

**FOOD AND AGRICULTURAL CODE - FAC**

**DIVISION 4. PLANT QUARANTINE AND PEST CONTROL [5001 - 8808]**

*( Division 4 enacted by Stats. 1967, Ch. 15. )*

**PART 1. GENERALLY [5001 - 6299]**

*( Part 1 enacted by Stats. 1967, Ch. 15. )*

**CHAPTER 12. Winegrape Pest and Disease Control District Law [6200 - 6290]**

*( Chapter 12 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**ARTICLE 1. Findings and Definitions [6200 - 6202]**

*( Article 1 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**6200.**

The Legislature finds and declares all of the following:

(a) California is the leading producer of wine in the United States, accounting for 72 percent of all wine, foreign and domestic, consumed in this country.

(b) Winegrapes are grown in virtually every county for processing by more than 800 wineries located throughout the state.

(c) California grows more than 327,455 acres of winegrapes producing 2,570,707 tons of grapes per year valued at more than seven hundred eighteen million dollars (\$718,000,000), as of 1990, with a direct and indirect impact on the state's economy totaling more than eight billion six hundred million dollars (\$8,600,000,000).

(d) Destructive pests and diseases, including phylloxera, pose a significant and imminent threat to the state's important grape and wine industry.

(e) Phylloxera has already infested grape acreage in many California counties, including Napa and Sonoma, resulting in losses totaling two billion dollars (\$2,000,000,000) to growers and the wine industry.

(f) The state has an interest in protecting its agricultural products from further destruction by phylloxera and other harmful pests and diseases.

(g) To avoid a potentially catastrophic loss to one of California's most important industries, the Legislature declares that this chapter is in the interest of the public health and welfare.

(h) The Legislature further declares that it is in the interest of the public health and welfare that the districts authorized to be created by this chapter not duplicate existing services already being provided to grape growers by the University of California Cooperative Extension Farm Advisor or the county agricultural commissioners.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6200.5.**

This chapter shall be known and may be cited as the Winegrape Pest and Disease Control District Law.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

## 6201.

It is the purpose of this chapter to make available a procedure for the organization, operation, government, and dissolution of districts to respond to, manage, and control the effects of the spread of the phylloxera pest, and other pests that attack winegrape plants, and to collect and disseminate to winegrape producers in the district all relevant information and scientific studies concerning the pest or pests, as well as to chart and determine the extent and location of any infestations. Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to districts organized pursuant to this chapter.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

## 6202.

Unless the context otherwise requires, the definitions in this section govern the construction of this chapter.

(a) "Board" or "board of directors" means the board of directors of a district.

(b) "District" means a winegrape pest and disease control district organized pursuant to this chapter.

(c) "Owner" includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under court appointment.

(d) "Phylloxera," *Daktulosphaira vitifoliae*, is an aphid-like pest in the family of Phylloxeridae that attacks winegrape plants (*Vitus* sp.).

(e) "Winegrapes" means grapes produced that are intended to be converted from their fresh form into grape juice, grape concentrate, wine, or products thereof, including, but not limited to, high proof and brandy produced from winegrapes.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

## **ARTICLE 2. Formation of Districts [6210 - 6223]**

*( Article 2 added by Stats. 1993, Ch. 1078, Sec. 1. )*

## 6210.

Proceedings for the formation of a district within any county shall be commenced by a petition that is either of the following:

(a) Signed by 50 percent or more of the growers who own 65 percent or more of the affected land.

(b) Signed by 65 percent or more of the growers who own 50 percent or more of the affected land.

The petition shall be addressed to, and filed with, the board of supervisors of the county.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6211.**

The petition may be filed in sections, each of which shall comply with all the requirements for a petition, except that a section need not contain the total number of signatures required for the petition.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6212.**

Signatures to the petition may be withdrawn at any time before it has been acted upon by filing with the clerk of the board of supervisors a declaration signed by the petitioner that states that it is the intention of the petitioner to withdraw his or her signature from the petition.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6213.**

(a) The petition shall state the name of the proposed district and shall set forth its boundaries or describe the lands to be included.

(b) It is a sufficient designation of the boundaries of a proposed district to recite that all the grape acreage in the county is to be included in the district, or that all the grape acreage in a designated area within the county is to be included in the district.

(c) If either designation is used, the outside boundary of the area so designated is the boundary of the district, and the district shall include all area within the outside boundary.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6214.**

(a) Upon the presentation and filing of a petition, the board of supervisors shall refer the petition to the county agricultural commissioner for the preparation of a register of owners of winegrape acreage within the proposed district, and for an investigation and report.

