing or taking action not on a posted agenda are included in the Brown Act and are discussed further below.

Legislative bodies, except advisory committees and standing committees, are required to establish a time and place for holding regular meetings (Section 54954(a)). Meeting agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting (Section 54954.2(a)). The description need not exceed 20 words. Each agenda must be posted in a place that is freely accessible to the public. Agenda posting requirements differ depending on the type of meeting to be conducted.

If the meeting is a regular meeting of the legislative body, the agenda must be posted 72 hours in advance of the meeting (Section 54954.2(a)). For special meetings, the "call" of the meeting and the agenda must be posted at least 24 hours prior to the meeting (Section 54956). Each member of the legislative body must personally receive written notice of the special meeting either by personal delivery or by "any other means" (such as fax, electronic mail or U.S. mail) at least 24 hours before the time of the special meeting, unless they have previously waived receipt of written notice. Members of the press (including radio and television stations) and other members of the public can also request written notice of special meetings.

Both regular and special meetings may be adjourned to another time. It is important to remember that notices of adjournment meetings must be posted within 24 hours after the meeting was adjourned on the door of the meeting chambers where the meeting occurred (Section 54955). If the adjourned meeting occurs more than five days after the prior meeting, a new agenda for that adjourned meeting must be posted 72 hours in advance of that adjourned meeting (Section 54954.2(b)(3)).

The Brown Act requires the local agency to mail the agenda or the full agenda packet to any person making a written request no later than the time the agenda is posted or is delivered to the members of the body, whichever is earlier. The agency may charge a fee to recover its costs of copying and mailing. Any person may make a standing request to receive these materials, in which event the request must be renewed annually. Failure by any requestor to receive the agenda does not constitute grounds to invalidate any action taken at a meeting (Section 54954.1).

## **PUBLIC PARTICIPATION**

**Regular Meetings:** The Brown Act mandates that agendas for regular meetings allow for two types of public comment periods. The first is a general audience comment period, which is the part of the meeting where the public can comment on any item of interest that is within the subject matter jurisdiction of the local agency. This general audience comment period may come at any time during a meeting (Section 54954.3).

The second type of public comment period is the specific comment period pertaining to items on the agenda. The Brown Act requires the legislative body to allow these specific comment periods on agenda items to occur prior to or during the City Council's consideration of that item (Section 54954.3).

Some public entities accomplish both requirements by placing a general audience comment period at the beginning of the agenda where the public can comment on agenda and non-agenda items. Other public entities provide public comment periods as each item or group of items comes up on the agenda, and then leave the general public comment period to the end of the agenda. Either method is permissible, though public comment on public hearing items must be taken during the hearing. Caution should also be taken with consent calendars. The body should have a public comment period for consent calendar items before the body acts on the consent calendar, unless it permits members of the audience to "pull" items from the calendar.

The Brown Act allows a body to preclude public comments on an agenda item in one situation, where the item was considered by a committee of the body which held a meeting where public comments on that item were allowed. So, if the body has standing committees (which are required to have agendaized and open meetings with an opportunity for the public to comment on items on that committee's agenda) and the committee has previously considered an item, then at the time the item comes before the full body, the body may choose not to take additional public comments on that item. However, if the version presented to the body is different from the version presented to, and considered by, the committee, the public must be given another opportunity to speak on that item at the meeting of the full body (Section 54954.3).

**Public Comments at Special Meetings:** The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the body concerning any item listed on the agenda prior to the body's consideration of that item (Section 54954.3). Unlike regular meetings, in a special meeting the body does not have to allow public comment on any non-agenda matter.

**Limitations on the Length and Content of the Public's Comments:** A legislative body may adopt reasonable regulations limiting the total amount of time allocated to each person for public testimony. For example, typical time limits restrict speakers to three or five minutes. A legislative body may also adopt reasonable regulations limiting the total amount of time allocated for public testimony on legislative matters, such as a zoning ordinance or other regulatory ordinance (Section 54954.3(b)). However, we do not recommend setting total time limits per item for any quasi-judicial matter such as a land use application or business license or permit application hearing. Application of a total time limit to a quasi-judicial matter could result in a violation of the due process rights of those who were not able to speak to the body during the time allotted.

The Act precludes the body from prohibiting public criticism of the policies, procedures, programs, or services of the agency or the acts or omissions of the city council (Section 54954.3(c)). This does not mean that a member of the public may say anything. If the topic of the public's comments is not within the subject matter jurisdiction of the agency, the member of the public can be cut off.

The body also may adopt reasonable rules of decorum for its meetings which preclude a speaker from disrupting, disturbing or otherwise impeding the orderly conduct of public meetings. Also, the right to publicly criticize a public official does not include the right to slander that official, though the line between criticism and slander is often difficult to decipher in the heat of the moment. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.

The use of profanity may be a basis for stopping a speaker. However, it will depend upon what profane words or comments are made and the context of those comments in determining whether it rises to the level of impeding the orderly conduct of a meeting. While terms such as "damn" and "hell" may have been disrupting words thirty years ago, today's standards seem to accept a stronger range of foul language. Therefore, if the chair is going to rule someone out of order for profanity, the chair should make sure the language is truly objectionable **and** that it causes a disturbance or disruption in the proceeding before the chair cuts off the speaker.

**Discussion of Non-Agenda Items:** For many years, the Brown Act provided that a legislative body could not take any action on items not appearing on the posted agenda. Some public law attorneys interpreted this as meaning that a body *could talk* about something but not reach a collective consensus as to a particular course of action until the item was brought back on a subsequent agenda. Other practitioners took the position that as soon as discussion occurred on that non-agenda item then the process for coming to a consensus on that item started, which was a violation of the Brown Act. Thus, under the stricter interpretation, no discussion of non-agenda item should occur.



This divergence of interpretation was resolved in the 1993 amendments to the Brown Act. **Under the current law, a body may not *take action or discuss* any item that does not appear on the posted agenda (Section 54954.2).**

There are two exceptions to this rule. The first is if the body determines by majority vote that an emergency situation exists. The term “emergency” is limited to work stoppages or crippling disasters (Section 54956.5). The second exception is if the body finds by a two-thirds vote of those present, or if less than two-thirds of the body is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of the local agency subsequent to the agenda being posted (Section 54954.2 (b)). This means that if four members of a five-member body are present, three votes are required to add the item; if only three are present, a unanimous vote is required.

In addition to these exceptions, there are several *limited* exceptions to the no discussion on non-agenda items rule. Those exceptions are:

- ? Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- ? Members or staff may ask questions for clarification and provide a reference to staff or other resources for factual information;
- ? Members or staff may make a brief announcement, ask a question or make a brief report on his or her own activities;
- ? Members may, subject to the procedural rules of the legislative body, request staff to report back to the legislative body at a subsequent meeting concerning any matter; and
- ? The legislative body may itself as a body, subject to the rules of procedures of the legislative body, take action to direct staff to place a matter of business on a future agenda.

The body may not discuss non-agenda items to any significant degree under these exceptions. The comments *must* be brief. These exceptions do not allow long or wide-ranging question and answer sessions between the public and city council or between legislative body and staff.

When the body is considering whether to direct staff to add an item to a subsequent agenda, these exceptions do not allow the body to discuss the merits of the matter or to engage in a debate about the underlying issue.

To protect the body from problems in this area, legislative bodies may wish to adopt a rule that any one member may request an item to be placed on a subsequent agenda, so that discussion of the merits of the issue can be easily avoided. If the legislative body does not wish to adopt this rule, then the body's consideration and vote on the matter must take place with virtually no discussion.

It is important to follow these exceptions carefully and interpret them narrowly because the city would not want to have an important and complex action tainted by a non-agendized discussion of the item.

## **AUDIO AND VIDEOTAPING**

The public has the right to videotape or broadcast a public meeting or to make a motion picture or still camera record of such meeting (Section 54953.5). However, a body may prohibit or limit recording of a meeting if the body finds that the recording cannot continue without noise, illumination, or obstruction of a view that constitutes, or would constitute, a disruption of the proceedings (Section 54953.5). These grounds would appear to preclude a finding based on nonphysical grounds such as breach of decorum or mental disturbance.

Any audio or video tape record of an open and public meeting that is made, for whatever purpose, by or at the direction of the city is a public record and is subject to inspection by the public consistent with the requirements of the Public Records Act. The city must not destroy the tape or film record of the open and public meeting for at least 30 days following the date of the taping or recording. Inspection of the audiotape or videotape must be made available to the public for free on equipment provided by the city (Section 54953.5).

If a member of the public requests a duplicate of the audio or videotape, the city must provide such copy. If the city has an audiotape or videotape duplication machine, the city must provide the copy on its own machine. If the city does not have such a machine, the city must send it out to a business that can make a copy. The city may charge a fee to cover the cost of duplication.

