

**FOOD AND AGRICULTURAL CODE - FAC**  
**DIVISION 4. PLANT QUARANTINE AND PEST CONTROL [5001 - 8808]**

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

**PART 5. CITRUS PEST DISTRICT CONTROL LAW [8401 - 8759]**

*( Heading of Part 5 amended by Stats. 1989, Ch. 904, Sec. 1. )*

**CHAPTER 1. Definitions and General Provisions [8401 - 8410]**

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

**8401.**

This part shall be known as the Citrus Pest District Control Law.

*(Amended by Stats. 1989, Ch. 904, Sec. 2.)*

**8402.**

It is the purpose of this part to make available a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of citrus pests, whichever products the district is established to protect.

*(Amended by Stats. 1989, Ch. 904, Sec. 3.)*

**8403.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

**8404.**

“Board” means the board of directors of a district.

*(Enacted by Stats. 1967, Ch. 15.)*

**8405.**

“Citrus acreage” means any parcel, tract, or lot of land with 25 or more citrus trees of any age growing on it, except a parcel, tract, or lot which is used as a nursery.

*(Amended by Stats. 1989, Ch. 904, Sec. 4.)*

**8406.**

“Citrus pest” includes any infectious, transmissible, or contagious disease, any form of animal life, or any form of vegetable life infesting citrus trees or citrus fruits.

*(Amended by Stats. 1989, Ch. 904, Sec. 5.)*

**8407.**

“District” means a citrus pest control district organized pursuant to this part.  
*(Amended by Stats. 1989, Ch. 904, Sec. 6.)*

**8408.**

“Number of trees per acre of average planting,” for the purpose of assessment pursuant to this part, shall be 100 trees per acre.  
*(Enacted by Stats. 1967, Ch. 15.)*

**8409.**

“Owner” includes joint owner, coowner, guardian, executor, administrator, or any other person that holds property in a trust capacity under appointment of court.  
*(Enacted by Stats. 1967, Ch. 15.)*

**8410.**

“Citrus” includes “citrous” and any plants of the genera Citrus, Fortunella, Poncirus, and all hybrids having one or more of such as parents.  
*(Added by Stats. 1967, Ch. 33.)*

**CHAPTER 2. Formation of Districts [8451 - 8465]**

*( Chapter 2 enacted by Stats. 1967, Ch. 15. )*

**8451.**

Proceedings for the formation of a district within any county shall be commenced by a petition which is signed by the owners of not less than 51 percent by area of the land in the proposed district within the county devoted exclusively to the growing of citrus fruits. The petition shall be addressed to, and filed with, the board of supervisors of the county.  
*(Amended by Stats. 1989, Ch. 904, Sec. 7.)*

**8452.**

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.  
*(Enacted by Stats. 1967, Ch. 15.)*

**8453.**

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 which states that it is the intention of the petitioner to withdraw his signature from the petition.

*(Enacted by Stats. 1967, Ch. 15.)*

**8454.**

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

(b) It is a sufficient designation of the boundaries of a proposed district to recite that all the citrus acreage in the county is to be included in the district, or that all the citrus 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, if the district is formed pursuant to this part.

*(Amended by Stats. 1989, Ch. 904, Sec. 8.)*

**8455.**

Upon the presentation and filing of a petition, the board of supervisors shall fix a time and place for the hearing of the petition and shall refer the petition to the commissioner for investigation and report.

The hearing shall not be less than 20 days, nor more than 40 days after such presentation and filing.

*(Enacted by Stats. 1967, Ch. 15.)*

**8456.**

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. 28. Effective January 1, 2003.)*

**8457.**

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 eradication and control of citrus pests.

(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.

*(Amended by Stats. 1989, Ch. 904, Sec. 9.)*

#### **8458.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8459.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8460.**

At the hearing, the report of the commissioner shall be received and protests may be made orally or in writing by any person interested in the formation of the proposed district. Any protest which 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 exceeding 60 days.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8461.**

At the hearing, any owner of citrus 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, and any owner of citrus acreage outside the proposed district may present to the board of supervisors a request in writing for inclusion of the land in, the proposed district.