(b) The agricultural commissioner shall create a register of all winegrape acreage owners within the proposed district describing the net acreage of land devoted to the growing of winegrapes by each grower. The commissioner shall file with the register a report and recommendation to the board of supervisors on whether conditions of the phylloxera or other pest or disease warrant the board of supervisors proceeding with the organization of the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6215.**

- (a) The board of supervisors shall fix a time and place for the hearing of the petition.
- (b) The hearing shall not be less than 20 days, or more than 40 days, after the filing of the petition with the board of supervisors.
- (c) The board of supervisors shall order the clerk of the board of supervisors to give notice of the time and place fixed for the hearing upon the petition.  
*(Amended by Stats. 2002, Ch. 221, Sec. 27. Effective January 1, 2003.)*

**6216.**

The notice of hearing shall do all of the following:

- (a) State the name of the district and that it is being formed for the control of winegrape pests and diseases.
- (b) State the petition is available for inspection at the office of the clerk of the board of supervisors.
- (c) Designate the boundaries of the proposed district in substantially the same way that they are described in the petition.
- (d) State the time and place for the hearing.
- (e) State that at the hearing protests will be considered by the board of supervisors.
- (f) State that requests in writing for the exclusion of lands from, or the inclusion of lands in, the proposed district, will be heard and considered by the board of supervisors.  
*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6217.**

Notice of the hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.  
*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6218.**

The notice shall be published once a week for two successive weeks prior to the date set for the hearing.  
*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6219.**

At the hearing, the report of the county agricultural commissioner shall be received. Protests may be made orally or in writing by any person interested in the formation of the proposed district. Any protest that pertains to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities and

defects to which objection is made. All written protests shall be filed with the clerk of the board of supervisors on or before the time fixed for the final hearing. The hearing may be continued from time to time, not to exceed 60 days.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6220.

At the hearing, any owner of winegrape acreage in the proposed district may present to the board of supervisors a request, in writing, for the exclusion of that land or any part of that land from the proposed district upon a showing that the land or part of that land will not be benefited by the activities of the proposed district. Factors that the board of supervisors may consider in its determination to exclude shall include an affidavit from the landowner stating that the land has already been affected by phylloxera or other winegrape plant pests or diseases and the winegrape plants have been removed from the land, that more than 66 percent of the subject parcel is planted with non-vinifera-crossed rootstock, including, but not limited to, St. George, S04, 5C, or 5BB rootstock, or that the subject parcel does not have a pest or disease problem that can be controlled by the district. Any owner of winegrape acreage outside the proposed district may present to the board of supervisors a request in writing for inclusion of that land in the proposed district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6221.

If the board of supervisors determines that the petition does not comply with the requirements of law, the matter may be dismissed without prejudice to present a new petition covering the same matter. A finding by the board of supervisors in favor of the sufficiency of the petition and notice is final and conclusive against all persons except the state in a proceeding brought by the Attorney General within one year of the date of the making of the order establishing and describing the boundaries of the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6222.

(a) If the board of supervisors determines that the project is feasible and in the interest of the winegrape growers of the county, the board of supervisors shall, by order entered in its minutes, declare the district duly organized under the name designated in the petition for the formation of the district.

(b) The order shall describe the territory included in the district and, if the board of supervisors does not exclude or include land pursuant to Section 6223, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition.

(c) A copy of the order duly certified by the clerk of the board of supervisors shall be filed for record in the office of the county recorder of the county in which the district is situated.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6223.**

(a) In determining the boundaries of the district, the board of supervisors shall exclude from the district any winegrape acreage that it finds will not be benefited by the proposed project, and it may include in the district any lands that it finds will be benefited if it also finds it will be in the interest of the district to include these lands. The inclusion may be upon application of the owner or, without the owner's application, upon giving the owner notice of the proposed inclusion and an opportunity for a hearing on the inclusion.