The Brown Act requires written material distributed to a majority of the body by *any person* to be provided to the public without delay. If the material is distributed during the meeting and prepared by the local agency, it must be available for public inspection at the meeting. If it is distributed during the meeting by a member of the public, it must be made available for public inspection after the meeting (Section 54957.5).

One problem in applying this rule arises when written materials are distributed directly to a majority of the body without knowledge of City staff, or even without the members knowing that a majority has received it. The law still requires these materials to be treated as public records. So, many cities have established some procedure to assure compliance with this new rule.

## **CLOSED SESSIONS**

The Brown Act allows a legislative body during a meeting to convene a closed session in order to meet privately with its advisors on specifically enumerated topics. Sometimes people refer to closed sessions as "executive sessions," a holdover term from the Brown Act's early days. Examples of business which may be conducted in closed session include personnel evaluations or labor negotiations, pending litigation, and real estate negotiations (See Sections 54956.7 through 54957 and Sections 54957.6 and 54957.8). Political sensitivity of an item is not a lawful reason for a closed session discussion.

The Brown Act requires that closed session business be described on the public agenda. And, there is a “bonus” of sorts for using prescribed language to describe litigation closed sessions in that legal challenges to the adequacy of the description are precluded (Section 54954.5). This so-called “safe harbor” encourages many cities to use a very similar agenda format. Under recent amendments to the Brown Act, the legislative body must identify the City's negotiator in open session before going into closed session to discuss either real estate negotiations or labor negotiations.

The legislative body must reconvene the public meeting after a closed session and publicly report specified closed session actions and the vote taken on those actions (Section 54957.1). There are limited exceptions for certain kinds of litigation decisions, and to protect the victims of sexual misconduct or child abuse.

Contracts, settlement agreements or other documents that are finally approved or adopted in closed session must be provided at the time the closed session ends to any person who has made a standing request for all documentation in connection with a request for notice of meetings (typically members of the media) and to any person who makes a request within 24 hours of the posting of the agenda, if the requestor is present when the closed session ends (Section 54957.1).

The Brown Act also includes detailed requirements describing when litigation is considered “pending” for the purposes of a closed session (Section 54956.9). These requirements involve detailed factual determinations that will probably be made in the first instance by the City Attorney.

The recent case of *Roberts v. City of Palmdale*, 5 Cal.4th 363 (1993), a case handled by Richards, Watson & Gershon, affirms the confidentiality of attorney-client memoranda. See also Section 54956.9(b)(3)(f) with respect to privileged communications regarding pending litigation.

Closed sessions may be started in a location different from the usual meeting place as long as the location is noted on the agenda and the public can be present when the meeting first begins. Moreover, public comment on closed session items must be allowed before convening the closed session.

One perennial area of confusion is whether a body may discuss salary and benefits of an individual employee (such as a city manager) as part of an evaluation session under Section 54957. It may not. However, the body may designate a negotiator to negotiate with that employee and meet with its negotiator in closed session under Section 54957.6 to provide directions. The employee in question may not be present in such a closed session. And, final action concerning salary or other benefits of individual employees is *not* permitted during a closed session; it must be done as part of a public agenda item.

## **ENFORCEMENT**

**There are both civil remedies and criminal misdemeanor penalties for Brown Act violations.** The civil remedies include injunctions against further violations, orders nullifying any unlawful action, and orders determining the validity of any rule to penalize or discourage the

expression of a member of the legislative body (Section 54960.1). The provision relating to efforts to penalize expression may come up in the context of measures by the legislative body to censure or penalize one of its members for breaching confidentiality or other violations. This part of the law is charged with difficult free speech and attorney-client privilege issues. The tape recording of closed sessions is not required unless the court orders such taping after finding a closed session violation (Section 54960).

Prior to a civil action being commenced, the complaining party must make a written demand on the legislative body to cure or correct the action alleged to have been taken in violation of Sections 54953, 54954.2, 54954.5, 54954.6, or 54956. The written demand must be made within 90 days after the challenged action was taken in open session unless the violation involves the agenda requirements under Section 54954.2, in which case the written demand must be made within 30 days. The legislative body is required to cure or correct the challenged action and inform the party who filed the written demand of its correcting actions or its decision not to cure or correct within 30 days. A civil action must be commenced by the complaining party within 15 days after receipt of the written notice from the legislative body, or if there is no written response, within 15 days after the 30-day cure period expires.

A member of a legislative body will not be criminally liable for a violation of the Brown Act unless the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act (Section 54959). This standard became effective in 1994 and is a different standard from most criminal standards. Until it is applied and interpreted by a court, it is not clear what type of evidence will be necessary to prosecute a Brown Act violation.

## **CONCLUSION**

The Brown Act contains many rules and some ambiguities; it can be confusing and compliance can be difficult. Nonetheless, noncompliance with the Act is not an option. In the event that you have any questions regarding any provision of the law, you should contact your City Attorney.

**APPENDIX G**

**THE RALPH M. BROWN ACT**

**Government Code  
Section 54950-54962**

CALIFORNIA CODES  
**GOVERNMENT CODE**  
SECTION **54950**-54962

**54950.** In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

**54950.5.** This chapter shall be known as the Ralph M. Brown Act.

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

54952. As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body which are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of

a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation or entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation or entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation or entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation or entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety **Code** after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

54952.1. Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

54952.2. (a) As used in this chapter, "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

(b) Except as authorized pursuant to Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to

be taken on an item by the members of the legislative body is prohibited.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person.

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a



legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each

teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30

days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of the superintendent of that district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. (a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item

pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services

of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section **54950**) of Part 1 of Division 2 of Title 5 of the **Government Code**) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)



(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety **Code** or Sections 37606 and 37624.3 of the **Government Code**:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative

body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed.

Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant

to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways **Code** by a regional park district, regional park and open-space district, or regional

open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources **Code**, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this

section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

54956.5. In the case of an emergency situation involving matters

upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

For purposes of this section, "emergency situation" means any of the following:

(a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

However, each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting by telephone and all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

Notwithstanding Section 54957, the legislative body shall not meet in closed session during a meeting called pursuant to this section.

All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

54956.7. Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.8. Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

54956.86. Notwithstanding any other provision of this chapter, a



legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions **Code** may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

54956.87. (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety **Code**) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety **Code**) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (c) of Section 32106 of the Health and Safety **Code**, shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety **Code**.

54956.9. Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(a) Litigation, to which the local agency is a party, has been initiated formally.

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

(A) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and

circumstances need not be disclosed.

(B) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(D) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(E) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(F) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the subdivision of this section that authorizes the closed session. If the session is closed pursuant to subdivision (a), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities

during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

54956.95. (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities, or from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be

null and void.

The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this section shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety **Code** or Sections 37606 and 37624.3 of the **Government Code**. Closed sessions held pursuant to this section shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

54957.1. (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved

parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be

released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in paragraph (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

54957.5. (a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of

the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.7, or 6254.22.

(b) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person.

(c) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6257.

(d) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these



discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

54957.7. (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

54957.8. Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional drug law enforcement agency, or an advisory body of a multijurisdictional drug law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional drug law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

"Multijurisdictional drug law enforcement agency," for purposes of this section, means a joint powers entity formed pursuant to Article

1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, which provides drug law enforcement services for the parties to the joint powers agreement.

The Legislature finds and declares that this section is within the public interest, in that its provisions are necessary to prevent the impairment of ongoing law enforcement investigations, to protect witnesses and informants, and to permit the discussion of effective courses of action in particular cases.

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

54959. Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. (a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened

violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to tape record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to tape record its closed sessions and preserve the tape recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The tapes shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the tape is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session which has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency which has custody and control of the tape recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the **Code** of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the **Code** of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency which has custody and control of the recording.

(ii) An affidavit which contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public

exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications which are protected by the attorney-client privilege.

54960.1. (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, or 54956 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, or 54956. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, or 54956 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, and 54956.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, or 54956 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such

action and the court finds that the action was clearly frivolous and totally lacking in merit.

54961. (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

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

## **APPENDIX H**

### **FREEDOM OF INFORMATION AND PRIVACY ACT**

**APPENDIX I**  
**SAMPLE MEETING AGENDAS**



**APPENDIX J**

**SAMPLE LONG-RANGE PLAN,  
ANNUAL WORK PLAN, AND  
ANNUAL REPORT**

## INTRODUCTION

Appendix J combines into a single section sample long-range and annual work plans, as well as an annual report because, in theory, all three documents should present a clear view of a districts plans and accomplishments over time. In practice, at least in the past, the three types of documents were not always in agreement, not in content, not in form.

Ideally, the three documents your district produces in its planning and reporting efforts should relate very closely to one another, with goals and objectives outlined in the long-range plan mirrored in the annual work plans and annual reports exactly (using identical wording for goals and objectives and organized in the same sequence). Although this is not necessarily how these documents were approached in the past, the principle of “parallelism” between the three planning and reporting documents is presented throughout this *Guidebook* where these topics are discussed, and the examples contained in this Appendix reflect this philosophy to a large degree. It is hoped by offering these sample planning and reporting documents as models, districts may more clearly see not only how to structure the individual reports themselves, both the relationships of the documents to each other as well.

