

West's
**ANNOTATED
CALIFORNIA CODES**



WATER CODE—APPENDIX

Sections 108-1 to End

Overview of California Water Rights
and Water Quality Law, see preliminary
pages of pocket part for Volume 68

1992 SUPPLEMENT AND 1996 AMENDMENT

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WEST PUBLISHING CO.

**CHAPTER 118. MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT LAW**

Part	Section
1. Introductory Provisions.....	118-1
2. Formation.....	118-101
3. Internal Organization	118-201
4. Powers and Purposes	118-301

WATER CODE—APPENDIX

App. § 118-2

Part	Section
5. Finances	118-501
6. Changes in Organization	118-801

An act relating to water districts and in this connection to create the Monterey Peninsula Water Management District [Water C.App. §§ 118-1 to 118-901] for the collection, conservation, storage, reclamation, treatment, disposal, distribution, and delivery of water and sewage within the agency, and prescribing its organization powers and duties. (Stats.1977, c. 527, p. 1672, § 1.)

PART 1. INTRODUCTORY PROVISIONS

Chapter	Section
1. Short Title	118-1
2. Legislative Findings	118-2
3. Definitions	118-5

CHAPTER 1. SHORT TITLE

Section
118-1. Short title.

Cross References
Procedure for letting contracts, see Public Contract Code
§ 21620 et seq.

§ 118-1. Short title

Sec. 1. This act shall be known and may be cited as the Monterey Peninsula Water Management District Law.
(Stats.1977, c. 527, p. 1672, § 1.)

CHAPTER 2. LEGISLATIVE FINDINGS

Section
118-2. Findings and declarations.

§ 118-2. Findings and declarations

Sec. 2. The Legislature hereby finds that water problems in the Monterey Peninsula area require integrated management. The major water supply for this area is derived from the Carmel River basin and the major uses lie outside that basin. The adopted central coast basin plan divides the management of the several basins, resolving in division, waste, and shortage of water resources.

The Legislature further finds and declares that within the Monterey Peninsula area, there is need for conserving and augmenting the supplies of water by integrated management of ground and surface water supplies, for control and conservation of storm and wastewater, and for promotion of the reuse and reclamation of water. In this region of primarily scenic, cultural, and recreational resources, which are particularly sensitive to the threat of environmental degradation, such need cannot be effectively met on a piecemeal basis.

The Legislature further finds and declares that, within the Monterey Peninsula area which will be served by the public district created by this law, the water service is principally supplied by a privately owned water supplier which does not have the facilities nor the ability to perform functions which are normally performed by public agencies, including the ability to raise sufficient capital for necessary public works, contract with, or provide necessary assurances to, federal and state agencies for financing of water projects and supplying of water, and the regulation of the distribution of water developed within or brought into such service area. Therefore, the Legislature finds and declares that it is necessary to create a public agency to carry out such functions which only can be effectively performed by government, including, but not limited to, management and regulation of the use, reuse, reclamation, conservation of water and bond financing of public works projects.

In order to serve the people of the Monterey Peninsula efficiently, to prevent waste or unreasonable use of water supplies, to promote the control and treatment of storm water and wastewater, and

to conserve and foster the scenic values, environmental quality, and native vegetation and fish and wildlife and recreation in the Monterey Peninsula and the Carmel River basin, it is, therefore, hereby declared that a general law cannot be made applicable to such area, and that the enactment of this special law is necessary for the public welfare and for the protection of the environmental quality and the health and property of the residents therein.

(Stats.1977, c. 527, p. 1672, § 2.)

CHAPTER 3. DEFINITIONS

Section

- 118-5. Effect of definitions.
- 118-6. Application of definitions.
- 118-7. District.
- 118-8. Public entity; entity.
- 118-9. Board; board of directors.
- 118-10. Member unit.
- 118-11. County.
- 118-12. United States.
- 118-13. State.
- 118-14. Work; works.
- 118-15. Participating zone.
- 118-16. May; shall.
- 118-17. Elector; qualified elector; voter.
- 118-18. Zone; improvement zone.
- 118-19. Supplemental source.
- 118-20. Basin production percentage.

§ 118-5. Effect of definitions

Sec. 5. Unless the context otherwise requires, the definitions in this chapter shall govern the construction of this law.

(Stats.1977, c. 527, p. 1673, § 5.)

§ 118-6. Application of definitions

Sec. 6. The definition of a word applies to any of its variants.

(Stats.1977, c. 527, p. 1673, § 6.)

§ 118-7. District

Sec. 7. "District" means the Monterey Peninsula Water Management District.

(Stats.1977, c. 527, p. 1673, § 7.)

§ 118-8. Public entity; entity

Sec. 8. "Public entity" or "entity" means a city, county, municipality, municipal water district, public utility district, sanitary district, sanitation district, irrigation district, county water district, California water district, water conservation district, reclamation district, water district, flood control district, county water agency, county water authority, organized under the laws of the State of California, or any other public corporation, subdivision, district, or political subdivision of the state having power to appropriate or otherwise acquire water or water rights, or to collect, conserve, store, reclaim, treat, dispose, distribute, or deliver water to or from water users or public entities, or to collect, treat, reclaim, or dispose of sewage, waste or storm waters, or to acquire, construct, or operate facilities for any of the foregoing.

"Public entity" or "entity" shall include the United States of America, or its agencies, boards, commissions, bureaus, departments, or any other political subdivision of the United States to the extent permitted by law.

(Stats.1977, c. 527, p. 1673, § 8.)

WATER CODE—APPENDIX

App. § 118-17

§ 118-9. Board; board of directors

Sec. 9. "Board" and "board of directors" means the governing board of directors of the district elected or appointed pursuant to Chapter 1 (commencing with Section 201) of Part 3 of this law. (Stats.1977, c. 527, p. 1673, § 9.)

§ 118-10. Member unit

Sec. 10. "Member unit" means a city, county, public district, or other political subdivision of the state, which enters into a contract with the district for the purposes of collection, treatment, transmission, reclamation, or disposal of sewage, industrial waste, or storm water, or any combination thereof, and which entity lies wholly within the boundaries of the district. (Stats.1977, c. 527, p. 1673, § 10.)

§ 118-11. County

Sec. 11. "County" means the County of Monterey, State of California. (Stats.1977, c. 527, p. 1673, § 11.)

§ 118-12. United States

Sec. 12. "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof, and all committees of the Congress of the United States of America. (Stats.1977, c. 527, p. 1673, § 12.)

§ 118-13. State

Sec. 13. "State" means the State of California, including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California. (Stats.1977, c. 527, p. 1673, § 13.)

§ 118-14. Work; works

Sec. 14. "Work" or "works" includes, but is not limited to, dams and damsites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, collection, conservation, storage, reclamation, treatment, disposal, diversion, and transmission of water, the collection, treatment, reclamation, or disposal of sewage, waste, or storm waters, and all land, property, franchises, easements, rights-of-way, and privileges necessary or useful to operate, maintain, repair, or replace any of the foregoing. (Stats.1977, c. 527, p. 1673, § 14.)

§ 118-15. Participating zone

Sec. 15. "Participating zone" means two or more zones of the district. (Stats.1977, c. 527, p. 1674, § 15.)

§ 118-16. May; shall

Sec. 16. "May" is permissive and "shall" is mandatory. (Stats.1977, c. 527, p. 1674, § 16.)

§ 118-17. Elector; qualified elector; voter

Sec. 17. "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the district qualified under the laws of the state to vote in the district at general elections. (Stats.1977, c. 527, p. 1674, § 17.)

App. § 118-18

WATER CODE—APPENDIX

§ 118-18. Zone; improvement zone

Sec. 18. "Zone" or "improvement zone" means any area designated within the district created in order to finance, construct, acquire, reconstruct, maintain, operate, extend, repair, or otherwise improve any work or improvement of common benefit to such area, as specified in this law. (Stats.1977, c. 527, p. 1674, § 18.)

§ 118-19. Supplemental source

Sec. 19. "Supplemental source" means a source of water from outside the watershed of the Carmel River, including, but not limited to, water produced from the State Water Resources Development System.

(Stats.1977, c. 527, p. 1674, § 19.)

§ 118-20. Basin production percentage

Sec. 20. "Basin production percentage" means the ratio that all water to be produced from ground water supplies within the district bears to all water to be produced by producers and diverters within the district from supplemental sources as well as from ground water within the district during the ensuing fiscal year.

(Stats.1977, c. 527, p. 1674, § 20.)

PART 2. FORMATION

Chapter	Section
1. Creation and Territory	118-101
2. Formation Election	118-121
3. General Provisions	118-131

CHAPTER 1. CREATION AND TERRITORY

Section

118-101. Creation; name.

118-102. Territory.

§ 118-101. Creation; name

Sec. 101. There is hereby created a district known and designated as the "Monterey Peninsula Water Management District."

(Stats.1977, c. 527, p. 1674, § 101.)

§ 118-102. Territory

Sec. 102. The territory of the district shall be the following area:

Beginning at a point where the Northwesterly prolongation of the most Southerly line of a 9.52 acre tract of land shown as lot 120 on that certain map entitled "Locke-Paddon Company's Bayside Subdivision of Monterey City Lands", filed for record February 8, 1916 in Map Book 2 at Page 15, "Maps and Ranches Outside Lands", in the Office of the County Recorder, Monterey County, intersects the shoreline of the Pacific Ocean, thence from place of beginning;

Southeasterly along a straight line to the northwesterly corner of a 563.19 acre (U.S.A.) parcel of land as shown on Assessor's Map of Laguna Seca Rancho; thence;

In a southerly direction along the western boundary of said 563.19 acre parcel to the centerline of the Monterey-Salinas State Highway 68; thence;

Easterly along the centerline of the Monterey-Salinas State Highway 68 to the point of intersection with the centerline of Los Laureles Road, a county road; thence

Southerly along the centerline of said Los Laureles Road to the point of intersection with the Northeasterly line of Los Laureles Rancho; thence

Southeasterly along the Northeasterly line of Los Laureles Rancho to the most easterly corner thereof; thence

WATER CODE—APPENDIX

App. § 118-102

In a southwesterly direction along the southeasterly line of the Los Laureles Rancho to the most westerly corner of Parcel #1 (2,062 acres) of Los Tularcitos Rancho as shown on the Official Map of Monterey County, thence;

In a southeasterly direction along the southwesterly line of said Parcel #1 to the most easterly corner of Parcel #8, thence;

In a Southwesterly direction along the southeasterly line of Parcel #8 of said Tularcitos Rancho to the centerline of the Carmel Valley Road, a county road, thence;

In a Southeasterly direction along the centerline of the Carmel Valley Road to its intersection with the northerly projection of the range line between Ranges 2 and 3 East, MDM, thence;

In a southerly direction along the northerly projection of Ranges 2 and 3 East to its intersection with the southwesterly line of Los Tularcitos Rancho, said intersection being the northeasterly corner of fractional section 24, T17S, R2E, MDM, thence;

In a Southeasterly direction along the southwesterly boundary of the Los Tularcitos Rancho to its intersection with the centerline of the Cachagua Road, a county road; thence