(b) Notice of inclusion shall be mailed, postage prepaid, by the clerk of the board of supervisors, to the address of the owner of the land as shown by the last equalized county assessment roll, and to any person that has filed with the clerk that person's name and address and description of land in which he or she has either a legal or equitable interest. The notice shall describe the land proposed to be included, and shall state the time and place at which objections to the inclusion will be heard.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**ARTICLE 3. Organization of Districts [6230 - 6237]**

*( Article 3 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**6230.**

Upon the adoption of the order of organization, the board of supervisors shall immediately appoint a board of directors of five members to administer the affairs of the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6231.**

In order to be eligible to be a director of the district, a person shall be a citizen of the United States and of this state, and an owner of lands included in the district that are devoted, in whole or in part, to the growing of the product for which the district is established.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6232.**

Upon his or her appointment, each director shall, in the manner provided by law, subscribe the oath of office and file the oath with the county clerk.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

### 6233.

(a) From and after the filing for record of the order of the board of supervisors declaring the district organized, and the appointment and qualification of its first board of directors, the organization of the district is complete. The district shall operate for a period of five years from the date of its organization, and shall cease to exist after five years unless the district is reauthorized and approved by the board of supervisors.

(b) The board of directors shall hold a public hearing six months prior to termination of its initial organization or last reauthorization to determine whether the conditions of the phylloxera or other pest or disease determined pursuant to Section 6214 warrant the reauthorization of the district for an additional five years. The notice of hearing shall state the name of the district and that consideration is being given to reauthorizing the district for an additional five years, the boundaries of the district, and the time and place for the hearing. Notice of the hearing shall be given as provided in Sections 6217 and 6218. The board of directors shall submit the record of the hearing and its recommendation to the board of supervisors within 90 days of the hearing. The board of supervisors shall approve or reject the recommendation; if it rejects the recommendation, the board of supervisors shall return the report accompanied by its reasons for the rejection to the board of directors within 30 days of receipt. The board of directors may thereafter address the reasons for rejection by the board of supervisors and submit an amended report and new recommendations for reauthorization for approval or rejection by the board of supervisors, unless the district has ceased to exist pursuant to subdivision (a).

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

### 6234.

(a) Immediately after the organization of the district, the directors shall meet and organize as a board and shall elect a chairperson, vice chairperson and secretary from among their own number.

(b) The chairperson shall call and preside at all meetings of the board, sign all warrants drawn on the county treasurer, and all contracts and other documents, and the minutes of all meetings at which the chairperson is present. In case of the chairperson's absence from a meeting, the vice chairperson shall act as chairperson pro tempore. The vice chairperson may sign warrants in place of the chairperson if the chairperson is absent from a meeting or unavailable. The secretary shall give notice of and keep the minutes of all meetings and prepare and have custody of all records and papers, and have custody of the seal of the district. The secretary shall attest all warrants drawn on the county treasury, all contracts and other documents, and shall sign the minutes of all meetings at which he or she is present. The secretary shall prepare the annual reports and any other reports required by the board and shall prepare all notices and all calls for bids.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6235.**

The members of the board shall serve for terms of one year, or for a longer term as determined by the board of supervisors, and until the appointment and qualification of their successors.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6236.**

Upon the expiration of the term of any member of the board, the board of supervisors shall appoint the successor. Vacancies shall be filled by the board of supervisors for the unexpired term.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6237.**

The members of the board shall not receive any compensation for their services, but may be reimbursed for their actual and necessary expenses, when claims for those expenses have been approved by the board.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**ARTICLE 4. Powers and Duties of the District [6240 - 6246]**

*( Article 4 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**6240.**

The district may do all of the following:

- (a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (b) Adopt a seal and alter it at pleasure.
- (c) Take by grant, purchase, gift, devise, lease, or otherwise, and hold, use and enjoy, and lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers.
- (d) Cause assessments to be levied, as provided in Article 5 (commencing with Section 6250), to pay any obligation of the district and to accomplish the purposes of the district in the manner provided in this chapter.
- (e) Make contracts, and employ, except as otherwise provided in this chapter, all persons, firms, and corporations necessary to carry out the purposes and the powers of the district, and at any salary, wage, or other compensation as the board of directors shall determine.
- (f) Respond to the effects of, the spread of phylloxera and other winegrape plant pests and diseases and collect and disseminate to winegrape growers in the district all relevant information and scientific studies concerning the pest or pests or diseases, as well as to chart and determine the extent and location of any infestations.

(g) With reasonable advance notice in writing to the landowner, as determined by the district, enter into or upon any land included within the boundaries of the district for the purpose of inspecting the winegrape plants and any other host plants and fruit growing on them.