This idea of parallel structure between the documents may be new to your district—it is likely to be a new idea to most if not all districts in the state. Hopefully this will be perceived as a worthy ideal to attain, as it makes following progress within a district much easier for districts, their partners, and the other agencies and individuals interested in what districts are trying to achieve.

**APPENDIX K**

**SAMPLE MEMORANDUM OF UNDERSTANDING  
(MOU)**

## **APPENDIX L**

### **SAMPLE REQUEST FOR PROPOSALS (RFP)**

TO: Resource Conservation Districts

RE: \$120,000 Grant Funding

I am pleased to inform you the Governor's 1998/99 budget again provides \$120,000 for grants to promote watershed management and conservation by California's Resource Conservation Districts (RCDs). The grant program supports specific RCD efforts to improve and sustain the health of California's watersheds, and to build the capacity of RCDs to work with communities and landowners towards that end. The Department of Conservation administers this program.

Enclosed is the Resource Conservation District Grant Program request for proposals package. This document provides the basic application information and forms districts will need to apply for grant funding. **Project proposals must be received by the Department of Conservation no later than 5:00 p.m., January 15, 1999.**

We look forward to working with eligible applicants in developing and implementing projects that enhance California's watersheds. For information regarding Resource Conservation District Programs, please contact Kathy Davis, Division of Land Resource Protection, at (916) 327-2145.

Sincerely,

Lawrence J. Goldzband  
Director

Enclosure

## RESOURCE CONSERVATION DISTRICT GRANT PROGRAM

### **RCD Grant Objectives**

The Department of Conservation is pleased to announce availability of grant funding targeting the State's Resource Conservation Districts (RCDs). Funding will assist RCDs to perform projects that improve the health of California's watersheds and build the capacity of RCDs to promote and support conservation with landowners and communities within watersheds. The Governor's 1998/99 budget contains a total of **\$120,000** available for the grants program which continues the Governor's commitment to the work initiated in 1996/97. Project proposals must be received by the Department of Conservation no later than 5:00 p.m., **January 15, 1999**.

### **Grant Application Eligibility**

Grant funds target projects directed by RCDs. Individual RCDs are encouraged to work in partnership with other RCDs, other public entities and/or private groups to jointly submit applications for projects. Since only one grant award will be made per district, a proposal may include multiple projects. There is no minimum or maximum amount that can be requested; however, the Department seeks to support as many projects as possible.

### **Eligible Projects**

Many types of watershed related projects may be eligible for funding. Examples of eligible project categories for funding are listed below.

### **Examples of Project Categories**

**Land Restoration:** Includes projects such as tree planting and other revegetation efforts; land stabilization and soil erosion control; fire related rehabilitation and fuel load management.

**Habitat Enhancement:** Includes projects which improve fisheries and other wildlife habitat.

**Urban/rural water quality/conservation:** Includes projects addressing agricultural chemical runoff or infiltration control; stormwater pollution prevention; irrigation management; and efforts to improve water use efficiency.

**Public Outreach and Education:** Includes publicity for watershed project efforts through training, tours, presentations, and literature; education of children and adults on restoration projects within watersheds; and public outreach regarding conservation practices.

**District Capacity Building:** Includes projects designed to enhance district operations enabling a district to participate in future watershed projects; community organization, mobilization and planning activities that culminate in watershed projects; and volunteer recruitment.

## Rating Criteria

In addition to meeting the eligibility requirements, proposals will be evaluated according to the criteria listed below. Projects do not need to encompass all criteria in order to qualify but these criteria will be used in rating proposals.

1. Demonstrated need. There is a demonstrated need for the project as defined in the Project Justification. Without funding this need is likely to go unfilled for an extended time.
2. Consistency with annual/long range plans. The proposed project is consistent with the RCD's annual and long range plans for managing resources within its watershed. Applicant has submitted copies of annual/long range plans.
3. Collaborations/new partnerships. The proposal builds upon existing collaborative efforts, involves multiple private and public partners, benefits/involves landowners within the watershed, and/or forges new partnerships.
4. Resource management on-the-land. A tangible and physical product of the project will be evident upon completion. (For district capacity building projects, a tangible product might be a plan developed by a CRMP).
5. Education and outreach. Where not directly tied to on-the-land resource conservation work, the project provides support that efforts will have a direct impact upon resource conservation.
6. Sustainability. Projects involving direct resource management practices include provisions for monitoring and maintenance of work completed so that benefits can be sustained.
7. Cost sharing. Project includes a cost share component demonstrating commitments/project support from other entities. The difference between *actual, in-kind services*, and *potential* cost share funding is clearly made.
8. Delivery of services. The proposal enhances or expands the RCD's ability to deliver local resource conservation services.
9. Timeliness. The project will be completed within a 12 month period and/or will have specific component objectives and products achieved within that timeframe.
10. Project effectiveness. The project includes measurable objectives and clearly explains how these objectives will contribute to the overall health of a specific watershed.

## How to Apply

Resource Conservation Districts are requested to submit their full proposals following these guidelines. NOTE: Failure to follow these guidelines may result in disqualification of your proposal.

### A. Cover Page

Use the attached Cover Page as the first page of your proposal. Fill in all applicable blanks.

1. Project Leader(s) - Identify project leaders, including their affiliation, mailing addresses, e-mail address, and telephone and fax numbers.
2. Cooperator(s) - Provide the name, affiliation, mailing address, and telephone number for each cooperator. A cooperator is considered to be an individual or organization with a specific role in the project that is not directly associated with the RCD submitting the proposal.
3. Supporter(s) - Specify any organizations or individuals which support the project but are not providing funding or in-kind contributions. Support should be documented by letters that explain the basis for the support. Examples of supporters include local government jurisdictions and key agencies or organizations having regulatory responsibilities within the geographic area of the proposed project.
4. Other Sources of Funding - Specify the organizations that have committed funding to this project, along with amounts, contact names, addresses and telephone numbers. List separately other potential sources of funding. Please distinguish between actual, potential and in-kind funding.

### B. Executive Summary

The Executive Summary should immediately follow the Cover Page and should not exceed one-half page. Define the problem to be addressed, state the specific objectives of the proposed project, describe the approach that will be used and define the criteria used to evaluate the project's success. Who will benefit from the project, and in what specific ways? (It may be helpful to consider this section as though it were to be utilized or easily adapted as a press release for your project.)

### C. Project Justification

Specify the problem to be addressed by the project, and describe its extent, severity, and magnitude. What is the statewide significance as indicated by studies, inventories or regulatory actions (e.g., is the water body listed by the State Water Resources Control Board as impacted or impaired?) What are the environmental, agronomic, economic, or other implications of the project expressed on a watershed or subwatershed basis? Describe the project's potential for measurable progress toward long-term solutions of the specific problem(s) you are addressing. Describe related work already taking place (or



that is planned) and indicate the potential for coordination of efforts. Include maps showing the project location and the area to benefit from the project. **The project justification should not exceed two pages (exclusive of maps).**

## D. Objectives

Provide a clear, concise, and complete statement for each specific objective your project proposes to address.

## E. Workplans and Methods

Describe the activities and/or tasks that will address each of the objectives you have identified. Explain the methods and resource conservation approaches to be utilized. Please describe methods and procedures in sufficient detail to provide an understanding of how each task will be conducted. Describe interim and final products or milestones for each task. Performance will be judged on these outputs. Using the Implementation Schedule form, prepare timelines for implementation and completion of the project tasks. Be sure to allocate sufficient time.

## F. Budget Itemization

Please use the attached Budget Sheet to prepare a budget table for your proposed project. Indicate the amounts requested from the Department of Conservation as well as those that may be provided by other organizations. Specify the name of the organization(s) if other funding is provided. Identify whether funding is actual cash or in-kind. Please indicate whether funding from other sources is actual or potential.

### Deadline and address

**SIX COPIES OF YOUR PROPOSAL MUST BE RECEIVED BY 5:00 P.M. ON JANUARY 15, 1999, AT THE FOLLOWING ADDRESS:**

Department of Conservation  
Division of Land Resource Protection  
801 K Street, MS 13-71  
Sacramento, CA 95814

**NOTE: FAXES WILL NOT BE ACCEPTED.  
LATE PROPOSALS WILL NOT BE ACCEPTED.**

### Proposal review and evaluation timelines

All proposals will be reviewed by an independent panel of reviewers assembled by the Department of Conservation. Proposals will be reviewed/announced according to the following timelines.