In a general southeasterly direction along the centerline of the Cachagua Road to its intersection with the easterly line of Section 4, T18S, R3E, MDM, thence;

South along said easterly line of Section 4 to the southeastern corner of Section 9, said corner being also the common corner of Sections 9, 10, 15 and 16, T18S, R3E, MDM, thence;

East along the southerly line of Section 10 to the Northeast corner of Section 15, T18S, R3E, MDM, thence;

South along the easterly section line of Section 15 to the Southwest corner of Section 14, T18S, R3E, MDM, thence;

East along the Southerly line of Section 14 to the northwest corner of Section 24, T18S, R3E, MDM, thence;

South along the westerly line of Section 24 to the southwest corner of Section 24, T18S, R3E, MDM, thence;

East along the Southerly line of Section 24 to the Southeast corner of Section 24, T18S, R3E, MDM, said corner being also the common corner of Sections 24 and 25, T18S, R3E and Sections 19 and 30, T18S, R4E, MDM, thence;

South along the westerly line of Section 30 to the Southwest corner of Section 30, T18S, R4E, MDM, thence;

East along the southerly line of Section 30 to the Northeast corner of Section 31, T18S, R4E, MDM, thence;

South along the easterly line of Section 31 to the Southwest corner of Section 32, T18S, R4E, MDM, thence;

East along the southerly line of Section 32, T18S, R4E, to the Northeast corner of Section 6, T19S, R4E, MDM, thence;

South along the easterly line of Sections 6 and 7 to the Southeast corner of Section 7, T19S, R4E, MDM, thence;

West along the southerly line of Section 7 to the common corner of Sections 7 and 18, T19S, R4E and Sections 12 and 13, T19S, R3E, MDM, thence;

North along the easterly line of Section 12 to the Northeast corner of Section 12, T19S, R3E, MDM, thence;

West along the northerly line of Section 12 to the Northwest corner of Section 12, T19S, R3E, MDM, thence;

South along the westerly line of Section 12 to the Southeast corner of Section 11, T19S, R3E, MDM, thence;

West along the southerly line of Sections 11 and 10 to the Northeast corner of Section 16, T19S, R3E, MDM, thence;

South along the easterly line of Section 16 to the Southeast corner of Section 16, T19S, R3E, MDM, thence;

West along the southerly line of Sections 16 and 17 to the Southwest corner of Section 17, T19S, R3E, MDM, thence;

App. § 118-102

WATER CODE—APPENDIX

North along the westerly line of Section 17 to the Southeast corner of Section 7, T19S, R3E, MDM, thence;

West along the southerly line of Section 7, T19S, R3E, and Section 12, T19S, R2E, MDM to the Southwest corner of Section 12, T19S, R2E, MDM, thence;

North along the westerly line of Section 12 to the Southeast corner of Section 2, T19S, R2E, MDM, thence;

West along the southerly line of Section 2 to the Southwest corner of Section 2, T19S, R2E, MDM, thence;

North along the westerly line of Section 2 to the Northwest corner of Section 2, T19S, R2E, MDM, thence;

East along the northerly line of Section 2, T19S, R2E to the Southeast corner of Section 35, T18S, R2E, MDM, thence;

North along the easterly line of Sections 35 and 26 to the Northeast corner of Section 26, T18S, R2E, MDM, thence;

West along the northerly line of Section 26 to the Southwest corner of Section 23, T18S, R2E, MDM, thence;

North along the westerly line of Section 23 to the Southeast corner of Section 15, T18S, R2E, MDM, thence;

West along the southerly line of Sections 15 and 16 to the Southwest corner of Section 16, T18S, R2E, MDM, thence;

North along the westerly line of Sections 16 and 9 to the Northwest corner of Section 9, T18S, R2E, MDM, thence;

East along the northerly line of Sections 9, 10, 11 and 12 to the common corners of Sections 1 and 12, T18S, R2E and Sections 6 and 7, T18S, R3E, MDM, thence;

North along the easterly line of Section 1, T18S, R2E, MDM to the most northeasterly corner of T18S, R2E, MDM, thence;

West along the standard township line between T17S and T18S, MDM, to the southwest corner of Section 35, T17S, R2E, MDM, thence;

North along the westerly line of Section 35 to the Southeast corner of Section 27, T17S, R2E, MDM, thence;

West along the Southerly line of Section 27 to the Southeast corner of Section 27, T17S, R2E, MDM, thence;

North along the westerly line of Sections 27, 22, 15 and 10 all in T17S, R2E, MDM to a point on the Southwest boundary of Los Laureles Rancho, thence;

In a northwesterly direction along the southwesterly line of the Los Laureles Ranch to the Southwesterly corner thereof; thence;

In a northerly direction along the westerly line of the Los Laureles Rancho to its intersection with the 4th standard parallel line between T16S and T17S, MDM, thence;

West along the standard parallel line to its intersection with the easterly line of San Francisquito Rancho, thence;

In a northerly and northwesterly direction along the easterly and northerly boundary of said Rancho to the most northwesterly corner thereof, said point being also a point on the easterly line of El Potrero de San Carlos Rancho, thence;

In a northerly direction along the easterly line of El Potrero de San Carlos Rancho to its intersection with the northerly line of Section 27, T16S, R1E, MDM, said point being also the northwesterly corner of Section 27, T16S, R1E, MDM, thence;

In a westerly direction along the westerly projection of the northerly line of said Section 27 to a point on the westerly boundary of El Potrero de San Carlos Rancho, said point being also on the easterly line of San Jose Y Sur Chiquito Rancho, thence;

In a general southerly and northwesterly direction along the easterly boundary of said Rancho to its intersection with the Mt. Diablo Meridian line separating range 1 West and Range 1 East, said point being the most northwesterly corner of Section 30, T16S, R1E, MDM, as shown on the Official Map of Monterey County, thence;

WATER CODE—APPENDIX

App. § 118-102

South along the west lines of said Sections 30 and 31 to a point on the easterly boundary of San Jose Y Sur Chiquito Rancho, thence;

Southeasterly along the easterly boundary of said Rancho to its intersection with the north bank of Mal Paso Creek, thence;

In a general westerly direction along the north bank of Mal Paso Creek to a point on the westerly boundary of the Carmel Riviera Mutual Water Company, said point being part of the Carmel Riviera Mutual Water Company article of incorporation boundary, file January 3, 1964, State of California, thence following the boundary of said water company

N 12°45' W, 57.83 feet; thence
N 48°25' E, 104.65 feet; thence
S 85°16' E, 22.10 feet; thence
N 77°46' E, 101.58 feet; thence
S 85°42' E, 106.47 feet; thence
N 47°11' E, 87.36 feet; thence
N 47°54' E, 163.97 feet; thence
N 40°45' E, 104.25 feet; thence
N 65°39' E, 55.44 feet; thence
N 49°06' E, 40.23 feet; thence
N 23°07' E, 52.56 feet; thence
N 21°42' E, 41.64 feet; thence
N 29°39' E, 50.07 feet; thence
S 72°01' E, 8.75 feet; thence
N 26°17' E, 246.01 feet; thence
N 5°28' W, 33.35 feet; thence
N 9°47' W, 50.66 feet; thence
N 19°29' W, 110.04 feet; thence
N 27°30' W, 93.94 feet; thence
N 57°23' W, 38.91 feet; thence
N 82°09' W, 76.69 feet; thence
N 53°01' W, 58.84 feet; thence
N 73°02' W, 114.95 feet; thence
S 46°24' W, 346.00 feet; thence
S 53°33' W, 47.76 feet; thence
S 78°58' W, 55.53 feet; thence
N 74°48' W, 49.78 feet; thence
N 40°08' W, 50.08 feet; thence
N 37°51' W, 50.25 feet; thence
N 31°06' W, 59.04 feet; thence
N 12°22' W, 96.88 feet; thence
N 4°01' W, 61.99 feet; thence
N 2°27' E, 229.48 feet; thence
N 1°19' W, 101.41 feet; thence
N 14°51' W, 108.81 feet; thence
N 20°15' W, 50.93 feet; thence
N 31°54' W, 67.75 feet; thence
N 27°25' W, 100.25 feet; thence
N 18°05' W, 97.53 feet; thence
N 8°05' E, 116.09 feet; thence
N 16°37' E, 100.19 feet; thence
N 15°04' E, 116.95 feet; thence
N 11°53' E, 100.87 feet; thence
N 3°59' E, 44.10 feet; thence
N 0°32' E, 150.13 feet; thence
N 2°16' E, 99.97 feet; thence
N 13°24' E, 42.65 feet; thence
N 8°32' E, 59.75 feet; thence
N 14°36' W, 51.04 feet; thence
N 2°59' E, 65.54 feet; thence

App. § 118-102

WATER CODE—APPENDIX

N 26°33' E, 79.87 feet; thence
 N 35°58' E, 50.50 feet; thence
 N 25°00' E, 101.79 feet; thence
 N 9°56' E, 85.95 feet; thence
 N 7°42' E, 151.82 feet; thence
 N 9°14' W, 156.78 feet; thence
 N 17°52' W, 156.26 feet; thence
 N 33°37' W, 123.64 feet; thence
 N 20°27' W, 106.50 feet; thence
 S 80°30' W, 193.21 feet; thence
 S 76°44' W, 110.91 feet; thence
 N 78°31' W, 209.15 feet; thence
 S 88°00' W, 140.18 feet; thence
 S 84°53' W, 36.50 feet; thence
 S 83°02' W, 50.99 feet; thence
 N 88°24' W, 125.15 feet; thence
 N 83°00' W, 43.04 feet; thence
 N 68°36' W, 83.37 feet; thence
 N 60°37' W, 119.78 feet; thence
 N 56°43' W, 350.16 feet; thence
 N 55°55' W, 50.03 feet; thence
 N 58°12' W, 50.01 feet; thence
 N 61°40' W, 50.08 feet; thence
 N 59°20' W, 150.22 feet; thence
 N 60°13' W, 124.12 feet; thence
 N 62°57' W, 617.73 feet; thence
 N 71°40' W, 345.58 feet; thence
 N 76°53' W, 155.59 feet; thence
 N 79°55' W, 61.26 feet; thence
 N 84°00' W, 84.03 feet; thence
 N 83°24' W, 113.68 feet; thence
 N 82°13' W, 233.24 feet; thence
 N 88°04' W, 112.66 feet; thence
 S 83°49' W, 104.10 feet; thence
 S 72°12' W, 517.75 feet; thence
 S 70°22' W, 228.24 feet; thence
 S 62°44' W, 446.04 feet; thence
 S 73°20' W, 64.16 feet; thence
 S 77°21' W, 324.25 feet; thence
 S 78°31' W, 348.06 feet; thence
 S 83°51' W, 293.30 feet; thence
 N 81°22' W, 132.48 feet; thence
 S 76°03' W, 57.77 feet; thence
 S 4°35' W, 34.68 feet; thence
 S 62°08' W, 240.75 feet; thence
 S 79°19' W, 95.26 feet; thence
 S 52°24' W, 111.40 feet; thence
 S 85°06' W, 95.42 feet; thence
 N 86°51' W, 98.26 feet; thence
 S 76°54' W, 55.08 feet; thence
 S 56°31' W, 148.80 feet; thence
 S 85°07' W, 127.90 feet; thence
 N 64°30' W, 156.74 feet; thence
 N 57°18' W, 62.67 feet; thence
 S 54°27' W, 138.68 feet; thence
 S 86°30' W, 50.26 feet; thence
 S 52°03' W, 88.20 feet; thence
 S 68°26' W, 115.84 feet; thence

WATER CODE—APPENDIX

App. § 118-123

S 72°30' W, 57.02 feet; thence

N 11°10' W, 596.64 feet; thence

S 82°50' W, 1175.58 feet, to a point on the bank of the Pacific Ocean, said point being on the line dividing the lands of Joe Victorine from the lands of Carmel Highlands, as shown on a map filed for record May 12, 1928, in Volume 3 of Surveys, Page 123, Records of Monterey County, California; thence

Northerly along the bank of the Pacific Ocean to the point of beginning.
(Stats.1977, c. 527, p. 1674, § 102.)