(h) Perform any and all acts, either within or outside the district, necessary or proper to fully and completely carry out the purposes for which the district is organized.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6241.**

Every district formed pursuant to this chapter has all of the powers prescribed by Section 6240 and other provisions of this chapter, regardless of any language in the petition for formation for any district or in any of the proceedings leading to the formation that would otherwise limit the power of the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6242.**

The county agricultural commissioner of the county in which the district is located shall, upon request of the board, assist the district to the extent possible in all activities undertaken by the district for the control of phylloxera or other winegrape plant pests or diseases.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6243.**

The board shall, immediately after its appointment and after public hearing, formulate an effective plan and adopt a budget of expenditures for the forthcoming fiscal year. At a public hearing on the plan and the budget, any owner of winegrape acreage included in the district may make written or oral protest against the budget or any item in it. The plan and the budget, as thereafter approved by the board, shall be the plan and the budget of the district for the forthcoming fiscal year.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6244.**

There may be added to the budget for the first fiscal year of the operation of the district an amount not to exceed 20 percent of the total amount of the budget to cover the preliminary expenses of the district, including, but not limited to, the costs of formation, before the beginning of the first fiscal year.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6245.**

For each fiscal year subsequent to the first year of operation of the district, the board shall adopt the final budget therefor in the same manner and at the same time that the budget for the first fiscal year was adopted.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6246.**

The board of supervisors may charge the district for any expenses incurred by the county in connection with the proceedings for the formation of the district, and the district shall reimburse the county from assessments levied for those expenses.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**ARTICLE 5. Levy of Assessments for District Purposes [6250 - 6259]**

*( Article 5 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**6250.**

The county assessor, in making the annual assessment of property included in the district each and every year after the organization of the district, shall identify any parcel of real property with one acre or more of winegrape plants.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6251.**

Whenever acreage within the district is planted with winegrape plants in such a fashion as to qualify as winegrape acreage, the acreage is subject to assessment as provided in this article.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6252.**

(a) After the district has been formed, an owner of winegrape acreage in the district may present to the board a request in writing for the exclusion of that land or any part of the land from the district upon a showing that the land or part of the land will not be benefited by the activities of the district. Factors that the board may consider in its determination for exclusion shall include an affidavit from the owner that the land has already been affected by phylloxera or other winegrape plant pests and the winegrape plants have been removed from the land, more than 66 percent of the subject parcel is planted with non-vinifera-crossed rootstock, including, but not limited to, St. George, S04, 5C or 5BB rootstock, or that the subject parcel does not have a pest or disease problem that can be controlled by the district.

(b) After receipt of the request, the board shall cause an investigation of the parcel of land to be made and, if the board determines that the land or part of the land will not be benefited by the activities of the district, the board shall exclude the winegrape acreage from the district and immediately certify this fact to the county assessor and the county auditor or tax collector.

(c) Any owner of winegrape acreage outside of, or otherwise not included in, the district may present to the board a request in writing for inclusion of the land in the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

### 6253.

(a) The board shall, on or before the first Monday in April of each year, file with the board of supervisors a budget that sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of July. A copy of the budget shall also, at the same time, be filed with the auditor of the county.

(b) The board of supervisors may, by ordinance or by resolution, adopted after notice and hearing, determine and levy an assessment for winegrape pest and disease control activities for any of the following purposes:

(1) Responding to, managing, and controlling the effects of the spread of the phylloxera pest and other pests that attack winegrape plants.

(2) Collecting and disseminating to winegrape producers in the district all relevant information and scientific studies concerning the pest or pests.

(3) Charting and determining the extent and location of any infestations.

(c) The annual assessment shall not exceed five dollars (\$5) per planted acre.

(d) The board of supervisors shall cause to be prepared and filed with the clerk of the board of supervisors a written report that contains all of the following information:

(1) A description of each parcel of property proposed to be subject to the assessment.

(2) The amount of the assessment of each parcel for the initial fiscal year.

(3) The maximum amount of the assessment that may be levied for each parcel during any fiscal year.

(4) The duration of the assessment.

(5) The basis of the assessment.

(6) The schedule of the assessment.

(7) A description specifying the requirements for written and oral protests, and the protest threshold necessary for requiring abandonment of the proposed assessment pursuant to subdivision (f).

(e) (1) The board may establish zones or areas of benefit within the district, and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the district.

(2) The assessment shall be levied on each parcel within the boundaries of the district, zone, or area of benefit.

(f) (1) The board of supervisors shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

(2) In addition, the mailed notice shall include the name of the district, the return address of the sender, the amount of the assessment for the initial fiscal year, the maximum amount of the assessment that may be levied during any fiscal year and the name and telephone number of the person designated by the board of supervisors to answer inquiries regarding the protest proceedings.