1/15/99	Deadline for proposal submission
2/16/99	Evaluation of proposals complete
3/15/99	Notification of awards
5/01/99	Contracts signed/work may begin
6/15/99	First status reports due

CALIFORNIA DEPARTMENT OF CONSERVATION  
RESOURCE CONSERVATION DISTRICT GRANT PROGRAM  
FISCAL YEAR 1998/99  
PROPOSAL COVER PAGE

Resource Conservation District's name \_\_\_\_\_

President's name \_\_\_\_\_

RCD mailing address \_\_\_\_\_

Telephone/fax/email \_\_\_\_\_

RCD federal I.D. # \_\_\_\_\_

Project title \_\_\_\_\_

Project location, county and watershed \_\_\_\_\_

Project leader(s) (Name, title, affiliation, mailing address, telephone, fax)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cooperator(s) (Name, title, affiliation, mailing address, telephone, fax)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supporter(s) (Name, title, affiliation, mailing address, telephone, fax)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other funding (Amount, duration, organization, contact person, mailing address, telephone)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Request from the Department of Conservation \$ \_\_\_\_\_

Other funding \$ \_\_\_\_\_

Total project budget \$ \_\_\_\_\_

BUDGET ITEMIZATION

FISCAL YEAR 1998/99

Funding	DOC Request	Other Funding	Total
<b>A. Personnel Services</b>	_____	_____	
	_____		
<b>B. Operating Expenses</b> (Itemize/explain for clarification)			
<b>Travel</b>	_____	_____	
_____			
<b>Equipment</b>	_____	_____	
_____			
<b>Materials &amp; Supplies</b>	_____	_____	
_____			
<b>C. Professional/Consultant Services</b>		_____	
_____	_____		
(Identify consultants and their roles)			
<hr/>			
<u>TOTAL</u>			



**APPENDIX M**  
**SAMPLE GRANT PROPOSAL**

California Department of Conservation  
resource conservation district grant program  
fiscal year 1998-1999

**PROPOSAL COVER PAGES**

//

**Resource Conservation District's Name: TAHOE RESOURCE CONSERVATION DISTRICT**

**President's Name:** Joyce Blackstone  
**Mailing Address:** Post Office Box 10529, South Lake Tahoe, CA 96158  
**Telephone/Fax:** (530)541-4318 Fax (530)541-8753  
**RCD Federal I.D.#** 95-335693  
**Project Title:** DARE TO CARE/BACKYARD CONSERVATION PROGRAM/1999 \* PHASE II

**Project location, county, watershed:** 1) Tahoe Basin, 2) Placer & El Dorado County's, 3) Lake Tahoe Watershed

**Project Leaders:**  
Suzanne Pearce, District Manger, TRCD  
P.O. Box 10529, South Lake Tahoe, CA 96158  
(530)541-4318 Fax (530) 5418753  
  
Jay Kehne, District Conservations, NRCS TAHOE  
P.O. Box 10519, South Lake Tahoe, CA 96158  
(530)-541-1496 Fax (530) 541-0312

**COOPERATORS:**

**South Tahoe Public Utility District, Dawn Forysthe, Information Officer**  
1275 Meadow Crest, Drive, South Lake Tahoe, CA 96150: (530) 544-6474 Fax (530) 541-0614

**North Tahoe Public Utility District, John Hassenplug, District Manager**  
Post Office Box 139, Tahoe Vista, CA 96148: (530) 546-4212 Fax (530) 546-2652

**Tahoe City Public Utility District, Cindy Guftafson, Information Officer,**  
Post Office Box 33, Tahoe City, CA 96145 (530)583-3796 Fax (530)583-1475

**Incline General Improvement District, Meri McEneny, Resource Specialist**  
893 Southwood Boulevard, Incline Village, NV 89451 (702) 885-1251 Fax (702) 832-1212

**Kingsbury General Improvement District, Candi Rohr, General Manager**  
Post Office Box 2220, Stateline, NV 89449 (702) 832-1267 Fax (702) 588-3541

**Nevada Tahoe Conservation District, Suzanne Pearce, District Manager**

**Post Office Box 10529 South Lake Tahoe, CA 96158 (530)-541-4318 Fax (530) 541-8753**

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**SUPPORTERS:**

**Honorable John T. Doolittle, U.S. Representative  
21300 Professional Drive, Suite 190  
Roseville, CA 95661 (916) 786-5550 Fax (916) 222-1336**

**Charles Taylor, City Planner, City of South Lake Tahoe  
1900 Tata Lane, South Lake Tahoe, CA 96150  
(530)542-6030 Fax (530) 541-7524**

**James Baetge, Executive Director, TAHOE REGIONAL PLANNING AGENCY  
Post Office Box 1028, Zephyr Cove, NV 89448  
(702) 588-4547 Fax (530) 588-4527**

**Laurie Kemper, Lahontan Region Water Quality Control Board  
2501 Lake Tahoe Blvd, South Lake Tahoe, CA 96150  
(530) 542-5400 Fax (530) 544-2271**

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<b>Request from the Department of Conservation</b>	<b>\$ 20,975</b>
<b>Other Funding</b>	<b>\$152,576</b>
<b>Total Project Budget</b>	<b><u>\$173,551</u></b>

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## **B. Executive Summary**

Lake Tahoe's globally recognized unique water quality has been impacted by residential development. The Tahoe Resource Conservation District, (TRCD) and Natural Resources Conservation Service (NRCS-USDA), will protect and enhance the water quality of Lake Tahoe through reduction of water quality impacts associated with the development and management of private residences within the Basin. This will be accomplished through the implementation of the BACKYARD CONSERVATION PROGRAM (BCP) in PHASE II. The BCP will promote the implementation of Best Management Practices for homeowners through education, outreach and technical assistance accessible to all segments of the community. The TRCD and NRCS-USDA will maximize the effectiveness of this program through coordination of program activities with other Basin stakeholders. Success of this program has been visibly recognizable in the changes that occurred in management of residential landscapes in neighborhoods throughout the Lake Tahoe Basin during Phase I of this operation funded last year. Additionally, ongoing surface water quality monitoring of the watersheds in which these neighborhoods occur, will continue to reflect reduction in sediment and nutrient loading as a result of implementation of Best Management Practices promoted by the TRCD and NRCS-USDA through the;

*DARE TO CARE  
BACKYARD CONSERVATION PROGRAM  
PHASE II*

## **C. Project Justification**

The history of the Tahoe Basin with its associated structures and road systems has had a destabilizing effect on its watersheds. These developed areas have become sources of runoff born nutrients to Lake Tahoe, from suspended sediment and fertilizers. Lake Tahoe is listed as an Impaired Water Body by the California State Water Resources Board (303d list 5.19.94). In October, 1998, Lake Tahoe was listed as a Category I Impaired priority watershed under the CA Watershed Assessment. The impairment is due to loss of water quality documented by research by UC Davis and others, showing impacts on clarity due to accelerated algal growth. The results of these impacts are established in long term studies which have shown a tripling of phytoplankton production since 1968 resulting in a reduction of over 40 feet in Secchi Disc readings. Research has also shown the phosphorous (P) as the limiting nutrient in algal production. Two major sources of P in the Tahoe watershed are suspended sediment and attached nutrients associated with landowner landscape management. Years of misapplied fertilizers by local homeowners are a suspected source of both these pollutants as shown through the on going assessments conducted by the Tahoe Regional Planning Agency.

The Tahoe Resource Conservation District (TRCD), NRCS-USDA, in cooperation with federal, state and local entities is initiating the BACKYARD CONSERVATION PROGRAM, PHASE II as a technical assistance and education program to provide Tahoe Basin residents an opportunity to do their part in protecting the pristine waters of this natural treasure. Direct benefits for the local community's recreation based economy will be realized, through the maintenance of a high quality environment which is the primary driver for tourists use of the Basin.