CHAPTER 2. FORMATION ELECTION

Section

118-121. Call; notice.

118-122. Time for election; conduct.

118-123. Notice of election; manner of giving; contents.

118-124. Ballot; names; question; results; declaration of existence of district; validity of organization.

118-125. Failure of ballot question; second election; call.

§ 118-121. Call; notice

Sec. 121. The board of supervisors of the county, on or before March 15, 1978, shall call and give notice of an election to be held in the district for the purpose of determining whether it shall begin to function and exercise its powers and for the selection of persons who shall serve as directors of the district if it shall begin to function and exercise its powers.

(Stats.1977, c. 527, p. 1680, § 121. Amended by Stats.1978, c. 9, p. 65, § 2, eff. Feb. 10, 1978.)

Historical and Statutory Notes

1978 Legislation.

Sections 1 and 5 of Stats.1978, c. 9, p. 64, provide:

"Sec. 1. The Legislature hereby finds and declares that the cost of election to authorize the Monterey Peninsula Water Management District to function and exercise its powers, presently required to be held between March 16 and April 10, 1978, could be reduced to one-third of the present estimated cost if the election is consolidated with the direct primary election on June 6, 1978.

"The Legislature intends by this act to authorize the county to consolidate such elections, and to authorize use of election filings, ballot arguments, and other preparations made, or being made, for the formation election required by existing law, the same as if such actions had been, are, or will be made for an election date of June 6, 1978.

"Sec. 5. The election for the purpose of determining whether the Monterey Peninsula Water Management District shall begin to function and exercise its powers and for the selection of persons who shall serve as directors of the district if it shall begin to function and exercise its powers

shall be conducted in accordance with the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500), Division 14, Elections Code), except as otherwise provided by law or this act and insofar as may be practicable to achieve the purposes of law and this act. For such purpose, and notwithstanding any other provisions of law, the filing dates and other requirements of such provisions of the Elections Code shall not apply and reasonable dates to comply with the requirements of this act, as determined by the Registrar of Voters of the County of Monterey, for such purposes shall apply. For such purposes, any actions heretofore or hereafter taken under the law as it existed prior to this act for such authorizing election are ratified, acknowledged, and validated for the election to be conducted on June 6, 1978, and actions, including, but not limited to, filings for election and ballot arguments shall not be required to be refiled. No irregularities or informality in any proceedings, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the organization of the district."

§ 118-122. Time for election; conduct

Sec. 122. The election shall be held not less than 75 days, nor more than 180 days, after January 1, 1978. The election shall be conducted and the first elective directors, and those succeeding, shall be nominated and elected pursuant to the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 14 of the Elections Code) as nearly as may be practicable, including, in the discretion of the board of supervisors of the county, use of all-mailed ballots. Such first elective directors shall be registered to vote within the district.

(Stats.1977, c. 527, p. 1680, § 122. Amended by Stats.1978, c. 9, p. 65, § 3, eff. Feb. 10, 1978.)

§ 118-123. Notice of election; manner of giving; contents

Sec. 123. Notice of the election shall be given pursuant to Section 23511 of the Elections Code, except that such notice shall also contain:

(a) The name of the agency.

App. § 118-123

WATER CODE—APPENDIX

(b) The proposition to be voted on, as follows:

"Shall the Monterey Peninsula Water Management District begin to function and exercise its powers in accordance with the provisions of the Monterey Peninsula Water Management District Law?"

(c) A statement that the first elected directors will be elected at that election, and such directors will take office if a majority of the voters voting on the proposition vote that the district shall begin to function and exercise its powers.

(Stats.1977, c. 527, p. 1680, § 123.)

§ 118-124. Ballot; names; question; results; declaration of existence of district; validity of organization

Sec. 124. There shall be printed on the ballot, together with the names of the candidates for elected director, the following question: "Shall the Monterey Peninsula Water Management District begin to function and exercise its powers in accordance with the provisions of the Monterey Peninsula Water Management District Law?" following which question shall be the words "Yes" and "No" on separate lines, with a voting square at the right of each, in which the voter shall indicate by stamping a cross (+) his vote for or against the proposition.

If a majority of the voters voting on the proposition vote in its favor, the board of supervisors of the county shall canvass the returns for directors and those five persons receiving the highest number of votes shall be declared elected. The district shall begin to function and shall exercise its powers, and the board of supervisors of the county within 28 days after the election, shall by resolution enter on its minutes a declaration that the district has begun to function and exercise its powers, giving the name of the district, the purposes for which it is formed, and describing its boundaries.

No informality in any proceedings, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the organization of the district.

(Stats.1977, c. 527, p. 1680, § 124. Amended by Stats.1978, c. 9, p. 65, § 4, eff. Feb. 10, 1978.)

§ 118-125. Failure of ballot question; second election; call

Sec. 125. If less than a majority of the votes cast at the election is in favor of the proposition that the agency should begin to function and exercise its powers, the board of supervisors of the county may call another election on the proposition upon the petition of 5 percent of the voters within the district.

(Stats.1977, c. 527, p. 1681, § 125.)

CHAPTER 3. GENERAL PROVISIONS

Section

118-131. Severability.

118-132. Inclusion of area of public entity within district; effect.

118-133. Declaration of district as corporate body; powers.

118-134. Proceeding to determine legality of existence; procedure.

118-135. Law applicable to formation of district or creation of zone.

118-136. Applicability of Uniform District Election Law and other Elections Code provisions to district elections.

§ 118-131. Severability

Sec. 131. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(Stats.1977, c. 527, p. 1681, § 131.)

§ 118-132. Inclusion of area of public entity within district; effect

Sec. 132. The inclusion within the district of the corporate area, in whole or in part, of any public entity, shall not destroy the identity or legal existence nor impair the powers of such public entity, notwithstanding the identity of purpose, or substantial identity of purpose, of the district.

(Stats.1977, c. 527, p. 1681, § 132.)

WATER CODE—APPENDIX

App. § 118-136

§ 118-133. Declaration of district as corporate body; powers

Sec. 133. The Monterey Peninsula Water Management District is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this law and such other powers as the law may provide.

(Stats.1977, c. 527, p. 1681, § 133.)

§ 118-134. Proceeding to determine legality of existence; procedure

Sec. 134. The district, in order to determine the legality of its existence, in addition to any other remedy it may have for that purpose, may institute a proceeding therefor in the Superior Court of the State of California in and for the County of Monterey, by filing a complaint setting forth the name of the district, its exterior boundaries, the date of its organization, and a prayer that it be adjudged a legal district formed under this law. The summons in such proceeding shall be served by publishing a copy thereof in the district pursuant to Section 6064 of the Government Code. Within 30 days after the last publication of the summons shall have been completed, the state, any property owner or resident or registered voter in the district, or any person interested, may appear and answer such complaint, in which case such answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Appeals may be taken from such judgment in the same manner as in other civil cases. The procedure provided by this section shall be cumulative and not exclusive.

(Stats.1977, c. 527, p. 1681, § 134.)

§ 118-135. Law applicable to formation of district or creation of zone

Sec. 135. The provisions of Chapter 6.6 (commencing with Section 54773) of Division 2 of Title 5 and of Chapter 1 (commencing with Section 56000) of Part 1 of Division 1 of Title 6 of the Government Code do not apply to the formation of the district or to the creation of any zone therein.

(Stats.1977, c. 527, p. 1682, § 135.)

§ 118-136. Applicability of Uniform District Election Law and other Elections Code provisions to district elections

Sec. 136. The provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500), Division 14, Elections Code), so far as they may be applicable, shall govern all general Monterey Peninsula Water Management District elections, and the provisions of the Elections Code, so far as they may be applicable shall govern all special Monterey Peninsula Water Management District elections, except as in this law otherwise provided.

(Stats.1977, c. 527, p. 1682, § 136.)

PART 3. INTERNAL ORGANIZATION

Chapter	Section
1. Board of Directors	118-201
2. Alternate Method of Conducting Elections of Elected Members of the Board	118-221
3. Proceedings	118-251
4. Prohibition	118-281

CHAPTER 1. BOARD OF DIRECTORS

Section
118-201. Performance of powers, privileges and duties.
118-202. Membership of board.
118-203. Election of members.
118-204. Elected board members to be voters of district.
118-205. Term of elective board members; filling of vacancies; conduct of elections.
118-206. Compensation of members; expenses.

App. § 118-201

WATER CODE—APPENDIX

§ 118-201. Performance of powers, privileges and duties

Sec. 201. All powers, privileges, and duties vested in or imposed on the district shall, except as otherwise provided, be performed by and through the board of directors.
(Stats.1977, c. 527, p. 1682, § 201.)

§ 118-202. Membership of board

Sec. 202. The board shall consist of seven members selected in accordance with this chapter.
(Stats.1977, c. 527, p. 1682, § 202.)

§ 118-203. Election of members

Sec. 203. Five members shall be elected by the qualified electors in the district. One member shall be a member of the board of supervisors of the county residing in the district, appointed by the board of supervisors, serving at the pleasure of the board of supervisors, and serving ex officio. One member shall be the mayor, member of the governing body, or chief executive officer of a city which is a member unit who shall be appointed by those members of the city selection committee of the county representing member units pursuant to the provisions of Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, serving at the pleasure of the appointing power, and serving ex officio.

(Stats.1977, c. 527, p. 1682, § 203. Amended by Stats.1990, c. 319 (A.B.3575), § 1; Stats.1990, c. 1558 (S.B.1821), § 11.)

Historical and Statutory Notes

Effect of amendment of section by two or more acts at the same session of the legislature, see Government Code § 9605.

§ 118-204. Elected board members to be voters of district

Sec. 204. Each elected member of the board shall be a voter of the district.
(Stats.1977, c. 527, p. 1682, § 204.)

§ 118-205. Term of elective board members; filling of vacancies; conduct of elections

Sec. 205. The term of office of each elective member of the board shall be four years, provided, however that the first five elective members shall, by lot, determine that two directors shall serve for two years and three directors for four years. A vacancy in the office of elected member of the board shall be filled pursuant to Section 1780 of the Government Code. The qualification of voters and the election of the elected members of the board shall be in accordance with the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500), Division 14, Elections Code) except as otherwise provided in this part.