*(Amended by Stats. 2004, Ch. 118, Sec. 3. Effective January 1, 2005.)*

#### **6254.**

The assessment authorized to be assessed and levied is hereby declared to be in the nature of a special assessment, and the Legislature hereby finds that the owners of all winegrape plants will be benefited by the district to the same extent and in the same manner regardless of the age of the plants. The assessments authorized by this article to be assessed and levied shall be assessed and levied regardless of the age of the plants growing on the land.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6255.**

The assessment so levied shall be computed and entered upon the assessment roll by the county auditor, and if the supervisors fail to levy the assessment as required, the auditor shall do so. The assessment shall be collected at the same time, and in the same manner as, and together with and not separate from, general county taxes, and when collected shall be paid into the county treasury for the use of the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6256.**

The general provisions of the laws of this state, prescribing the manner of levying and collecting county taxes and the duties of the several county officers with respect to levying and collecting county taxes, are, so far as they are applicable and not in conflict with the specific provisions of this article, hereby adopted and made a part of this article. The several county officers thus referred to shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this chapter.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **6256.5.**

The revenue from the assessments imposed pursuant to this chapter by the district are trust funds and shall be encumbered only for the purposes for which the district is formed and for the benefit of the property assessed. The district shall expend the minimum amount necessary for overhead and other administrative costs. No

district funds shall be donated, loaned, or transferred to any other local agency or to the state for any purpose.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6257.

The county treasury shall be the repository of all the moneys of the district. The county treasurer shall receive and receipt for all those moneys, and place the same to the credit of the district. The county treasurer shall be responsible upon his or her official bond for the safekeeping and disbursement, in the manner provided in this article, of all moneys of the district so held.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6258.

If a consolidated district includes parts of two or more counties, the repository of all money of the district shall be the county treasury of the county in which is located the largest area of the district. Money collected for the use of the district in any other county in which a part of the district is located shall be transferred by the county treasurer upon warrant of the county auditor of the county in which the money was collected to the county treasurer of the county serving as repository for the district, in the same manner as prescribed for the disbursement of money held for a local district. Money derived from any county in which the district is located may be expended in any part of the district for the purposes authorized by this chapter, notwithstanding any other provision of law limiting the expenditure of any such money to a specific area or county.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6259.

(a) The county treasurer shall pay out money of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the chairperson or vice chairperson and attested to by the secretary. The county treasurer, with the approval of the board of supervisors, shall pay out the money of the district upon one master warrant of the county auditor drawn upon the order of the board of directors of the district and signed by the chairperson or vice chairperson and attested to by the secretary, to meet the district's expenses, including salaries, at such intervals as is approved by the board of supervisors.

(b) The county treasurer shall report, in writing, on the first day of July, October, January, and March of each year, to the board of directors, the amount of money the treasurer then holds for the district, the amount of receipts since the last report, and the amounts paid out. Each report shall be verified and filed with the secretary of the district to whom it is addressed.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**ARTICLE 6. Inclusion of Lands [6260- 6260.]**

*( Article 6 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**6260.**

Lands devoted exclusively to the growing of winegrapes within a tract of land outside the district, but in the county in which the district is located, may be annexed to the district in the same manner provided in this chapter for the formation of the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**ARTICLE 7. Consolidation [6270 - 6276]**

*( Article 7 added by Stats. 1993, Ch. 1078, Sec. 1. )*

**6270.**

Any two or more districts organized or existing under this chapter may be consolidated, whether or not the boundaries are coterminous, and whether or not the districts are located in the same county.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6271.**

The board of directors may adopt a resolution that recites the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the resolution to the board of directors of each of the other districts. The board shall send a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of winegrape acreage of the proposed consolidated district, and a copy of the resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6272.**

The board of supervisors of the county in which is located the largest area of winegrape acreage of the proposed consolidated district shall fix a time and place for hearing the proposal. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district pursuant to Article 2 (commencing with Section 6210).

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6273.**

If the board of supervisors determines that consolidation is feasible and in the best interests of the winegrape growers of the respective districts, it shall, by resolution

duly adopted, declare the districts consolidated into one district, giving the consolidated district a name that includes the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and, for record, with the county recorder of each county in which is located any part of the consolidated district. Upon the filing, the districts are consolidated into a single consolidated district with all the rights, privileges, and powers of a district. The consolidated district shall succeed to all the funds and other property, and is subject to all the indebtedness, bonded and otherwise, of the districts consolidated. Each district that is included in the consolidated district shall continue in existence for the purpose of representation on the board of the consolidated district, and for the purpose of levying, assessing, and collecting assessments for district purposes. The board of the consolidated district is, however, the board of each district that is included in the consolidated district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6274.