**A strong environmental ethic exists among the residents of the Lake Tahoe Basin, which will provide a receptive audience for PHASE II participation in this program. Success of PHASE II will be assessed through the numbers of residential, municipal properties which implement BMP's and ongoing monitoring of nutrient load and suspended sediment monitored by the US Geological Survey at over twenty (20) surface water sites within the sub-watersheds of the Lake Tahoe Basin.**

**Existing programs relevant to this effort within the Basin at the start of Phase I, included the Tahoe Regional Planning Agency BMP Program, South Tahoe Public Utility District and Incline Village General Improvement Districts water conservation programs and the Waste Not Program of Incline Village. The TRCD and NRCS-USDA will coordinate their program with these local entities to maximize the effectiveness of all programs. Additionally and most importantly, the following have joined in our effort, PHASE II, (North Tahoe Public Utility District and the Tahoe City Public Utility District). The TRCD and NRCS-USDA will also coordinate their programs with these local entities to maximize the effectiveness of all programs.**

**The focus for PHASE II will be *Water Conservation Practices*, while continuing to emphasize the erosion control and revegetation components of Phase I. In PHASE II, the Tahoe Resource Conservation District will require a full time Backyard Conservation Program Coordinator to act as the conduit for project implementation. The goals of the program in 1999 will be to provide technical assistance concerning the implementation of water management, nutrient management, and trickle and sprinkler irrigation management and erosion control. Technical assistance will be provided through "specification sheets" development, consultations, and on-site evaluations, resulting in individual home-owner conservation practices. The Program Coordinator will provide public information and educational outreach to homeowners through workshops, block parties, and mailings. Through new partnerships and collaborations with our cooperators such as; North Shore Water Utility Districts, the clientele base will be doubled from last year. *Water Conservation* education will be an absolute vital activity at Lake Tahoe this coming year due to the impending water restrictions. Water consumption this summer will outstrip the impaired operational ability of the ecosystem and the water demands in the Tahoe Basin. Contaminated water can not be used for domestic consumption, irrigation, or for immediate attack on forest fires. The District will be developing materials to help address this problem. If funded, the Coordinator will follow up Phase I improvements with customers to monitor its success and improve *water conservation* monitoring in PHASE II with more technical applications. In PHASE II, new communities on the North Shore will be shown how to implement this program in their neighborhoods. Water quality, water quantity, erosion control, and Best Management Practices will play a critical role as well as conservation practices targeted at the reduction of domestic water use. In PHASE II, irrigation water management will be demonstrated not only for local governments, but schools, parks, and city and county facilities. The District and NRCS-USDA will partner with each cooperator in a different area of *water conservation*, erosion control, and native plant materials. PHASE II is necessary to continue the successes already apparent, after the implementation of this past year Phase I component.**

***In 1999,  
TAHOE RESOURCE CONSERVATION DISTRICT  
will continue to be the Nations Leader in the National Backyard Conservation  
Program.***

**D. Objectives**

**1) Improve and protect the water quality of Lake Tahoe educating homeowners in the Tahoe Basin in appropriate management practices to;**

- A. Abate Soil Erosion and nutrient runoff.**
- B. Reduce water consumption and improve native habitats.**
- C. Reduce leaching of nutrients and improve ground water quality.**

**Facilitate development of three (3) “Specification Sheets” addressing water management, nutrient management, sprinkler and trickle irrigation management that are Tahoe specific.**

**Direct mail Backyard Conservation Program brochures to thirty one thousand, (31,000) Tahoe Basin residents.**

**Conduct four (4) public workshops at the local Demonstration Gardens, located at the Lake Tahoe Community College and Sierra Nevada College.**

**2) Reach eighty percent (80%) of the absentee homeowners with Backyard Conservation Program technical information.**

- A. Create “Conservation Corner” biographical page for inclusion in Newsletter for five thousand (5,000) new Basin residents quarterly.**
- B. Distribute Spanish Backyard Conservation brochures.**

**3) Conservation technical assistance and practices for homeowners.**

- A. Conservation technical assistance provided to 1,000 homeowners.**
- B. Target ten percent (10%) of 1,000 homeowners for conservation practice implementation applicable to their property.**
- C. Establish volunteer resident hosts in eight (8) neighborhoods.**

**D. Objective**  
**continued**

**4) Coordinate conservation education campaign with local and state groups and agencies.**

**A. Expand the Technical Advisory Committee to include new Cooperators to identify Backyard Conservation Program resource needs, existing programs, and provide for program guidance and direction.**

**E. Work Plans and Methods**

**OBJECTIVE**

**TASK**

**Educate Homeowners**

- **NRCS, will assist the BCP Coordinator to develop three (3) Specification Sheets.**
- **Monthly news releases by TRCD.**
- **Use of inserts in utility district billings and newsletters for information and assistance.**
- **Block Parties and Workshops in local neighborhoods and Demonstration Gardens.**

**Reach Absentee Homeowners -**

- **Create data base through utility districts mailings to target absentee residents.**
- **Create “conservation page” to be mailed to non-basin residents, or absentee residents.**
- **Distribute Spanish BCP brochures to Spanish speaking landowners & renters.**

- Technical Assistance** - **BCP Coordinator to provide assistance and coordinated assessments with both NRCS and TRCD Staff.**
- **Master Gardeners and BCP neighborhood hosts to assist with workshops.**
- Coordination** - **TRCD to act as clearing house through phone and mail contacts for BCP assistance.**
- **The TRCD will form a Technical Advisory Committee to steer the resource needs and monitor the success of the program.**
- **Follow-up and monitor PHASE I customers.**
- **Conduct “HOW TO” presentations at CARCD 1999 Annual Conference at: GRANLIBAKKEN CONFERENCE CENTER**
- **Conduct “HOW TO” PRESENTATIONS AT: CARCD AREA MEETINGS**

**IMPLEMENTATION SCHEDULE**

**FISCAL YEAR 1998-1999**

**Project Title:**  
***DARE TO CARE***  
***BACKYARD CONSERVATION PROGRAM,***  
***PHASE II***  
***Water Conservation in Lake Tahoe, 1999***

**Project Term:** **May 1, 1999 to June 30, 2000**

<b>TASK</b>	<b>IMPLEMENTATION/ COMPLETION DATE</b>
Facilitate development of (3) Water & Nutrient Management Specification Sheets	May 1999
Establish Technical Advisory Committee/TAC	May 1999
Conduct TAC Meetings	Monthly
(6) Monthly News Releases	Monthly
31,000 Conservation Awareness mailings-Utility Districts	Quarterly
Hire BCP Coordinator ( Special Technical Assistant)	May 1999
Distribute Spanish BCP Fact Sheets as available	June 1999
Conduct (4) Public Workshops	June-October 1999
Conduct Neighborhood BLOCK PARTIES	On-Going
Facilitate delivery of On-Site Conservation Tech Assistance to 1,000 Homeowners	June-November 1999
Target 100 Homeowners for Conservation Practice Implementation	June-November 1999
Accomplishments tracked through current NRCS system	June- November 1999
Distribute CONSERVATION NEWSLETTER TO 5 thousand absentee homeowners	Quarterly
Establish (8) Neighborhood Hosts	June- November 1999
Follow-up and monitor PHASE I customers	On-going
HOW TO PRESENTATIONS AT 1999 CARCD ANNUAL CONFERENCE	November 1999
HOW TO PRESENTATIONS AT CARCD AREA MEETINGS	June - November 1999
Submit monthly reports	Monthly
Prepare final report	November 1999
Submit final report	December 1999
Contract termination date	June 30, 2000

***-dare to care-***

## ATTACHMENT 1 COMMITTED INKIND FUNDING

**NRCS, USDA**

**Post Office Box 10529**

**South Lake Tahoe, CA 96158**

**Vehicles  
Staffing Time**

**4,000  
26,000**

**TAHOE RESOURCE CONSERVATION DISTRICT**

**Post Office Box 10529**

**South Lake Tahoe, CA 96158**

**Staffing Time**

**5,200**

**TAHOE REGIONAL PLANNING AGENCY**

**Post Office Box 1038**

**Zephyr Cove, NV 89448**

**Staffing Time**

**70,000**

**SOUTH TAHOE PUBLIC UTILITY DISTRICT**

**1275 Meadow Crest Drive,**

**South Lake Tahoe, CA 96150**

**Staffing Time  
Materials/Postage  
Media**

**5,000  
5,000  
3,200**

**KINGSBURY GENERAL IMPROVEMENT DISTRICT**

**Post Office Box 2220**

**Stateline, NV 89449**

**Staffing Time**

**1,000**

**NEVADA TAHOE CONSERVATION DISTRICT**

**Post Office Box 10529**

**South Lake Tahoe, CA 96158**

**Staffing Time**

**2,000**

**NORTH TAHOE PUBLIC UTILITY DISTRICT**

**Post Office Box 139,**

**Tahoe Vista, CA 96148**

**Materials/Postage**

**4,224**

**TAHOE CITY PUBLIC UTILITY DISTRICT**

**Post Office Box 33**

**Tahoe City, CA 96145**

**Materials/Postage  
Newsletter**

**6,912  
19,440**

**IRROMETER, INC.**

**Post Office Box 2424**

**Riverside, CA 92516-2424**

**Equipment**

**600**

**total inkind funding:**

**\$ 152,576**

**APPENDIX N**  
**SAMPLE GRANT CONTRACT**



**APPENDIX O**  
**GRANT SOURCES**

## **APPENDIX P**

### **SAMPLE GRANT INVOICING AND REPORTING FORMS**

Friendly Creek Resource Conservation District  
1000 Smiling Lane, Suite 100  
Friendly, CA 96002

TO: Department of Conservation  
Division of Land Resource Protection  
Attn: Scott Brennan-Smith  
801 K Street, MS 13-71  
Sacramento, CA 95814

Date: \_\_\_\_\_

Grant Number \_\_\_\_\_

Invoice # \_\_\_\_\_

=====  
For expenditures under this grant during the timeframe:  
\_\_\_\_\_

Personnel

Coordinator  
\$ \_\_\_\_\_  
RCD Staff  
\$ \_\_\_\_\_

Operating Expenses

Travel  
\$ \_\_\_\_\_  
Equipment  
\$ \_\_\_\_\_  
Material & Supplies  
\$ \_\_\_\_\_

Professional/Consultant Services

\$ \_\_\_\_\_

Miscellaneous

\$ \_\_\_\_\_

Total Expenditures This Invoice

\$ \_\_\_\_\_

Less 10% Grant Retention

\$ \_\_\_\_\_

**Total reimbursement requested this invoice**

**\$ \_\_\_\_\_**

\_\_\_\_\_  
President (or authorized designee)

Department of Conservation  
Division of Land Resource Protection  
RCD Grant Program - Status Report

Grantee \_\_\_\_\_, Resource Conservation  
District \_\_\_\_\_

(RCD name)

Grant number \_\_\_\_\_ Date \_\_\_\_\_

For the reporting  
period \_\_\_\_\_.