*(Amended by Stats. 1989, Ch. 904, Sec. 10.)*

#### **8462.**

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 the right to present a new petition covering the same matter. A finding by the board of

supervisors in favor of the genuineness and 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.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8463.**

(a) If the board of supervisors determines that the project is feasible and in the interest of the citrus 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 8465, it is a sufficient description of the territory to describe the boundaries in substantially the same way as they are described in the petition. 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.

*(Amended by Stats. 1989, Ch. 904, Sec. 11.)*

#### **8464.**

Any district formed prior to March 2, 1961, in which the order of the board of supervisors adopted the description in general terms as it appears in the petition is hereby validated.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8465.**

(a) In determining the boundaries of the district, the board of supervisors shall exclude from the district any citrus acreage which it finds will not be benefited by the proposed project, and it may include in the district any lands which it finds will be benefited if it also finds it will be to 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 it.

(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.

*(Amended by Stats. 1989, Ch. 904, Sec. 12.)*

### **CHAPTER 3. Organization of Districts [8501 - 8508]**

*( Chapter 3 enacted by Stats. 1967, Ch. 15. )*

#### **8501.**

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.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8502.**

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

*(Amended by Stats. 1988, Ch. 1101, Sec. 14. Effective September 21, 1988.)*

#### **8503.**

Upon his appointment, each director shall, in the manner provided by law, give such official bond for the faithful performance of his duties as shall be fixed by the board of supervisors and shall subscribe the oath of office and such bond and oath shall be filed with the county clerk.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8504.**

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.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8505.**

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

The chairman 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 he is present. In case of his absence from a meeting, the vice chairman shall act as chairman pro tempore for him. The vice chairman has the authority to sign warrants in place of the chairman if the chairman 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. He or the assistant secretary shall attest all warrants drawn on the county treasurer, all contracts and other documents and shall sign the minutes of all meetings at which he is present. He shall prepare the annual reports and any other reports required by the board and shall prepare all notices and all calls for bids. In case of his absence from a meeting, the assistant secretary shall perform his duties.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8506.**

The members of the board shall serve for terms of four years and until the appointment and qualification of their successors.

The terms of the members of the first board appointed by the board of supervisors shall divide themselves by lot and one member shall serve for a term of one year, one member shall serve for a term of two years, one member shall serve for a term of three years, and two members shall serve for a term of four years.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8507.**

Upon the expiration of the term of any member of the board, the board of supervisors shall appoint his successor.

Vacancies shall be filled by the board of supervisors for the unexpired term.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8508.**

The members of the board are not entitled to any compensation for their services, but may be reimbursed for their actual and necessary expenses, when claims for such expenses have been approved by the board.

*(Enacted by Stats. 1967, Ch. 15.)*

### **CHAPTER 4. Powers and Duties of the District [8551 - 8568]**

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

#### **8551.**

The district shall have perpetual succession and 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 Chapter 5 (commencing with Section 8601) to pay any obligation of the district and to accomplish the purposes of the district in the manner provided in this part.

(e) Make contracts, and employ, except as otherwise provided in this part, 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) Eradicate, remove, or prevent the spread of any and all citrus pests.

(g) Enter into or upon any land included within the boundaries of the district for the purpose of inspecting and treating the citrus trees and 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 was organized.

*(Amended by Stats. 1989, Ch. 904, Sec. 13.)*

### **8552.**

Every district formed pursuant to this part has all of the powers prescribed by Section 8551 and other sections of this part, including the power to eradicate, remove, or prevent the spread of each and every citrus pest, regardless of any language in the petition for formation for any district or in any of the proceedings leading to formation which might seem to limit the power of the district to the control or eradication of one or more citrus pests in particular.

*(Amended by Stats. 1989, Ch. 904, Sec. 14.)*

### **8553.**

(a) A district may pay limited compensation to the owner of any citrus tree infected with citrus tristeza virus which is removed by the district or by the owner within 15 days after written notice of the infection to the owner by the district. The limited compensation shall not exceed the following payment schedule, with the age of the tree being conclusively established as of the time written notice of the infection is first given to the owner.