(Stats.1977, c. 527, p. 1682, § 205.)

§ 118-206. Compensation of members; expenses

Sec. 206. Each member of the board shall receive for each attendance at the meetings of the board the sum of thirty dollars (\$30). No director, however, shall receive pay for more than three meetings in any calendar month. In addition to such compensation, each member shall be allowed his actual, necessary, and reasonable traveling expenses.

(Stats.1977, c. 527, p. 1683, § 206.)

CHAPTER 2. ALTERNATE METHOD OF CONDUCTING ELECTIONS OF ELECTED MEMBERS OF THE BOARD

Section

118-221. Resolution to establish resident voting divisions; effect.

118-222. Establishment of boundaries; effect of creation or modification of divisions on terms of directors.

118-223. Number of directors; form of ballot; conduct of election.

118-224. Effect of resolution on prior actions and proceedings.

§ 118-221. Resolution to establish resident voting divisions; effect

Sec. 221. The district may, by resolution adopted by a majority of the members of the board at least 140 days before the next general district election, be divided into as many divisions as there are elected members of the board. All directors thereafter elected shall be residents of their division and shall be registered voters at the time of their election and during their term of office.
(Stats.1977, c. 527, p. 1683, § 221.)

§ 118-222. Establishment of boundaries; effect of creation or modification of divisions on terms of directors

Sec. 222. After the adoption of the resolution by the board to establish resident voting divisions in the district, the board of directors shall establish the boundaries of the divisions on the basis of equalizing as nearly as practicable the number of registered voters in each division. The board shall from time to time reestablish such boundaries on such basis. The creation or modification of divisions shall not affect the term of any director until his term shall expire.
(Stats.1977, c. 527, p. 1683, § 222.)

§ 118-223. Number of directors; form of ballot; conduct of election

Sec. 223. At the first election of directors following the adoption of the resolution by the board establishing resident voting divisions, the number of directors to be elected shall correspond with the number of directors whose terms expire. The directors whose terms have not expired shall serve their unexpired terms under the qualifications to hold office that existed prior to the adoption of the resolution establishing resident voting divisions. In such first election and in all subsequent elections, the form of the ballot and the conduct of the election shall be governed by the Uniform District Election Law for resident voting districts.
(Stats.1977, c. 527, p. 1683, § 223.)

§ 118-224. Effect of resolution on prior actions and proceedings

Sec. 224. Any actions taken by the board and any proceedings taken by the district in connection therewith, prior to the adoption of the resolution changing the method of voting, shall not be affected by such resolution.
(Stats.1977, c. 527, p. 1683, § 224.)

CHAPTER 3. PROCEEDINGS**Section**

- 118-251. First meeting; selection of chairman and vice chairman.
- 118-252. Duties of chairman and vice chairman; temporary chairman; oaths.
- 118-253. Quorum; action by ordinance, resolution or motion; methods of voting.
- 118-254. Votes not to be cast by proxy.
- 118-255. Appointment of officers and employees; duties; compensation.
- 118-256. Rules and regulations; adoption; violations as misdemeanors.
- 118-257. Effect of informality of proceedings.
- 118-258. Delegation of powers.
- 118-259. Location of principal place of business and offices.
- 118-260. Delegation of power to bind district by contract.
- 118-261. Official bonds of officers and employees.
- 118-262. Personnel system.
- 118-263. Method of auditing and allowing or rejecting claims.
- 118-264. Pensions.
- 118-265. Depositories; securing of funds; rules for payment of warrants.

§ 118-251. First meeting; selection of chairman and vice chairman

Sec. 251. The board shall hold its first meeting as soon as possible after the election of the first members of the board. The board shall elect one of its members chairman, and shall thereupon provide for the time and place of holding its meetings and the manner in which special meetings may be called upon adequate notice to the public. At the first meeting in the month of January of each year, or at the next meeting following the creation of a vacancy in the office of chairman, the board shall choose one of its members chairman and one of its members vice chairman.
(Stats.1977, c. 527, p. 1683, § 251.)

App. § 118-252

WATER CODE—APPENDIX

§ 118-252. Duties of chairman and vice chairman; temporary chairman; oaths

Sec. 252. The chairman of the board shall preside at all meetings of the board. In the case of the absence or inability to act of the chairman or vice chairman, the members present shall by a resolution entered in the records of the board, select one of their number to act as temporary chairman. Any member of the board may administer oaths when necessary in the performance of his official duties.

(Stats.1977, c. 527, p. 1684, § 252.)

§ 118-253. Quorum; action by ordinance, resolution or motion; methods of voting

Sec. 253. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall act only by ordinance, resolution, or motion. On all ordinances, the roll shall be called and the ayes and noes recorded in the records of the board. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called. Except as otherwise provided in this act, no ordinance, resolution, or motion shall be passed nor become effective without the affirmative vote of the majority of the members of the board.

(Stats.1977, c. 527, p. 1684, § 253.)

§ 118-254. Votes not to be cast by proxy

Sec. 254. Votes of the members of the board shall not be cast nor exercised by proxy.

(Stats.1977, c. 527, p. 1684, § 254.)

§ 118-255. Appointment of officers and employees; duties; compensation

Sec. 255. The board may appoint a secretary, treasurer, attorney, chief engineer, general manager, and auditor as officers of the district or may contract with any other public entity for the performance of such duties or services of the district as are carried out by the officers and employees for such other public entity to the extent necessary to carry out the provisions of this act. The board shall define the duties and fix the compensation of such officers appointed by the board and each shall serve at the pleasure of the board. Such officers may be authorized by the board to employ or contract for the services of such additional assistants and employees as they may deem necessary to efficiently maintain and operate the administration of the district. The board may consolidate the offices of secretary and treasurer and the offices of chief engineer and general manager.

(Stats.1977, c. 527, p. 1684, § 255.)

§ 118-256. Rules and regulations; adoption; violations as misdemeanors

Sec. 256. The board may by ordinance adopt reasonable rules and regulations to carry out its powers and duties not inconsistent with this or any other law, and may amend, suspend, or repeal such rules and regulations at pleasure. A violation of a district ordinance is a misdemeanor, which offense is subject to the provisions of subdivision (d) of Section 17 of the Penal Code.

(Stats.1977, c. 527, p. 1684, § 256. Amended by Stats.1981, c. 986, p. 3822, § 1.)

§ 118-257. Effect of informality of proceedings

Sec. 257. No informality in any proceeding not substantially adversely affecting the legal rights of any citizen shall be held to invalidate the legal existence of the district and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

(Stats.1977, c. 527, p. 1684, § 257.)

§ 118-258. Delegation of powers

Sec. 258. The board may delegate and redelegate the exercise of any and all executive, administrative, and ministerial powers to any of the officers appointed or contracted for pursuant to Section 255, except as otherwise provided by this law.

(Stats.1977, c. 527, p. 1684, § 258.)

§ 118-259. Location of principal place of business and offices

Sec. 259. The board shall fix the location of the principal place of business of the district and the location of all offices and departments maintained thereunder.

(Stats.1977, c. 527, p. 1684, § 259.)

WATER CODE—APPENDIX

App. § 118-282

§ 118-260. Delegation of power to bind district by contract

Sec. 260. The board may delegate and redelegate by ordinance to the officers of the district, under such conditions and restrictions as shall be fixed by the board, the power to bind the district by contract.

(Stats.1977, c. 527, p. 1684, § 260.)

§ 118-261. Official bonds of officers and employees

Sec. 261. The board may require and fix the amount of all official bonds of all officers and employees necessary for the protection of the funds and property of the district.

(Stats.1977, c. 527, p. 1685, § 261.)

§ 118-262. Personnel system

Sec. 262. The board may prescribe, by ordinance, a personnel system.

(Stats.1977, c. 527, p. 1685, § 262.)

§ 118-263. Method of auditing and allowing or rejecting claims

Sec. 263. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

(Stats.1977, c. 527, p. 1685, § 263.)

§ 118-264. Pensions

Sec. 264. The board may provide by ordinance for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to the fund from the revenues of the district, the wages of officers or employees, voluntarily contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

(Stats.1977, c. 527, p. 1685, § 264.)

§ 118-265. Depositories; securing of funds; rules for payment of warrants

Sec. 265. The board shall designate a depository or depositories to have the custody of funds of the district. All funds of the district deposited with any depository shall be secured as required by law. Each such depository shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the board may prescribe.

(Stats.1977, c. 527, p. 1685, § 265.)

CHAPTER 4. PROHIBITION

Section

118-281. Interest of directors, officers or employees in contracts.

118-282. Violation as misdemeanor.

118-283. Interests not prohibited.

118-284. Chapter provisions supplementary to other law.

§ 118-281. Interest of directors, officers or employees in contracts

Sec. 281. Except as provided in Section 283, no director, officer, or employee of the district shall in any manner be interested, directly or indirectly, in any contract or instrument to which the district is a party or in the benefits derived therefrom.

(Stats.1977, c. 527, p. 1685, § 281.)

§ 118-282. Violation as misdemeanor

Sec. 282. A violation of Section 281 is a misdemeanor.

(Stats.1977, c. 527, p. 1685, § 282.)

App. § 118-283

WATER CODE—APPENDIX

§ 118-283. Interests not prohibited

Sec. 283. The holding of an interest in a contract or instrument to which the agency is a party by a director, officer, or employee, or his derivation of benefit therefrom, shall not invalidate the contract or instrument, or constitute a violation of any law, in any of the following cases:

(a) If the director or other officer or employee owns or controls, directly or indirectly, not more than 5 percent of the outstanding stock or securities of any corporation which is a party to such contract or instrument.

(b) If the contract or instrument is entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and such ordinance or regulation was effective prior to the execution of such contract or instrument.

(c) If the contract is with a member entity and the director or other officer or employee of the agency is also a director, officer or employee of such member entity.

(Stats.1977, c. 527, p. 1685, § 283.)

§ 118-284. Chapter provisions supplementary to other law

Sec. 284. The provisions of this chapter do not supersede, but are supplementary to and complement other applicable provisions of law.

(Stats.1977, c. 527, p. 1686, § 284.)

PART 4. POWERS AND PURPOSES

Chapter	Section
1. Powers Generally	118-301
2. Water	118-325
3. Sewage, Industrial Waste, and Storm Water	118-371
4. Property	118-391
5. Contracts and Cooperation	118-401
6. Controversies	118-411
7. Zones	118-431
8. Projects and Works	118-451

CHAPTER 1. POWERS GENERALLY

Section
118-301. Exercise of powers.
118-302. Perpetual succession.
118-303. Corporate seal.
118-304. Contracts; maintenance of offices and positions.
118-305. Borrowing money; issuance of bonds.
118-306. Levy and collection of taxes.
118-307. Issuance and refunding of bonds as authorized by law; procedure; retirement of indebtedness.
118-308. Rules and regulations.
118-309. Maintenance of facilities.
118-310. Reimbursement of county for expenditure of certain funds.
118-311. Plants for the generation of hydroelectric power; construction and operation; leases; use and sale of power.

§ 118-301. Exercise of powers

Sec. 301. The district may exercise the powers which are expressly granted by this law, together with such powers as are reasonably implied from such express powers and necessary and proper to carry out the objects and purposes of the district.