1. Is your project on schedule? (Refer to the timeline attached to your Grant)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Do you have any pertinent reports/interim findings/success stories to report?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If you submitted an article to the newspaper describing project successes, what would you say?

\_\_\_\_\_  
\_\_\_\_\_

4. Have you encountered any difficulties/special problems in accomplishing the scope of work?

\_\_\_\_\_  
\_\_\_\_\_

5. Provide a narrative financial report comparing costs to date with the approved scope of work and budget.

\_\_\_\_\_  
\_\_\_\_\_

6. Please submit any copies of materials produced to date under the terms of this grant.<sup>1</sup>

\_\_\_\_\_

<sup>1</sup> If necessary, attach additional pages for completion of status report.

**APPENDIX Q**  
**SAMPLE DISTRICT POLICIES**

**APPENDIX R**  
**SAMPLE BOARD RESOLUTIONS**

## **RESOLUTION 99-**

### **Modification of CARCD By Laws** RE: Change the term “Area” to “Region”

**Whereas** the By-Laws were modified and subsequently adopted at the annual meeting in 1998 and changed Area Boundaries and specified particular regional name changes for the previously numerically designated Areas (ie. odd and even numbers),

**Whereas** the change to Areas was determined to be more representative of the 10 bio-regions of the State of California,

**Whereas** increasing numbers of funding requests for proposals indicate that “Regional” requests may be given more weight in the selection process,

**Whereas** increasing numbers of governmental planning groups and agencies are adopting the descriptive name “Regional”, thus making the term “areas” non-descriptive and possibly confusing,

**THEREFORE BE IT RESOLVED** that all language in the bylaws referring to Areas (and Area chairs, elections etc.) be changed to “Regions” and “Regional”.

---

Note:

If adopted, for example, Areas known as the North Coast Area of RCDs would become the North Coast Region, etc.

**APPENDIX S**

**SAMPLE EMPLOYEE POSITION DESCRIPTION  
AND JOB ANNOUNCEMENT**



**APPENDIX T**

**DISTRICT ACCOUNTING PROCEDURES**

## Note

The deadline for completing this first edition of the *Guidebook* precluded inclusion of complete accounting procedures for districts. Because this is a complex subject and needs clear directions and usable models for districts to use, the *Guidebook* team decided to wait until complete and useful guidelines were developed, instead of including incomplete or confusing information at this time.

We apologize for the omission of this important information and will strive to include this in the *Guidebook* as soon as possible. This section has been placed in a separate Appendix (and referenced in Step 8, How to Manage District Daily Operations) to facilitate including it at a later date. Once thorough accounting procedures are developed they will be mailed to you to include here in the appendices.

**APPENDIX U**

**SAMPLE DISTRICT NEWSLETTERS  
AND  
*A PRACTICAL GUIDE FOR PRINTING DISTRICT NEWSLETTERS  
AND ANNUAL REPORTS***

**APPENDIX V**  
**EDUCATIONAL RESOURCES**

## EDUCATIONAL RESOURCES

### The CARCD Education Committee

The California Association of Resource Conservation Districts' (CARCD) Education Committee (sometimes known as the V.I.C.E. Committee, or "Volunteers In Conservation Education"), provides conservation education opportunity and program information to RCDs, conservation partners, and communities.

The committee meets on an as-needed basis, but nearly always at the CARCD Annual Meeting & Conference in November. With its education fund, the committee supports programs such as the Speak-Off--the annual speech contest for high school students in California--and the state and national Envirothon competitions. The committee acts as a clearinghouse for conservation education programs around California.

Membership on the Education Committee consists of a representative from each CARCD Area, a district director and/or RCD staff person. Only directors may vote on committee business, but participation from everyone is welcome. Individuals may support conservation education in California by purchasing a V.I.C.E. card for \$10. (See Appendix T, Contact Information, for the current CARCD address and phone listings).

### Acorn Naturalists

A company that stocks a huge collection of printed materials, supplies and resources for naturalists and environmental educators. Their catalog features books, field guides, animal calls, replicas of skulls, and an unusual assortment of animal puppets.

*Acorn Naturalists  
17300 East 17<sup>th</sup> Street, #j-236  
Tustin CA 92730  
(800)422-8886;  
FAX: (800)452-2802*

### Adopt-A-Watershed

Adopt-A-Watershed is a hands-on program for students K-12. Its goals are to enhance science education for elementary and secondary students and encourage watershed stewardship through collaboration with community partners. A startup packet and kit are available through the address listed above.

*Adopt-A-Watershed  
98B Clinic Ave./Box 1850  
Hayfork CA 96041-1850  
(530)628-5334; FAX (530)628-4212  
[aaw@tcoe.trinity.k12.ca.us](mailto:aaw@tcoe.trinity.k12.ca.us)*

## **Backyard Conservation Program**

The Backyard Conservation program features a collection of tip sheets, a booklet, and video, all available at this site. Backyard Conservation Kits are available through the NACD Service Center listed under National Association of Resource Conservation Districts, below. The website for the Backyard Conservation program is:

[www.nhq.nrcs.usda.gov/CCS/backyard.html](http://www.nhq.nrcs.usda.gov/CCS/backyard.html)

## **California Association of Resource Conservation Districts (CARCD)**

CARCD provides assistance to districts through a Communications Coordinator, a staff person assigned to outreach/education. In addition to working with the Education Committee, the Communications Coordinator answers questions and makes referrals on educational topics. A number of RCDs in California operate excellent education programs that serve as models for all districts. A traveling exhibit on Resource Conservation Districts is available to districts to use free of charge for public events. Districts need to arrange for shipping or transportation of the exhibit. CARCD also maintains a file of educational resource materials in the office, and usually includes workshops on educational topics at the annual state conference. Special programs such as "Wild on Watersheds" provide educational tours and assistance to communities in starting their own watershed awareness programs.

*California Association of Resource Conservation Districts (CARCD)*  
801 K St., Ste. 1318  
Sacramento CA 95814  
(916)447-7237, FAX (916)447-2532  
<http://ceres.ca.gov/carcd>

## **California Foundation for Agriculture in the Classroom (AIRC)**

Agriculture in the Classroom is designed to help make students K-12 agriculturally literate. Through various programs and resources, educators are encouraged to teach more about agriculture and the role it plays in the economy and society. The organization publishes lesson plans on a wide variety of topics from "What Do Plants Need to Grow" to "What's Bugging You" (a lesson on Integrated Pest Management) to "Water, Water Everywhere and Barely a Drop to Drink." Also available are other instructional materials such as photos, slides, and videos. An extensive Teacher and Resource Guide on educational materials about agriculture is published annually. AIRC sponsors an annual conference in October.

*California Foundation for Agriculture in the Classroom (AIRC)*  
P.O. Box 15949  
Sacramento CA 95852-0949  
(800)700-AIRC or (916)561-5625

### **California Water Awareness Campaign**

A School Outreach Kit for grades K-6, including a California Water Map, Science Projects and Experiments, a Timeline of California's Water History, and more is available from this organization.

*California Water Awareness Campaign*  
910 K Street, Ste. 340  
Sacramento CA 95814-3512  
(916)325-2596; FAX (916)325-4849  
e-mail: [cwag@acwanet.com](mailto:cwag@acwanet.com)

### **National Association of Conservation Districts**

The NACD Service Center produces a wide variety of conservation education materials, ranging from comic books, coloring books and posters, plant identification guides, and special topic books covering soil and water stewardship, butterflies, trees and shrubs, Backyard Conservation, and lots more. NACD also has videos and audio recordings plus miscellaneous products like pencils, textbook covers, bookmarks, and stickers. They can also produce specialty items like hats, tote bags, and t-shirts.