(b) The schedule of payments is as follows:

Age of trees	Maximum payment
1 year .....	\$ 5.00 per tree
2 years .....	7.50 per tree
3 years .....	10.00 per tree
4 years .....	14.00 per tree

5 years .....	17.50 per tree
6 years .....	20.75 per tree
7 years or older .....	25.00 per tree

(c) For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

(d) The written notice referred to in subdivision (a) shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of the infected trees, their location, and that they should be removed forthwith.

(e) For the purposes of determining the age of infected citrus trees under this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and shall be deemed one year older on the January 1st of each succeeding year.

*(Amended by Stats. 1991, Ch. 44, Sec. 1. Effective June 3, 1991.)*

**8554.**

In order to expedite the elimination of the source of citrus tristeza virus, if it appears to the board that the cost of testing, indexing, or retesting trees to determine infection may exceed the cost of removal, plus the payment of limited compensation, a district may, with the consent of the owner, remove and pay limited compensation pursuant to Section 8553 for trees which have not been determined to be infected with citrus tristeza virus.

*(Amended by Stats. 1989, Ch. 904, Sec. 16.)*

**8555.**

Any payment made to the owner or owners of citrus trees removed pursuant to Section 8553 or 8554 shall in no event exceed the sum of three thousand dollars (\$3,000) per geographical acre.

*(Amended by Stats. 1989, Ch. 904, Sec. 17.)*

**8556.**

The commissioner of the county in which the district is located shall, upon request of the board and without fee or charge, supervise and direct, in accordance with the best known and accepted methods as determined by the board, all activities undertaken by the district for the control or eradication of citrus pests.

*(Amended by Stats. 1989, Ch. 904, Sec. 18.)*

**8557.**

The board shall, immediately after its qualification, formulate an effective plan based on the best known and accepted methods for the control and eradication of the citrus pests within the district.

*(Amended by Stats. 1989, Ch. 904, Sec. 19.)*

#### **8558.**

After the final adoption of the plan, the board shall make or cause to be made an estimate of the cost of operating the plan for the next fiscal year beginning not sooner than 90 days thereafter.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8559.**

Within 30 days after the receipt of the estimate, the board shall adopt a preliminary budget of expenditures for such fiscal year.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8560.**

Upon the adoption of the preliminary budget, the board shall fix a time and place for holding a hearing thereon.

The hearing shall not be less than 20 days, nor more than 40 days, after the adoption of the preliminary budget.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8561.**

The board shall give notice of the time and place fixed for the hearing upon the preliminary budget by publication in a newspaper of general circulation published and circulated in the district.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8562.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

#### **8563.**

The notice shall contain all of the following:

- (a) A summary of the proposed budget and shall refer to the original on file with the board for further particulars.
- (b) State that it is the intention to raise the amount of money required to meet the proposed budget by levying an assessment upon the assessed value of the citrus trees within the district in accordance with this part.
- (c) A statement of the day, hour, and place, when and where any and all persons interested may appear and object to the adoption of the budget or to any item in it.  
*(Amended by Stats. 1989, Ch. 904, Sec. 20.)*

**8564.**

At any time not later than the hour set for hearing objections to the proposed budget, any owner of citrus acreage in the district may make written protest against the budget or any item in it.  
*(Amended by Stats. 1989, Ch. 904, Sec. 21.)*

**8565.**

At the time set for hearing protests, the board shall proceed to hear and pass upon all protests so made and its decision on the protests shall be final and conclusive.  
*(Enacted by Stats. 1967, Ch. 15.)*

**8566.**

At the conclusion of the hearing, the board shall by resolution entered on its minutes make such changes in the proposed budget as it finds are proper and advisable. The tentative budget as so changed or modified shall be the budget of the district for the forthcoming fiscal year.  
*(Enacted by Stats. 1967, Ch. 15.)*

**8567.**

There may be added to the budget for the first fiscal year of the operation of the district an amount not in excess of 20 percent of the total amount of the budget to cover the preliminary expenses of the district and for the expenses of operation up to the beginning of the first fiscal year.  
*(Enacted by Stats. 1967, Ch. 15.)*

**8568.**

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.  
*(Enacted by Stats. 1967, Ch. 15.)*

## **CHAPTER 5. Levying and Assessing Taxes for District Purposes [8601 - 8610]**

*( Chapter 5 enacted by Stats. 1967, Ch. 15. )*

### **8601.**

(a) The county assessor, in making the annual assessment of property in each and every year after the organization of the district, shall assess any parcel of real property with 25 or more citrus trees on it and enter as a separate item, on the assessment roll for each such parcel of real property included in the district, the value, as improvements on the parcel, of all citrus trees which are growing on it.