(Stats.1977, c. 527, p. 1686, § 301.)

§ 118-302. Perpetual succession

Sec. 302. The district shall have perpetual succession.

(Stats.1977, c. 527, p. 1686, § 302.)

WATER CODE—APPENDIX

App. § 118-308

§ 118-303. Corporate seal

Sec. 303. The district may adopt a corporate seal and alter it at pleasure.
(Stats.1977, c. 527, p. 1686, § 303.)

§ 118-304. Contracts; maintenance of offices and positions

Sec. 304. The district may do any of the following:

(a) Enter into contracts, employ and retain personal services. The board may cause construction or other work to be performed or carried out by contracts or by the district under its own supervision.

(b) Contract for, and perform contracts with public entities for performance of administration of the district, perform or contract for performance of tests, studies, and investigations as necessary and proper to carry out the objects and purposes of the district.

(c) Create, establish, and maintain such offices and positions as the board may determine are necessary and convenient for the transaction of the business of the district.

(Stats.1977, c. 527, p. 1686, § 304.)

§ 118-305. Borrowing money; issuance of bonds

Sec. 305. The district may borrow money and incur indebtedness and issue bonds or other evidence of such indebtedness as provided in this law.

(Stats.1977, c. 527, p. 1686, § 305.)

§ 118-306. Levy and collection of taxes

Sec. 306. The district may levy and collect taxes and assessments upon land and improvements to land within the district for the purposes of carrying on the operations and paying the obligations of the district, except that such taxes and assessments for the administration of the district, levied pursuant to Section 701, and exclusive of any zone tax or assessment levied pursuant to Section 437, exclusive of any tax or assessment levied pursuant to Section 533, exclusive of any tax or assessment levied to meet the bonded indebtedness of such district or any zone thereof and the interest thereon, exclusive of any tax or assessment levied to meet any obligation to the United States, and exclusive of any tax or assessment levied to meet any obligation to the state pursuant to Section 11652 of the Water Code, shall not exceed ten cents (\$0.10) on each one hundred dollars (\$100) of assessed valuation of such taxable property. The term "tax or assessment levied to meet the bonded indebtedness of such district or any zone thereof and the interest thereon" as used in this section shall also include, but shall not be limited to, any tax or assessment levied pursuant to Section 681 to pay the principal of, or interest on, bond anticipation notes and any tax or assessment levied under the provisions of any resolution or ordinance providing for the issuance of bonds of the agency to pay, as the same shall become due, the principal of any term bonds which under the provisions of such resolution or ordinance are to be paid and retired by call or purchase before maturity with moneys set aside for that purpose.

(Stats.1977, c. 527, p. 1686, § 306.)

§ 118-307. Issuance and refunding of bonds as authorized by law; procedure; retirement of indebtedness

Sec. 307. The district may issue bonds, borrow money, and incur indebtedness as authorized by law or this law, may refund such bonds, loans, or indebtedness by the issuance of refunding obligations following the same procedure if authorized by law or this law, and may retire any indebtedness or lien that validly exists against the district or its property.

(Stats.1977, c. 527, p. 1687, § 307.)

§ 118-308. Rules and regulations

Sec. 308. The district shall have the power by resolution or ordinance to adopt regulations respecting the exercise of its powers and the carrying out of its purposes, and to fix and collect rates and charges for the providing or the availability of any service it is authorized to provide or make available or for the sale, lease, or other disposition of water or other product of its works or operations, including standby charges and connection charges.

(Stats.1977, c. 527, p. 1687, § 308.)

App. § 118-309

WATER CODE—APPENDIX

§ 118-309. Maintenance of facilities

Sec. 309. The district shall have the power to plan, finance, acquire, construct, operate, and maintain facilities for the collection, transmission, treatment, reclamation, reuse, and disposal of sewage, waste, and storm water.

(Stats.1977, c. 527, p. 1687, § 309.)

§ 118-310. Reimbursement of county for expenditure of certain funds

Sec. 310. The district may reimburse the county for any funds expended by the county in investigations, elections, other acts incidental to the establishment of the district, or for services performed for the district by the county.

(Stats.1977, c. 527, p. 1687, § 310.)

§ 118-311. Plants for the generation of hydroelectric power; construction and operation; leases; use and sale of power

The district may, by using any water or water supplies furnished to the district or used by the district, construct, maintain, and operate one or more plants for the generation of hydroelectric power from such water and transmission lines for the conveyance thereof. The plant or plants so constructed shall be operated in a manner consistent with the district's storage, transmission, and distribution of water. Construction of such plant or plants and transmission lines may be financed by the issuance of general obligation bonds or revenue bonds or any other method of financing district works as provided in this law.

The hydroelectric plant or plants and transmission lines constructed pursuant to this section may be leased for operation to, or the power generated may be sold to, a public utility or public agency engaged in the distribution, use, or sale of electricity. The power generated may be used by the district for its own purposes, or for the production or transmission of water, but shall not be offered for sale directly by the district to customers other than a public utility or public agency for any use other than the production or transmission of water.

(Added by Stats.1982, c. 119, p. 377, § 1.)

CHAPTER 2. WATER

Article	Section
1. Water Supply, Control, and Distribution	118-325
2. Ground Water Management	118-341
3. Recreational Facilities	118-368

ARTICLE 1. WATER SUPPLY, CONTROL, AND DISTRIBUTION

Section	
118-325.	General powers of district.
118-325.5.	Development of water resources.
118-326.	Sale and disposal of waters; rates and charges.
118-327.	Control of flood and storm waters.
118-328.	Acquisition of water systems; storage of water; conservation and reclamation; maintenance of actions; abatement of waste.
118-329.	Sale of water or rights to member units; rates and charges; transfer of water or use to others.
118-330.	Sale of water to state or United States; terms, conditions and rates.
118-331.	Sale of surplus water; uses; preference.
118-332.	Restrictions upon use of water during drought or other emergency.
118-333.	Improvements to provide additional water during emergencies; hearings; elections.

§ 118-325. General powers of district

Sec. 325. The district shall have the power as limited in this law to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

(Stats.1977, c. 527, p. 1687, § 325.)

§ 118-325.5. Development of water resources

Sec. 325.5. To the extent feasible, the district policy shall require development of the water resources within the district boundaries before utilizing water originating outside its boundaries. (Stats.1977, c. 527, p. 1687, § 325.5.)

§ 118-326. Sale and disposal of waters; rates and charges

Sec. 326. The district shall have the power:

(a) To sell, lease or otherwise dispose of water or any rights to the use of the works of the district subject to the provisions of Section 329.

(b) To fix, revise, and collect rates and charges for the services, facilities, or water furnished by it.

(c) To establish rules and regulations, consistent with the provisions of law and the rules and regulations of the state and county health officials, to protect the public health in the operation of the works, to provide for the sale, distribution, and use of water, and the services and facilities of the works, to provide that service, facilities, or water shall not be furnished to persons against whom there are delinquent charges, and to provide for charges for the restoration of service.

(d) To provide that charges for any of its services or facilities may be collected together with, and not separately from, the charges for other services or facilities rendered by it, or it may contract that all such charges be collected by any other private or public utility, and that such charges be billed upon the same bill and collected as one item.

(e) To provide that if all or part of a bill is not paid, the agency may discontinue any or all services or facilities for which the bill is rendered.

(f) To provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as determined by the board.

(g) To provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and, in addition, to provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. The district may provide for the collection of such penalties.

(h) To provide for the collection of the charge and penalties by making the same a lien upon the real property and collectible at the same time and in the same manner as taxes and assessments are so collected upon such real property.

(Stats.1977, c. 527, p. 1687, § 326.)

§ 118-327. Control of flood and storm waters

Sec. 327. The district shall have the power to control the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside of the district, which streams and floodwaters flow into the district, and to conserve such waters for beneficial and useful purposes of the district by spreading, storing, retaining, and causing to percolate into the soil within or without the district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in the district, and the watercourses outside of the district of streams flowing into the district.

(Stats.1977, c. 527, p. 1688, § 327.)

§ 118-328. Acquisition of water systems; storage of water; conservation and reclamation; maintenance of actions; abatement of waste

Sec. 328. The district shall have the power:

(a) To acquire public or private water systems necessary or proper to carry out the purposes of this law.

(b) To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district.

(c) To conserve and reclaim water for present and future use within the district.

(d) To appropriate and acquire water and water rights, and import water into the district and to conserve and utilize, within or outside of the district, water for any purpose useful to the district.

(e) To commence, maintain, intervene in, defend or compromise, in the name of the district on behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action

or proceeding involving or affecting the ownership or use of waters or water rights, within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein.

(f) To commence, maintain, intervene in, defend, and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun.

(g) To prevent interference with or diminution of, or to declare rights in, the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants.

(h) To prevent unlawful exportation of water from the district.

(i) To prevent, control, or abate waste, contamination, pollution, or otherwise rendering unfit for beneficial use, the surface or subsurface water used in or useful to the district or its inhabitants, and to commence, maintain, and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district.

(j) Notwithstanding any provision of this section to the contrary, the district shall have no power to intervene or take part in, or to pay the cost or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(Stats.1977, c. 527, p. 1688, § 328.)

§ 118-329. Sale of water or rights to member units; rates and charges; transfer of water or use to others

Sec. 329. Any water or rights to the use of the works of the district for the conservation, control, reclamation, or transportation of water may be sold, leased, or otherwise transferred by the district to member units, and the agency may fix and collect rates and charges for such purposes. The district may transfer such water or the use of district works to other than member units for use in or outside the district upon a temporary or short-term basis upon a finding by the board that such water or works exceed the needs of member units. Each contract for or sale of surplus water or the use of water facilities or other works of the district shall expressly state that the sale, disposition, or use is subject to the prior right to the use of such water, facilities, or other works of the district by or for the inhabitants of the district or for member units.

The provisions of this section shall not prevent the collection, treatment, reclamation, or disposal of sewage for other than inhabitants of the district or member units.

(Stats.1977, c. 527, p. 1689, § 329.)

§ 118-330. Sale of water to state or United States; terms, conditions and rates

Sec. 330. The district may provide, sell, and deliver water and water service to the United States or to the state for any use or purpose pursuant to contract therefor. Such contract may be for permanent service, but shall provide for the furnishing of such water or water service upon terms and conditions and at rates which will apportion an equitable share of the capital cost and operating expense of the district's works to the contractee.

(Stats.1977, c. 527, p. 1689, § 330.)

§ 118-331. Sale of surplus water; uses; preference

Sec. 331. The district may provide, sell, and deliver surplus water not needed or required for domestic, municipal, irrigation, or fish and wildlife and recreation uses in the district for beneficial use, but shall give preference to uses within the district. Surplus water supplied by the district, whether by contract or otherwise, shall always be subject to discontinuance, in whole or in part, upon the determination, upon notice and hearing and the declaration by resolution adopted by a majority vote of the members of the board, that such water is needed or required for domestic or municipal uses within the district.

(Stats.1977, c. 527, p. 1690, § 331.)