In addition, NACD sponsors a number of awards and contests throughout the year that recognize outstanding contributions to conservation education. These include Teacher of the Year (elementary, secondary), District of the Year, a Poster Contest, District Outreach Award for district newsletters, and a Photo Contest, among others. The Goodyear Award is a special citation given to one district in each state. The winning districts receive a paid trip to a national training seminar. The District of the Year and Teacher of the Year awards originate at the local district level and progress to the state and national levels. Each of the awards and contests have different deadlines, which are listed on the entry forms mailed to all conservation districts nationwide. When a district or individual wins an award, it often translates to local newspaper coverage and increased public awareness in the community about conservation. Someone's got to win these awards—it may well be your director or district. All it takes is a few minutes to fill out the applications.

*National Association of Conservation Districts (NACD)*  
Service Center  
408 East Main St./P.O. Box 855  
League City TX 77574-0855  
(800)825-5547  
281)332-3402, FAX (281)332-5259  
<http://www.nacdnet.org>

### **National Tree Trust (NTT)**

This national non-profit group serves as a catalyst for local volunteer and community service groups in the growing, planting, and maintenance of trees in rural communities,

urban areas, and along the nation's highways. The organization provides grants to schools and volunteer organizations for trees to be planted and maintained throughout the country. Grant instructions, deadlines, and eligibility requirements are available by contacting the NTT.

*National Tree Trust (NTT)*  
1120 G Street, NW, Ste. 770  
Washington, D.C. 20005  
(800)346-8733; FAX (202)628-8734  
<http://www.nationaltreetrust.org>

### **Project Learning Tree**

Project Learning Tree (PLT) was developed through a joint effort of the American Forest Foundation, an association of wood products industries, and the Western Region Environmental Council, an organization of representatives of state departments of education and natural resource agencies in 13 western states. The materials were written by classroom teachers and other educators, resource agency personnel and representatives of private conservation groups and forest companies. Their goal was to provide environmental education and resource conservation teaching materials which present a balance of perspectives about conserving and managing resources.

In California, in addition to American Forest Foundation and Western Region Environmental Council, PLT is sponsored by the state Department of Forestry and Fire Protection with support from the State Department of Education. Within the local PLT networks, various agencies, associations, school districts, museums, parks and companies provide assistance with the PLT program. Project Learning Tree provides:

- ready-made lessons and activities that can be used to supplement existing curricula or programs.
- activities are that are action-oriented, can be used in any order, and require little, if anything in the way of equipment.
- activities that can be used with children with special needs.

To find out more about PLT workshops in your area, or for additional information, contact:

*Kay Antunez*  
*Project Learning Tree Coordinator*  
*Department of Forestry and Fire Protection*  
*P.O. Box 944246*  
*Sacramento, CA 94244-2460*

### **Project WET**

The Water Education Foundation operates Project WET, a workshop training program for teachers to provide them with ideas for lessons plans and activities on water issues. The Water Education Foundation exists to provide objective information and resources for water information in the West, and to develop education programs on water issues.



*Water Education Foundation*  
717 K St., Ste. 317  
Sacramento CA 95814  
(916)444-6240  
[www.water-eg.org](http://www.water-eg.org)

## **Project WILD**

Project WILD is one of the most widely used conservation and environmental education programs among educators of students in kindergarten through high school. Project WILD is based on the premise that young people and educators have a vital interest in learning about our natural world. The program emphasizes wildlife--because of its intrinsic and ecological values, as well as its importance as a basis for teaching how ecosystems function. In the face of competing needs and pressures affecting the quality and sustainability of life on earth, Project WILD addresses the need for human beings to develop as responsible citizens of our planet.

Since 1983, Project WILD, through a national network of state coordinators and facilitators has provided workshops and materials (Project WILD K-12 Activity Guide and Project WILD Aquatic Education Activity Guide) focusing on hands-on, activity-based, environmental education to over 550,000 educators. Those educators have provided instruction using Project WILD to more than 35 million youth. Project WILD recognizes that in addition to classroom experiences that expand their awareness, knowledge, and skills, young people need to know they can create positive changes--changes for themselves, for others, and for the planet. Project WILD uses effective methods to teach problem solving and decision making. It teaches students how to think, not what to think. Project WILD guides the student through a process that begins with awareness; moves toward understanding; challenges preconceived notions; and instills the confidence, skills, and motivation to take responsible action on behalf of the environment. We know that one factor that contributes to adults taking initiative as citizens is to have experienced some success in the process at an early age. We find this approach is a solid way to encourage responsible ecological citizenship.

*Project WILD Coordinator*  
*California Department of Fish & Game*  
*Conservation Education*  
1416 Ninth Street, Room 1342-1  
Sacramento, CA 95814  
Tel: (916) 657-2672  
Fax: (916) 653-3772  
E-mail: [sgude@hq.dfg.ca.gov](mailto:sgude@hq.dfg.ca.gov)  
Web Page: <http://www.dfg.ca.gov/wpd/info.html#A1.2.2>  
The main site for Project WILD is:  
<http://www.projectwild.org/main.html>

**San Francisco Public Market Collaborative**

The mission of these organizations is to help the Bay Area's population develop an emotional and spiritual connection, and an economic and intellectual commitment, to regional sustainable agriculture. Their programs include "Market Cooking for Kids," a hands-on cooking and science program focusing on fresh locally-grown produce and its nutritional and ecological value, and includes farm field trips; Open Garden Day, a self-guided tour of Bay Area urban gardening and greening projects; and "A Garden in Every School," promoting garden-based education, and sustainable agriculture awareness. The Bay Area Urban Gardening and Greening Resource Guide lists 125 organizations and agencies involved in all aspects of urban greening and gardening.

*San Francisco Public Market Collaborative  
Center for Urban Education about Sustainable Agriculture  
41 Sutter Street, Ste. 1744  
San Francisco CA 94104  
(415)981-3004; e-mail: [sfpmc@ipc.org](mailto:sfpmc@ipc.org)*

**USDA Natural Resources Conservation Service (NRCS)**

The NRCS State Office, Public Affairs division, is a valuable resource for teachers and district education coordinators. Materials available through this office include comic books, post cards, fact sheets and tip sheets, bookmarks, and seed packets. NRCS also stocks other products handy for giveaways at fairs and festivals, such as balloons and children's washable tattoos. The Public Affairs office has published a Teacher's Catalog that lists NRCS educational sources as well as other useful titles in conservation. Special packages for teachers are available by request, along with the above materials. Some of these items are available through NRCS Field Offices throughout the state. Also, the NRCS California home page covers a variety of resources helpful for education coordinators.

*USDA Natural Resources Conservation Service (NRCS)  
State Office  
430 G Street, #4164  
Davis CA 95616-4164  
Public Affairs: (530)792-5647; FAX (530)792-5791  
[www.ca.nrcs.usda.gov/](http://www.ca.nrcs.usda.gov/), click on "Public Affairs."*

**USDI Bureau of Reclamation**

The Bureau of Reclamation funds several educational programs, including the Water Conservation Field Services Program, a grant program for water agencies and conservation groups. The website contains more education resources, including downloadable lesson plans on water conservation.

*USDI Bureau of Reclamation  
2800 Cottage Way  
Sacramento CA 95825  
(916)978-5100; FAX (916)978-5114  
[www.watershare.usbr.gov](http://www.watershare.usbr.gov)*

**Wild on Watersheds**

A program of the California Association of Resource Conservation Districts (CARCD) that promotes watershed education through a web site, education materials, and tour information. For more information contact:

*California Association of Resource Conservation Districts (CARCD)  
801 K St., Ste. 1318  
Sacramento CA 95814  
(916)447-7237, FAX (916)447-2532  
<http://ceres.ca.gov/carcd>*

*For a specific site address for Wild on Watersheds, go to:  
<http://ceres.ca.gov/carcd/wow/wow.htm>*

**APPENDIX W**  
**CONTACT INFORMATION**

## NON-PROFIT ORGANIZATIONS

### **California Association of Resource Conservation Districts (CARCD)**

*California Association of Resource Conservation Districts (CARCD)*  
801 K St., Ste. 1318  
Sacramento CA 95814  
(916)447-7237, FAX (916) 447-2532  
<http://ceres.ca.gov/carcd>  
Executive Director: Tom Wehri

### **California Envirothon Committee**

1601 Newstine Road #270  
Bakersfield, CA 93309  
Phone: (661) 861-4129  
Fax: (661) 861-4333  
Chair: Brain Hockett

### **California Organization of District Employees (CODE)**

PO Box 10529  
South Lake Tahoe, CA 96158  
Phone: (530) 541-5654  
Fax: (530) 541-8753  
President: Doug Witt

### **California Special Districts Association (CSDA)**

CSDA Membership  
1121 L Street, Suite 508  
Sacramento, CA 95814  
Phone: (916) 442-7887  
Fax: (916) 442-7889  
Website: [Http://csda.net/membership.htm](http://csda.net/membership.htm)

### **Conservation Technology Support Program**

201 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94105  
Phone: (415) 979-0474  
Fax: (415) 979-0371  
Autoreply: [info@ctsp.org](mailto:info@ctsp.org)  
E-mail: [ctsp@ctsp.org](mailto:ctsp@ctsp.org)  
Website: [www.ctsp.org](http://www.ctsp.org)