Upon the adoption of a resolution consolidating two or more districts, the board of supervisors of the county in which is located the largest area of winegrape acreage shall immediately appoint a board of directors of at least five members, including at least one member from each of the districts that are included in the consolidated district, and at least two members from each county, if districts located in more than one county are included in the consolidated district. If any of the districts that are included in the consolidated district includes more than 15,000 acres of winegrape acreage, the board of directors shall be increased by one additional director for each 10,000 acres, or fraction of 10,000 acres, in any one district that is included in the consolidated district. If the consolidated districts are located in more than two counties, the board of directors of the consolidated district shall have at least seven members.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6275.

The board of a consolidated district has all the duties, powers, purposes, responsibilities, and jurisdiction of the board of any other district organized pursuant to this chapter. The members of the consolidated board shall be appointed in the same manner and serve for the same term as the directors of any other district organized pursuant to this chapter.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### 6276.

Any district that has been included in a consolidated district may withdraw from the consolidated district and be reconstituted as a separate district by filing with the board of directors of the consolidated district a petition for withdrawal that is signed by the owners of not less than 51 percent, by area, of winegrape land in the

district. The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district under Article 2 (commencing with Section 6210). Upon withdrawal of a district, all moneys collected from the district for the use of the consolidated district, and all property purchased with these moneys, shall remain the property of the consolidated district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

#### **ARTICLE 8. Dissolution of Districts [6280 - 6290]**

*( Article 8 added by Stats. 1993, Ch. 1078, Sec. 1. )*

##### **6280.**

Upon the filing of a petition with the board of supervisors, signed by the owners of not less than 60 percent by area of the winegrape acreage in the district, requesting the dissolution of the district, the board of supervisors shall set a time and place for hearing on the petition, which shall not be less than 20 days, or more than 40 days, after the filing of the petition.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

##### **6281.**

The board of supervisors shall give notice of the time and place fixed for the hearing upon the petition for dissolution.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

##### **6282.**

The notice of hearing shall state all of the following:

- (a) That a petition has been filed requesting the dissolution of the district.
- (b) That the petition is available for inspection at the offices of the board of supervisors.
- (c) The time and place for the hearing.
- (d) That at the hearing protests against the dissolution of the district shall be considered by the board of supervisors.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6283.**

Notice of the hearing shall be given by publication in a newspaper of general circulation published and circulated in the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6284.**

The notice shall be published once a week for two successive weeks prior to the date set for the hearing.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6285.**

If, at the hearing, a majority of the membership of the board of supervisors find that the dissolution of the district will benefit the winegrape industry of the county, it shall, by resolution, dissolve the district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6286.**

The board of supervisors shall cause a certified copy of the resolution to be recorded in the office of the county recorder and shall file a certified copy of the same with the Secretary of State. Thereupon, the district is dissolved for all purposes.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6287.**

Upon dissolution, the right, title, and interest to property owned or controlled by the district that is situated within the corporate limits of any city shall vest absolutely in the city. If the property is situated outside the corporate limits of a city, it shall vest in the county in which the property is situated.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

**6288.**

The board of supervisors is ex officio the governing body of the dissolved district. It may levy such assessments and perform such other acts as may be necessary to wind up the affairs of the district and to raise money for the payment of any outstanding indebtedness.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

6289.

All claims and accounts against the district that have not been settled by the board within 90 days after the resolution is recorded pursuant to Section 6286 shall be presented to the board of supervisors of the county in which the district was located, or in the case of a consolidated district to the board of supervisors of the county in which is located the largest area of winegrape acreage, and shall be passed and approved by the board of supervisors in the same manner as county claims and shall be paid out of the funds of the dissolved district.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*

6290.

If there are insufficient funds to discharge all claims and accounts brought pursuant to Section 6289, the board of supervisors shall, at the time of levying the next general county taxes, levy a special assessment upon the net acreage devoted to the growing of winegrapes that benefited from the dissolved district in an amount sufficient to discharge all outstanding claims and accounts against the district. In the case of a consolidated district, the board of supervisors of each county in which a portion of the district is located shall levy a special assessment based upon the ratio that the proportion of outstanding claims and accounts bears to the net acreage of the district in each county.

*(Added by Stats. 1993, Ch. 1078, Sec. 1. Effective October 11, 1993.)*