§ 118-332. Restrictions upon use of water during drought or other emergency

Sec. 332. Upon notice, hearing, and by ordinance duly adopted by the board, the district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water, or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may

be determined to be necessary by the board. During such periods the district may prohibit the use of district water for specific uses which the district may from time to time find to be nonessential. Every ordinance adopted pursuant to this section shall be published pursuant to Section 6061 of the Government Code within 10 days after adoption in a newspaper of general circulation in the district published in the county.

(Stats.1977, c. 527, p. 1690, § 332.)

§ 118-333. Improvements to provide additional water during emergencies; hearings; elections

Sec. 333. The board may authorize improvements to provide additional water to the district during any sudden or unexpected emergency in which the use of district water is restricted by an ordinance adopted pursuant to Section 332, and where the emergency improvement is required to prevent the actual or threatened loss or damage to life, property, or essential public services. If, after the conclusion of a public hearing, the board determines to proceed with a work or project to provide additional water during any such emergency, it shall adopt a resolution which calls an election to be held in the district on the question of proceeding with and financing the work or project. The resolution shall further establish election precincts in accordance with Section 603. A copy of any resolution proposed for approval at the conclusion of this hearing shall be published together with the hearing notice pursuant to Section 6066 of the Government Code. The resolution shall specify the work or project and contain an estimate of costs. The resolution shall also set forth whether bonds, tax proceeds, assessments, or fees are to be used to finance the work or project and the amounts to be raised from each. The resolution shall refer to a map or maps showing the general location and general construction of the work or project and the areas benefited by the work or project. Improvements which may be authorized pursuant to this section shall be limited to pipes, mains, pumping facilities, wells, transmission facilities, filtration facilities, and treatment facilities. Emergency improvements shall not include the construction of dams, reservoirs, or river diversion structures. Assessments or fees to fund an emergency work or project shall not exceed costs related to the emergency improvement. The election shall be called and conducted in the manner prescribed in Article 2 (commencing with Section 471) of Chapter 8 as nearly as the same may be applicable, except that the election shall be conducted in the entire portion of the district benefited by the emergency improvement. If the emergency improvements are proposed to be funded by means other than a special tax levy or assessment upon real property, Chapters 7 (commencing with Section 431) and 8 (commencing with Section 451) shall be otherwise inapplicable to a district work or project authorized pursuant to this section.

(Added by Stats.1989, c. 585, § 1.5, eff. Sept. 21, 1989.)

ARTICLE 2. GROUND WATER MANAGEMENT

Section

- 118-341. Coordination and integration of ground water supplies.
- 118-342. Construction of article; definitions.
- 118-343. Additional power; ground water charge.
- 118-343.5. Construction against charge against land overlying ground water basin for use of water on overlying land.
- 118-344. Establishment of ground water charge zones.
- 118-345. Purpose of ground water charges; levy.
- 118-346. Use of proceeds of ground water charges.
- 118-347. Registration of facilities located within ground water zones.
- 118-348. Failure to register; misdemeanor; punishment.
- 118-349. Registration form; requirements.
- 118-350. Annual report on activities of district in the protection and augmentation of water supplies.
- 118-351. Public hearing regarding report.
- 118-352. Determination whether ground water charge should be levied; computation; establishment of different rates.
- 118-353. Notice of rates.
- 118-354. Annual report of owner or operator of water-producing facility; contents; verification; time for payment; computation; water measuring devices.
- 118-355. Amended water production statement; time; conditions.
- 118-356. Annual record of water production and ground water charges.
- 118-357. Restraining orders and injunctions.
- 118-358. Investigation and report concerning production of water; determination; notice; protest; hearing.

App. § 118-341

WATER CODE—APPENDIX

Section

- 118-359. Suit for collection of delinquent ground water charges; costs; interest; penalties.
- 118-360. Production from unregistered facilities; violation; penalty.
- 118-361. Interference with water measuring device, failure to report or breaking seal to abandoned facility; violation; penalty.
- 118-362. Implementing enforcement of ground water charge provisions; additional powers.
- 118-363. Establishment or expansion of water distribution system; necessity to approval; rules; exceptions.
- 118-364. Basin production percentage; determination.
- 118-365. Production of needs from ground water.
- 118-366. Encouraging use of water from alternative sources.

§ 118-341. Coordination and integration of ground water supplies

Sec. 341. The district shall encourage the coordination and integration of ground water supplies with surface water supplies and for such purposes shall have the additional powers provided in this article.

(Stats.1977, c. 527, p. 1690, § 341.)

§ 118-342. Construction of article; definitions

Sec. 342. Unless the context otherwise requires, the definitions of this section shall govern the construction of this article:

(a) "Person," or "owner" or "operator" means public entities as defined in Section 8, private corporations, firms, partnerships, individuals or groups of individuals, whether organized or not; "owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

(b) "Ground water" means nonsaline water beneath the natural surface of the ground, whether or not flowing through known and definite channels; "nonsaline water" means water which has less than 1,000 parts of chlorides to 1,000,000 parts of water, both quantities measured by weight.

(c) "Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method, from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavations, or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction of ground water produced in the construction or reconstruction of a well for, or water incidentally produced with, oil or gas in the production thereof, or water incidentally produced in a bona fide mining or excavating operation, or water incidentally produced in the bona fide construction of a tunnel, unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

(d) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the district or a zone thereof.

(e) "Water year" means July 1 of one calendar year to June 30 of the following calendar year.

(f) "Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

(Stats.1977, c. 527, p. 1690, § 342.)

§ 118-343. Additional power; ground water charge

Sec. 343. The board shall have the power, in addition to the powers enumerated elsewhere in this law, to levy and collect a ground water charge for the production of water from the ground water supplies within a zone or zones of the district which will benefit from the augmentation of underground water supplies or the distribution of imported water in such zone or zones.

(Stats.1977, c. 527, p. 1691, § 343.)

§ 118-343.5. Construction against charge against land overlying ground water basin for use of water on overlying land

Sec. 343.5. Nothing in this law shall be construed to allow the district to levy or collect any charge against any land overlying a ground water basin for the production of water naturally occurring in the ground water basin for use on his or her overlying land.

(Stats.1977, c. 527, p. 1691, § 343.5.)

WATER CODE—APPENDIX

App. § 118-348

§ 118-344. Establishment of ground water charge zones

Sec. 344. Prior to the establishment of any ground water charge, the board shall establish a zone or zones within the district within which the ground water charge will be effective. The zone or zones shall be established and may be amended to the extent and in the manner prescribed in Chapter 8 (commencing with Section 431).

(Stats.1977, c. 527, p. 1691, § 344.)

§ 118-345. Purpose of ground water charges; levy

Sec. 345. Ground water charges levied pursuant to this law are declared to be in furtherance of district activities in the protection and augmentation of the water supplies for users within a zone or zones of the district which are necessary for the public health, welfare, and safety of the people of this state. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within such zone or zones of the district for the benefit of all who rely directly or indirectly upon the ground water supplies of such zone or zones and water imported into such zone or zones.

(Stats.1977, c. 527, p. 1691, § 345.)

§ 118-346. Use of proceeds of ground water charges

Sec. 346. The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within such zone or zones of the district are authorized and shall be used exclusively by the board for the following purposes:

(a) To pay the costs of constructing, maintaining, and operating facilities which will import water into the district which will benefit such zone or zones, including payments made under any contract between the district and the State of California, the United States of America, or any public, private or municipal utility.

(b) To pay the costs of purchasing water for importation into such zone or zones, including payments made under contract to the State of California, the United States of America, or any public, private or municipal utility.

(c) To pay the costs of constructing, maintaining and operating facilities which will conserve or distribute water within such zone or zones, including facilities for ground water recharge, surface distribution, and the purification and treatment of such water.

(d) To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district on behalf of such zone or zones for any of the purposes set forth in this section.

The district may apply to any one or more of the purposes set forth in this section any or all revenues received by the district from water sale contracts executed by the district pursuant to this law.

(Stats.1977, c. 527, p. 1691, § 346.)

§ 118-347. Registration of facilities located within ground water zones

Sec. 347. Within six months after the date of establishing any such zone or zones, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district installed by the district or at the district's option by the operator thereof. Any new water-producing facility, constructed or reestablished, or any abandoned water-producing facility which is reactivated, after such date, shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion or reestablishment, or reactivation thereof.

(Stats.1977, c. 527, p. 1692, § 347.)

§ 118-348. Failure to register; misdemeanor; punishment

Sec. 348. Failure to register any water-producing facility, as required by this law, is a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500).

(Stats.1977, c. 527, p. 1692, § 348.)

App. § 118-349

WATER CODE—APPENDIX

§ 118-349. Registration form; requirements

Sec. 349. The district may prescribe the form for registration of such water-producing facilities, and shall include a requirement for information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

(Stats.1977, c. 527, p. 1692, § 349.)

§ 118-350. Annual report on activities of district in the protection and augmentation of water supplies

Sec. 350. The district shall annually prepare a written report upon the activities of the district in the protection and augmentation of the water supplies of the district. The report shall include, but not be limited to, the following information:

- (a) A financial analysis of the water utility systems of the district.
- (b) An analysis of the present and future water requirements of the district, the water supply available to the district, and the requirements for future capital improvements, and the requirements for maintenance and operation.
- (c) The methods available for financing such future requirements.
- (d) A recommendation as to whether or not a ground water charge should be levied in any zone or zones of the district during the ensuing water year.
- (e) The proposed rates for agricultural water and for water other than agricultural water for each such zone in which a ground water charge is recommended.

(Stats.1977, c. 527, p. 1692, § 350.)

§ 118-351. Public hearing regarding report

Sec. 351. On the second Tuesday in February of each year the annual report shall be delivered to the clerk of the district. The clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Monday in March in a newspaper of general circulation published or circulated within the district, at least 10 days prior to the date at which the public hearing regarding such report shall be held. Such notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district and to any person interested in the district's activities in the protection and augmentation of the water supplies of the district to call at the offices of the district to examine such report. There shall be held on the second Monday of March of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the district's activities in the protection and augmentation of the water supplies of the district, may in person, or by representative, appear and submit evidence concerning the subject of such written report.

(Stats.1977, c. 527, p. 1693, § 351. Amended by Stats.1981, c. 986, p. 3822, § 2.)

§ 118-352. Determination whether ground water charge should be levied; computation; establishment of different rates

Sec. 352. Prior to the end of the water year in which the hearing is held, and based upon the findings and determinations from the hearing, the board shall determine whether or not a ground water charge should be levied in any zone or zones. If the board determines that a ground water charge should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water. Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the

making or extension of any charge upon the records which do not affect the substantial rights of the assessee or assesses, shall not invalidate the ground water charge.

(Stats.1977, c. 527, p. 1693, § 352.)

§ 118-353. Notice of rates

Sec. 353. The district, after the levying of the ground water charge, shall give notice thereof to each owner or operator of each water-producing facility in the zone or zones as disclosed by the records of the district, which notice shall state the rate for each class of water of the ground water charge for each acre-foot of water to be produced during the ensuing water year. The notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

(Stats.1977, c. 527, p. 1694, § 353.)