(b) For the purpose of this part, the county assessor shall assess all citrus acreage at a uniform value per acre. The assessment shall be upon an acreage basis and the number of acres shall be determined conclusively, except as otherwise provided in this section, by the assessor counting the trees and dividing the total number by the number of trees per acre of average planting. The county assessor in counting the citrus trees shall not, however, count any more than 200 trees on any one acre of land, and for any citrus acreage which has from 70 to 100 trees per acre the number of acres to be determined by the county assessor shall be the actual acreage of the parcel.

(c) Upon completing the assessment roll of the county in each year, the assessor shall separately compute and certify, to the board of supervisors, the total assessed value, as shown by the assessment roll, of all the citrus trees in the district.

*(Amended by Stats. 1989, Ch. 904, Sec. 22.)*

### **8602.**

Whenever acreage within the district is planted with citrus trees in such a fashion as to qualify as citrus acreage, the acreage is subject to assessment as provided in this part.

*(Amended by Stats. 1989, Ch. 904, Sec. 23.)*

### **8603.**

Whenever any citrus trees have been removed from any parcel of land included in the district, the owner of the parcel of land may file with the board an affidavit particularly describing the parcel of land, and setting forth the fact of the removal therefrom of the trees. Thereupon, the board shall cause an investigation of the parcel of land to be made and, if the board finds the allegations of the affidavit are true, the board shall immediately certify this fact to the county assessor and the amount of citrus acreage removed shall not be assessed on the next assessment roll.

*(Amended by Stats. 1989, Ch. 904, Sec. 24.)*

**8604.**

(a) The board shall, on or before the first Monday in July of each year, file with the board of supervisors the final budget which 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 shall annually, at the time of levying other county taxes, levy an assessment upon all the citrus trees planted or growing in the district, regardless of age, as assessed by the assessor pursuant to this part. The rate shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised on the secured roll. If a fraction of a cent occurs on a valuation of one hundred dollars (\$100), it shall be taken as a full cent.

*(Amended by Stats. 1989, Ch. 904, Sec. 25.)*

**8605.**

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 citrus trees will be benefited by the district to the same extent and in the same manner regardless of the age of the trees. The assessments authorized by this chapter to be assessed and levied on the trees shall be assessed and levied on all citrus trees regardless of their age.

*(Amended by Stats. 1989, Ch. 904, Sec. 26.)*

**8606.**

The tax so levied shall be computed and entered upon the assessment roll by the county auditor, and if the supervisors fail to levy the tax as required, the auditor shall do so. The tax 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.

*(Enacted by Stats. 1967, Ch. 15.)*

**8607.**

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 part, hereby adopted and made a part of this part. 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 part.

*(Enacted by Stats. 1967, Ch. 15.)*

**8608.**

The county treasury shall be the repository of all the moneys of the district. The county treasurer shall receive and receipt for all such moneys, and place the same to the credit of the district. He shall be responsible upon his official bond for the safekeeping and disbursement, in the manner provided in this part, of all moneys of the district so held by him.

*(Enacted by Stats. 1967, Ch. 15.)*

**8609.**

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 part, notwithstanding any other provision of law limiting the expenditure of any such money to a specific area or county.

*(Enacted by Stats. 1967, Ch. 15.)*

**8610.**

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 chairman or vice chairman and attested by the secretary or assistant 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 chairman or vice chairman and attested to by the secretary or assistant secretary, to meet the district's expenses, including salaries, at such intervals as is approved by the board of supervisors. The county treasurer shall report in writing on the first day of July, October, January, and March of each year, to the board the amount of money he then holds for the districts, the amount of receipts since his last report, and the amounts paid out. Each such report shall be verified and filed with the secretary of the district to whom it is addressed.

*(Amended by Stats. 1970, Ch. 231.)*

## **CHAPTER 6. Inclusion of Lands [8651- 8651.]**

*( Chapter 6 enacted by Stats. 1967, Ch. 15. )*

### **8651.**

Lands devoted exclusively to the growing of citrus fruits within a tract of land outside the district but in the county wherein the district is located may be annexed to the district.