**Coordinated Resource Management Planning Program (CRMP)**

801 K St., Suite 1318  
Sacramento, CA 95814  
Phone: (916) 447-7237,  
Fax: (916) 447-2532  
Director: Catriona Black

**Elkus Youth Camp**

Range Camp  
Half Moon Bay  
Cynthia Mallet  
Phone: (760) 745-2061

**Gifts in Kind International**

Website: <http://www.giftsinkind.org/>

**National Association of Conservation Districts (NACD)**

*National Association of Conservation Districts  
Service Center  
408 East Main St./P.O. Box 855  
League City TX 77574-0855  
(800)825-5547  
281)332-3402, FAX (281)332-5259  
<http://www.nacdnet.org>*

*National Association of Conservation Districts  
Capacity Building Center  
NE 1615 Eastgate Blvd., Suite B  
Pullman, WA 99163  
Phone: (509) 334-1823  
Fax: (509) 334-3453  
E-mail: [capacity@nacd.org](mailto:capacity@nacd.org)  
Capacity Building Specialist: Ray Ledgerwood*

**Non-Profit Resource Center**

*Sacramento and Redding  
Phone: (916) 264-2772  
[Http://www.sacramento.org/nprc/index/html](http://www.sacramento.org/nprc/index/html)*

**CALIFORNIA AGENCIES**

**California Resources Agency**

1416 Ninth Street, Suite 1311  
Sacramento, CA 95814  
Phone: (916) 653-5656  
Fax: (916) 653-8102

**California Department of Conservation (DOC)**

*Division of Land Resource Protection*  
801 K St. MS 13-71  
Sacramento, CA 95814  
Phone: (916) 324-0850  
Fax: (916) 327-3430  
E-mail: [dlrp@consrv.ca.gov](mailto:dlrp@consrv.ca.gov)  
Website: <http://www.consrv.ca.gov>

**California Department of Forestry and Fire Protection (CDF)**

1416 Ninth Street  
Sacramento, CA 95814  
Phone: (916) 653-5121

**California Air Resources Board (ARB)**

2020 L Street/PO Box 2815  
Sacramento, CA 95814  
Phone: (916) 322-8186  
<http://www.arb.ca.gov>

**California Conservation Corps (CCC)**

1719 24<sup>th</sup> Street  
Sacramento, CA 95816  
1-800-952-5627  
Phone:(916) 341-3100  
Fax: (916) 323-4989

**California Department of Fish and Game (CDF&G)**

1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814  
Phone: (916) 653-7664  
Fax: (916) 653-1856

**California Department of General Services (DGS)**

1325 J Street, Suite 1910  
Sacramento, CA 95814  
Phone: (916) 657-9900  
Website: <http://www.dgs.ca.gov>

**California Department of Water Resources (DWR)**

1416 Ninth Street/PO Box 942836  
Sacramento, CA 95814  
Phone: (916) 653-5791  
Fax: (916) 653-5028  
Water Education and Press: (916) 653-6192

**Water Resources Control Board (SWRCB)**

901 P Street, PO Box 100  
Sacramento, CA 95812  
Phone: (916) 657-2390  
<http://www.swrcb.ca.gov>

**Department of Pesticide Regulation**

1020 N Street, Room 100  
Sacramento, CA 95814  
Phone: (916) 445-4300  
Fax: (916) 324-1452

**University of California Cooperative Extension (UCCE)**

UC Davis  
One Shields Ave.  
Davis, CA 95616  
Phone: (530) 754-8491  
Fax: (530) 754-8499

**University of California, Davis, Information Center  
for the Environment,**

Natural Resource Project Inventory (NRPI)  
<http://endeavor.des.ucdavis.edu/nrpi>



**California Environmental Protection Agency (CAL EPA)**

555 Capitol Mall, Suite 525  
Sacramento, CA 95814  
Phone: (916) 445-3846

**FEDERAL AGENCIES**

**Internal Revenue Service**

Website: <http://www.irs.ustreas.gov/>

**USDA Natural Resources Conservation Service (NRCS)**

430 G Street #4164  
Davis, CA 95616  
Phone: (530) 792-5603  
Fax: (530) 792-5600  
Website: [www.ca.USDA.gov](http://www.ca.USDA.gov)

**USDA Forest Service\* (USFS)**

3070 Camino Heights Dr.  
Camino, CA 95709  
Phone: (530) 644-6048  
Fax: (530) 244-3034

**USDA Farm Services Agency (FSA)**

430 G Street, #4161  
Davis, CA 95616  
Phone: (530) 792-5520  
Fax: (530) 792-5555

**US Environmental Protection Agency (EPA)**

75 Hawthorne St.  
San Francisco, CA 94105  
Phone: (415) 744-2011  
Fax: (415) 744-1070

**USDI Bureau of Reclamation (BOR)**

2800 Cottage Way  
Sacramento, CA 95825  
Phone: (916) 978-5100  
Fax: (916) 978-5114

**USDI Bureau of Land Management**

**(BLM)**

*2800 Cottage Way  
Sacramento, CA 95825  
Phone: (916) 978-4400  
Fax: (916) 978-4620*

**Veteran Employment Training Service**

*Veteran Employment Training Service  
US Dept. of Labor  
200 Constitution Ave. NW Room S1316  
Washington, DC 20210  
Phone: (202) 219-9110*

**APPENDIX X**  
**LIST OF CONSERVATION PARTNERS**

**NON-PROFIT ASSOCIATIONS**

California Association of Resource Conservation Districts	(CARCD)
National Association of Conservation Districts	(NACD)
California Organization of District Employees	(CODE)
Coordinated Resource Management Planning Program	(CRMP)

**CALIFORNIA AGENCY PARTNERS**

California Department of Conservation	(DOC)
California Department of Forestry and Fire Protection	(CDF)
California Air Resources Board	(ARB)
California Conservation Corps.	(CCC)
California Department of Fish and Game	(CDF&G)
California Department of Water Resources	(DWR)
Water Resources Control Board	(WRCB)
Department of Pesticide Regulation	
University of California Cooperative Extension	(UCCE)
California Energy Commission	
California Environmental Protection Agency	(CAL EPA)

**FEDERAL AGENCY PARTNERS**

USDA Natural Resources Conservation Service	(NRCS)
USDA Forest Service	(USFS)
USDA Farm Services Agency	(FSA)
US Environmental Protection Agency	(EPA)
USDI Bureau of Reclamation	(BOR)
USDI Bureau of Land Management	(BLM)
US Army Corps of Engineers	

For current contact information for the associations, agencies and groups listed above, see Appendix W, Contact Information.

## **APPENDIX V**

### **LIST OF CONSERVATION WEBSITES**

**Note:**

The list of conservation Websites is still under development. Once completed, it will be mailed out to districts to include here in the *Guidebook*.

**APPENDIX Z**

***THE RESOURCE CONSERVATION DISTRICT GUIDEBOOK***  
**DEVELOPMENT AND REVIEW TEAMS**

## RCD GUIDEBOOK DEVELOPMENT TEAM

Katriona Black	Coordinated Resource Management and Planning
Scott Brennan-Smith	CA Department of Conservation
Kathy Davis	CA Department of Conservation
Jim Kocsis	Natural Resources Conservation Service
Jim Geiger	CA Department of Forestry and Fire Protection
Diane Holcomb	Natural Resources Conservation Service
Tina Suarez-Murias	CA Air Resources Board
Keith Watkins	CA Department of Water Resources
Tom Wehri	California Association of Resource Conservation Districts
Aleta Zak	California Association of Resource Conservation Districts/California Organization of District Employees



## RCD GUIDEBOOK REVIEW TEAM

Carol Bartels	California Association of Resource Conservation Districts
Linden Brooks	Natural Resources Conservation Service
Robert Dolton	California Association of Resource Conservation Districts
Helen Flach	Natural Resources Conservation Service
JR Flores	Natural Resources Conservation Service
Patrick Frost	Trinity County Resource Conservation District
Jim Geiger	CA Department of Forestry and Fire Protection
John Hertle	California Association of Resource Conservation Districts
Jason Jackson	Natural Resources Conservation Service
Shelly Lamb	Riverside-Corona Resource Conservation District
Ray Ledgerwood	National Association of Conservation Districts
Elena Letton	Trinity County Resource Conservation District
Pete Lounsbury	California Association of Resource Conservation Districts
Raymond Mostin	California Association of Resource Conservation Districts
Tim O'Keef	California Association of Resource Conservation Districts
Mark Oldfield	CA Department of Conservation
Nadine Scott	California Association of Resource Conservation Districts
Donna Thomas	California Association of Resource Conservation Districts
Keith Watkins	CA Department of Water Resources
Aleta Zak	California Association of Resource Conservation Districts/California Organization of District Employees