§ 118-354. Annual report of owner or operator of water-producing facility; contents; verification; time for payment; computation; water measuring devices

Sec. 354. After the establishment of a zone in which a ground water charge may be levied, each owner or operator of a water-producing facility within such zone, until such time as such water-producing facility has been permanently abandoned, shall file with the district, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, the method or basis of the computation of such water production, and the amount of the ground water charge based on such computation. If no water has been produced from such water-producing facility during the preceding six-months period, such statement shall be filed as provided for herein, setting forth that no water has been produced during such period. Such statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is payable to the district on or before the last date upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any such water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the district shall charge interest at the rate of 1 percent each month on the delinquent amount of the ground water charge. The ground water charge and any interest or penalties thereon shall be collected as provided in Section 723 and as provided in this article.

Should any owner or operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statements as required by this law, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such owner or operator in an amount of 10 percent of the amount found by the district to be due. The board may adopt regulations to provide that in excusable or justifiable circumstances such penalty may be reduced or waived.

When a water-measuring device is permanently attached to a water-producing facility, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and shall be used as the basis for computing the water production of the water-producing facility in completing the water production statement, unless it can be shown that the water-measuring device is not measuring accurately.

When a water-measuring device is not permanently attached to a water-producing facility, the board may establish a method or methods to be used in computing the amount of water produced from such water-producing facilities.

Such methods may be based upon any, or all, or a combination of some of the following criteria: the minimum charge sufficient to cover administrative costs of collection, size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

(Stats.1977, c. 527, p. 1694, § 354.)

§ 118-355. Amended water production statement; time; conditions

Sec. 355. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next

App. § 118-355

WATER CODE—APPENDIX

semiannual water production statement; provided, that if pursuant to Section 358, the owner or operator has been notified of a determination by the district that the production of water from the water-producing facility is in excess of that disclosed by the sworn statement covering such water-producing facility, and such owner or operator fails to protest such determination in the manner and in the time set forth in Section 358, he shall be precluded from later filing an amended water production statement for that period for such water-producing facility.

(Stats.1977, c. 527, p. 1695, § 355.)

§ 118-356. Annual record of water production and ground water charges

Sec. 356. The district shall prepare each year a record called "The Record of Water Production and Ground Water Charges" in which shall be entered a general description of the property upon which each water-producing facility is located, an identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

(Stats.1977, c. 527, p. 1695, § 356.)

§ 118-357. Restraining orders and injunctions

Sec. 357. The superior court in and for the County of Monterey may issue a temporary restraining order prohibiting operation of any water-producing facility upon the filing by the district with such court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, or that such defendant is delinquent in the payment of a ground water charge. Such temporary restraining order shall be returnable to such court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the district, or that the defendant is delinquent in payment of ground water charges thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this law or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure, regarding injunctions shall be followed except insofar as it may herein be otherwise provided. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

(Stats.1977, c. 527, p. 1696, § 357.)

§ 118-358. Investigation and report concerning production of water; determination; notice; protest; hearing

Sec. 358. If the district has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, the district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. The district may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate.

After such determination has been made by the district, a written notice thereof shall be mailed to the person operating such water-producing facilities at his address as shown by the district's records. Any such determination made by the district shall be conclusive on all persons having an interest in such water-producing facility, and the ground water charge, interest and penalties thereon, shall be paid forthwith, unless such person files with the board within 15 days after the mailing of such notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. If the water production statement was

filed and the amount disclosed thereon was paid within the time required by this law, and the board finds that the failure to report the amount of water actually produced resulted from excusable or justifiable circumstances, the board may waive the charge of interest on the amount found to be due. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall have 20 days from the date of mailing to pay the ground water charge, interest, or penalties provided by the provisions of this act.

Notice as required in this section shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of the district. The service is complete at the time of deposit.

(Stats.1977, c. 527, p. 1696, § 358.)

§ 118-359. Suit for collection of delinquent ground water charges; costs; interest; penalties

Sec. 359. The district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the district for the collection of any delinquent ground water charge. The court having jurisdiction of such suit, may, in addition to allowing recovery of costs to the district as allowed by law, fix and allow interest and penalties as provided in Section 354 as part of the judgment. Should the district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided for in Title 6.5 (commencing with Section 483.010), Part 2, of the Code of Civil Procedure.

(Stats.1977, c. 527, p. 1697, § 359.)

§ 118-360. Production from unregistered facilities; violation; penalty

Sec. 360. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this article unless such water-producing facility has been registered with the district within the time required by the provisions of this article and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars (\$500). Each day of operation in violation hereof shall constitute a separate offense.

(Stats.1977, c. 527, p. 1697, § 360.)

§ 118-361. Interference with water measuring device, failure to report or breaking seal to abandoned facility; violation; penalty

Sec. 361. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs, or in any manner interferes or tampers with, or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere or tamper with, any water-measuring device affixed to any water-producing facility as required by this law, so as to cause such water-measuring device to improperly or inaccurately measure and record such water production, or any person who willfully does not file with the district a water production statement as prescribed and within the time required by this law, or any person who willfully removes or breaks a seal attached to an abandoned water-producing facility, or any person who, with intent to evade any provision or requirement of this law, files with the district any false or fraudulent water production statement is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

(Stats.1977, c. 527, p. 1697, § 361.)

§ 118-362. Implementing enforcement of ground water charge provisions; additional powers

Sec. 362. In implementing the enforcement of the provisions of this law relating to ground water charges, the district shall have the power, in addition to the powers enumerated elsewhere in this act:

(a) To install and maintain water-measuring devices, and other devices which will aid in determining accurate water production, on water-producing facilities not owned by the district.

(b) To affix seals to water-producing facilities which the owner or operator thereof has declared to be abandoned, or are in fact permanently abandoned.

App. § 118-362

WATER CODE—APPENDIX

(c) To enter on to any land for the purposes enumerated in this section and for the purpose of making investigations relating to water production. For such purposes, any authorized representative of the district, upon presentation of his credentials, or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which a water-producing facility is located for the purpose of inspecting such facility, including verifying accuracy of water-measuring devices or any records required to be maintained in connection therewith by federal, state, or local law, order, ordinance, regulation, or rule.
(Stats.1977, c. 527, p. 1697, § 362.)

§ 118-363. Establishment or expansion of water distribution system; necessity to approval; rules; exceptions

Sec. 363. No person, owner, or operator shall establish, extend, expand, or create a water distribution system unless and until the approval of the board is first obtained in writing. For the purposes of such approval, the board may adopt such rules and regulations and establish such forms for such applications as are necessary and proper. The board may provide by ordinance for exceptions to the requirement for approval for systems furnishing domestic water to three or fewer parcels or lots in the district.

(Stats.1977, c. 527, p. 1698, § 363.)

§ 118-364. Basin production percentage; determination

Sec. 364. The board may determine, in the manner provided in this law, the basin production percentage as defined in Section 20.

(Stats.1977, c. 527, p. 1698, § 364.)

§ 118-365. Production of needs from ground water

Sec. 365. The district may require that producers produce more or less of their total water needs from the ground water within the district than the basin production percentage determined by the district as provided in this article.

(Stats.1977, c. 527, p. 1698, § 365.)

§ 118-366. Encouraging use of water from alternative sources

Sec. 366. The district may distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree to use water from an alternative nontributary source in lieu of ground water, and to such end the district may become party to such contract and pay from the district funds such portion of the cost of waters from an alternative source as will encourage the purchase and use of such water in lieu of producing ground water, so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment.

In such cases, vested rights to underlying ground water may be protected as provided in Section 1005.1 or 1005.4 of the Water Code, and such sections are applicable, for this purpose, in the district.
(Stats.1977, c. 527, p. 1698, § 366.)

ARTICLE 3. RECREATIONAL FACILITIES

Section

118-368. Construction and maintenance of public recreational facilities.

118-369. Carmel River, its bed and banks; restriction of use or closing to motorized vehicles.

118-370. Permits for acts in or along bed or banks of Carmel River; exceptions.

§ 118-368. Construction and maintenance of public recreational facilities

Sec. 368. The district may construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency, and to provide by ordinance regulations binding on all persons to govern the use of such facilities, including, among others, regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

(Stats.1977, c. 527, p. 1699, § 368.)

§ 118-369. Carmel River, its bed and banks; restriction of use or closing to motorized vehicles

Sec. 369. The board, by resolution, may restrict the use of or close to motorized vehicles, the Carmel River, its bed and banks, or any portion thereof, whenever the board considers the closing or restriction of use necessary for either of the following:

- (a) The protection of the public.
- (b) The protection of the river or its bed and banks from damage.

Any person who willfully fails to observe any sign, marker, warning, notice, or direction, placed or given pursuant to this section, is guilty of a misdemeanor.

The board may not restrict the use of, or access to, that portion of the riverbank where that use or access is necessary to the ordinary operation, maintenance, or repair of existing golf courses.

The board may not restrict use of or access to lands within the State Park System.

(Added by Stats.1983, c. 767, § 1.)

§ 118-370. Permits for acts in or along bed or banks of Carmel River; exceptions

Sec. 370. (a) The board may issue written permits authorizing the permittee to do any of the following acts in or along the bed or banks of the Carmel River or its tributaries:

(1) Excavate or repair any river bed or river bank, including, but not limited to, the installation of gabions or riprap.

(2) Plant, irrigate, remove, cut, or destroy any tree, shrub, or plant. This subdivision shall not be construed as applying to the ordinary operation, maintenance, or repair of existing golf courses.

(b) The district engineer, or person authorized by the district engineer, may supervise any work done under a permit issued pursuant to this section. This section shall not be construed to apply to the diversion or extraction of water.

(c) Activities conducted under the following state acts and programs shall be exempt from the use restrictions and permit jurisdiction otherwise authorized under this section:

(1) Timber operations conducted pursuant to license under the Z'berg-Nejedly Forest Practice Act of 1973, as required by Article 7 (commencing with Section 4581) of Chapter 8 of Division 4 of the Public Resources Code.

(2) Control burning operations for range improvement and fire hazard reduction conducted pursuant to permit in accordance with Section 4470 of the Public Resources Code.

(3) Forest improvement activities, including preparation and planting of trees, under provisions of Chapter 1 (commencing with Section 4790) of Part 2.5 of Division 4 of the Public Resources Code.

(4) Control of the State Park System under the provisions of Chapter 1 (commencing with Section 5001) of Division 5 of the Public Resources Code.

The exemptions specified in this subdivision shall not be construed in any manner to take away or limit any authority vested in the County of Monterey to impose restrictions in or grant permits for any of these activities.

(Added by Stats.1983, c. 767, § 2.)

CHAPTER 3. SEWAGE, INDUSTRIAL WASTE, AND STORM WATER**Section**

118-371. Acquisition, operation, etc., of sewage, industrial waste and storm water facilities.

118-372. Manner of raising funds by member units to make payments required by agreements with district.

118-373. Formation of improvement zones within district.

118-374. Contracts with member units for use by district of capital improvements of member units.

118-375. Provisions of chapter additional and supplementary.

118-376. Acquisition and use of facilities within sanitation district; exception.