*(Amended by Stats. 1989, Ch. 904, Sec. 27.)*

## **CHAPTER 7. Consolidation [8701 - 8707]**

*( Chapter 7 enacted by Stats. 1967, Ch. 15. )*

### **8701.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

### **8702.**

Proceedings for consolidation may be initiated by the filing of a petition for consolidation with the board of each district to be consolidated. Each petition shall be signed by the owners of 51 percent by area of the citrus land in the district. Upon the filing of a petition, the board of directors shall adopt a resolution which recites the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the petition and resolution to the board of directors of each of the other districts. The board shall send the original petition and a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of citrus acreage of the proposed consolidated district, and a copy of the petition and resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

*(Amended by Stats. 1989, Ch. 904, Sec. 28.)*

### **8703.**

Upon presentation and filing of the petitions of two or more districts proposing consolidation, the board of supervisors of the county in which is located the largest area of citrus acreage of the proposed consolidated district shall fix a time and place for hearing the petitions. 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 Chapter 2 (commencing with Section 8451).

*(Amended by Stats. 1989, Ch. 904, Sec. 29.)*

#### **8704.**

If the board of supervisors determines that the consolidation is feasible and for the best interests of the citrus growers of the respective districts, it shall by resolution duly adopted declare the districts consolidated into one district, giving the consolidated district a name which name shall include 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 which 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 which is included in the consolidated district.

*(Amended by Stats. 1989, Ch. 904, Sec. 30.)*

#### **8705.**

Upon the adoption of a resolution consolidating two or more districts, the board of supervisors shall immediately appoint a board of directors of at least five members, including at least one member from each of the districts which are included in the consolidated district. If any of the districts which are included in the consolidated district includes more than 15,000 acres of citrus acreage, the board of directors shall be increased to a number equal to the number of districts which are included in the consolidated district, plus one additional director for each 10,000 acres, or major fraction of 10,000 acres, in any one district which is included in the consolidated district.

*(Amended by Stats. 1989, Ch. 904, Sec. 31.)*

#### **8706.**

The board of a consolidated district has all the duties, powers, purposes, responsibilities, and jurisdiction of the board of any other district. The members of the board shall be appointed in the same manner and serve for the same term as the directors of any other district. If, however, the number of directors is increased to more than five, as provided in Section 8705, the sixth member of the first board shall serve for three years, the seventh for two years, and all in excess of seven for one year each.

*(Enacted by Stats. 1967, Ch. 15.)*

### 8707.

Any district which 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 which is signed by the owners of not less than 51 percent by area of citrus 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 Chapter 2 (commencing with Section 8451). 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. All moneys collected from a district after it withdraws from a consolidated district shall be held for the use of the district.

*(Amended by Stats. 1989, Ch. 904, Sec. 32.)*

## **CHAPTER 8. Dissolution of Districts [8751 - 8759]**

*( Chapter 8 enacted by Stats. 1967, Ch. 15. )*

### 8751.

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 citrus 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, nor more than 40 days, after the filing of the petition.

*(Amended by Stats. 1989, Ch. 904, Sec. 33.)*

### 8752.

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

*(Enacted by Stats. 1967, Ch. 15.)*

### 8753.

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 such hearing protests against the dissolution of the district shall be considered by the board of supervisors.

*(Enacted by Stats. 1967, Ch. 15.)*

**8754.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

**8755.**

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

*(Enacted by Stats. 1967, Ch. 15.)*

**8756.**

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

*(Amended by Stats. 1989, Ch. 904, Sec. 34.)*

**8757.**

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.

*(Enacted by Stats. 1967, Ch. 15.)*

**8758.**

Upon dissolution, the right, title, and interest to property owned or controlled by the district which is situated within the corporate limits of any city shall vest absolutely in such city. If such property is situated without the corporate limits of the city, it shall vest in the county in which the property is situated.

*(Enacted by Stats. 1967, Ch. 15.)*

**8759.**

The board of supervisors is ex officio the governing body of the dissolved district. It may levy such taxes and 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.

*(Enacted by Stats. 1967, Ch. 15.)*