§ 118-371. Acquisition, operation, etc., of sewage, industrial waste and storm water facilities

Sec. 371. Subject to the provisions of Section 376, the district may plan, finance, acquire, construct, operate, and maintain, either inside or outside its boundaries or both, facilities for the collection, treatment, transmission, reclamation, or disposal of sewage, industrial waste, or storm

water, or any combination thereof, delivered to it by its own facilities or by one or more of the member units. The board may prescribe, revise, and collect, or cause to be collected, rates or other charges for the services and facilities furnished by the district pursuant to this chapter, including charges for connecting to its facilities.

(Stats.1977, c. 527, p. 1699, § 371.)

§ 118-372. Manner of raising funds by member units to make payments required by agreements with district

Sec. 372. The governing board of any member unit may raise the funds necessary to make the payments required by any agreement with the district, (a) by taxation as permitted by the law pursuant to which such member unit was formed, (b) by charging the users of the facilities of such member unit an amount sufficient to raise such funds, (c) by a combination of both, or (d) in any other method by which such member unit may legally raise such funds; provided, however, that if, to raise such funds by taxation along with all other taxes of such member unit, any member unit must (i) exceed any then applicable limit on the tax rate of such member unit, or (ii) levy a total tax which must by law be levied by ordinance subject to referendum, then such member unit shall raise a sufficient portion of such funds by method other than taxation so that the tax levied by such member unit does not come within clause (i) or (ii) of this section.

(Stats.1977, c. 527, p. 1699, § 372.)

§ 118-373. Formation of improvement zones within district

Sec. 373. Improvement zones may be formed by the board within the district as provided in this law for the equitable distribution of costs of the planning, financing, acquisition, construction, operation, and maintenance of the facilities for the services of the district provided pursuant to this chapter of benefit to a particular area.

(Stats.1977, c. 527, p. 1699, § 373.)

§ 118-374. Contracts with member units for use by district of capital improvements of member units

Sec. 374. Any member unit may contract with the district for use by the district of any capital improvements theretofore constructed by the member unit and required by the district for any district purpose. Each such contract may provide that the district shall pay to the member unit owning such capital improvements an annual use charge on or before June 30 in each year of the use of such capital improvements by the district. Such charge may be equal to the principal of and interest on bonds of the member unit issued to pay the cost of such capital improvements that will become due and payable in the 12 months beginning on the next succeeding July 1, and may include reimbursement to the member unit for the cost of such capital improvements paid from funds other than the proceeds of the sale of bonds, or a combination of both, and may take into consideration any other relevant factor.

(Stats.1977, c. 527, p. 1699, § 374.)

§ 118-375. Provisions of chapter additional and supplementary

Sec. 375. The provisions of this chapter are in addition to, and supplementary to, any other provisions of law or this law which authorize the district to provide sewage services for the benefit of the land and inhabitants therein.

(Stats.1977, c. 527, p. 1700, § 375.)

§ 118-376. Acquisition and use of facilities within sanitation district; exception

Sec. 376. The district shall not acquire, construct, operate or maintain any facilities for the collection, treatment, transmission, reclamation or disposal of sewage pursuant to the chapter within the boundaries of a sanitation district except upon the written consent of such sanitation district. The provisions of this section are additional to the provisions of Section 132.

(Stats.1977, c. 527, p. 1700, § 376.)

CHAPTER 4. PROPERTY

Section

- 118-391. Taking by grant, purchase, gift, devise or lease; use; disposition.
- 118-392. Acquisition of works, water, and water rights.
- 118-393. Operation, repair, replacement, etc., of works and property.
- 118-394. Technical investigations, surveys, etc.; cooperation with public entities, state or United States.
- 118-395. Construction of pipes, tunnels, conduits, etc.
- 118-396. Grant of right-of-way.
- 118-397. Eminent domain.
- 118-398. Title to property.
- 118-399. Leases of real property; obligation of lessee to construct building for use of district; title.

§ 118-391. Taking by grant, purchase, gift, devise or lease; use; disposition

Sec. 391. The district shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the district, necessary to the full exercise of its powers and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 398.

(Stats.1977, c. 527, p. 1700, § 391.)

§ 118-392. Acquisition of works, water, and water rights

Sec. 392. The district shall have the power within or outside the district to construct, purchase, lease, or otherwise acquire works useful or necessary for any purposes authorized by this law and to purchase, lease, appropriate, or otherwise acquire water and water rights useful or necessary to make use of water for any purposes authorized by this law.

(Stats.1977, c. 527, p. 1700, § 392.)

§ 118-393. Operation, repair, replacement, etc., of works and property

Sec. 393. The district shall have the power to operate, repair, improve, maintain, renew, replace, and extend all works and property of the district.

(Stats.1977, c. 527, p. 1700, § 393.)

§ 118-394. Technical investigations, surveys, etc.; cooperation with public entities, state or United States

Sec. 394. The district shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, control of sewage and garbage, control of water quality, and use of water both within and without the district. The district may cooperate with any public entity, the state, or the United States in carrying out the powers granted by this section.

(Stats.1977, c. 527, p. 1700, § 394.)

§ 118-395. Construction of pipes, tunnels, conduits, etc.

Sec. 395. The district shall have the power to construct its pipes, pipelines, flumes, and tunnels and other conduits, including, among others, facilities for sewage collection and transmission lines along, under or across any public road, street, alley, avenue, highway, or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of such pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the district shall restore at its own expense any such crossings and intersections to their former state as nearly as may be or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or public entity whose right-of-way shall be intersected or crossed by such pipes, pipelines, canals, flumes, tunnels, or other conduits shall unite with the district in forming such intersections and crossings and grant the rights therefor.

(Stats.1977, c. 527, p. 1700, § 395.)

App. § 118-396

WATER CODE—APPENDIX

§ 118-396. Grant of right-of-way

Sec. 396. There is hereby granted to the district the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this law in, over, and across public lands of the state not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district, the board shall transmit to the State Lands Commission, the State Controller and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selection so made it shall endorse its approval upon the plat and issue to the district a permit to use such right-of-way and lands.

(Stats.1977, c. 527, p. 1701, § 396.)

§ 118-397. Eminent domain

Sec. 397. The district shall have the power of eminent domain to acquire within the district any property necessary for carrying out the powers and purposes of the district, except that the district shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage, or distribution of water for public use. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the district shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

(Stats.1977, c. 527, p. 1701, § 397.)

§ 118-398. Title to property

Sec. 398. The legal title to all property acquired under the provisions of this law shall be in the district and shall be held for the uses and purposes of this law. The board may hold, use, acquire, manage, occupy, and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the district is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

(Stats.1977, c. 527, p. 1701, § 398.)

§ 118-399. Leases of real property; obligation of lessee to construct building for use of district; title

Sec. 399. Notwithstanding any other provision of law, the board of directors is hereby authorized and empowered to let to any person, firm, or corporation, for a term not to exceed 40 years, any real property which belongs to the district; provided, that the use to which such property will be put, after construction thereon, is consistent with the use or purposes contemplated upon the original acquisition of such property or to which such property has been dedicated. Property leased pursuant to this section may be used for purposes inconsistent with the use or purposes contemplated upon the original acquisition of such property by the district or to which such property has been dedicated if the property has belonged to the district for 10 years and such use or purposes have been abandoned.

Any instrument by which such property is let as aforesaid shall require the lessee therein to construct on the demised premises a building or buildings for the use of the district during the term thereof, shall provide that title to such building shall vest in the district at the expiration of the term, and shall contain such other terms and conditions as the board of directors may deem to be in the best interests of the district.

(Added by Stats.1981, c. 986, p. 3823, § 3.)

CHAPTER 5. CONTRACTS AND COOPERATION

Section

118-401. Cooperation with United States.

118-402. United States Contract Fund.

118-403. Purposes for cooperation.

Section

118-404. Agreements for joint action.

118-405. Authority of irrigation districts, water districts, public utility districts, etc.

§ 118-401. Cooperation with United States

Sec. 401. The district shall have the power to cooperate with the United States under the Federal Reclamation Act of June 17, 1902,¹ and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contracts for the purposes of construction of works, whether for irrigation, drainage, flood control, or otherwise to provide a supply of water within or without the district for any purpose, for the collection, treatment, reclamation, or disposal of sewage, for the collection, storage, treatment, separation, transportation, conversion, transfer, reclamation, processing, or disposal of solid waste, or for the acquisition, purchase, extension, repair, replacement, operation, and maintenance of such works, or for the assumption as principal or guarantee of indebtedness to the United States or to the state, or for the carrying out of any of the purposes of the district. For such purposes the district shall have, in addition to the powers set forth in this law, all powers, rights and privileges possessed by county water districts as set out in Part 5 (commencing with Section 31000) of Division 12 of the Water Code not inconsistent with the provisions of this law.

(Stats.1977, c. 527, p. 1702, § 401.)

143 U.S.C.A. § 371 et seq.

§ 118-402. United States Contract Fund

Sec. 402. All money collected in pursuance of contract with the United States shall be paid into the district treasury to the credit of the district and shall be held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

(Stats.1977, c. 527, p. 1702, § 402.)

§ 118-403. Purposes for cooperation

Sec. 403. The district may cooperate and act in conjunction and contract with the United States, the state, any public entity, public or private corporation, or any person for any of the following purposes:

- (1) The purchase and sale of water.
- (2) The acquisition of water, water rights, or a water supply.
- (3) The construction of any works for the control of flood or storm waters in the district or for the protection of property, watersheds, watercourses, highways, and life.
- (4) The construction of any works for the purpose of conserving, collecting, reclaiming, transporting, and protecting from contamination of any waters for beneficial uses and purposes in the district, including recreational uses, the collection, treatment, reclamation, or disposal of sewage, the collection, storage, treatment, separation, transportation, conversion, transfer, reclamation, processing, or disposal of solid waste and for the use, operation and management, and ownership of such works.

(Stats.1977, c. 527, p. 1702, § 403.)

§ 118-404. Agreements for joint action

Sec. 404. The district may make and perform any agreement with the United States, the state, any public entity, public or private corporation, or any person for the joint acquisition, disposition, operation, or management of any property, works, water, or water supply of a kind which might be acquired, disposed of, or operated by the district.

(Stats.1977, c. 527, p. 1702, § 404. Amended by Stats.1983, c. 767, § 3.)

§ 118-405. Authority of irrigation districts, water districts, public utility districts, etc.

Sec. 405. Any irrigation district, California water district, public utility district, municipal utility district, county water district, water conservation district, municipality, flood control district, county service district, or any other district or political subdivision of the state empowered by law to appropriate, deliver, treat, store, control, reclaim, conserve, or distribute water, or any other public entity may:

- (a) Cooperate, act in conjunction with and enter into contracts with the district for all the purposes for which the district is empowered to cooperate or act in conjunction and contract with such entities.

(b) Carry out the terms of such contracts.
(Stats.1977, c. 527, p. 1703, § 405.)

CHAPTER 6. CONTROVERSIES

Section

- 118-411. Power to sue.
- 118-412. Actions to determine validity of contracts, bonds, etc.
- 118-413. Claims for money or damages against district.

§ 118-411. Power to sue

Sec. 411. The district may sue and be sued, except as otherwise provided in this law or by any other law, in all actions and proceedings in all courts, commissions, boards, and tribunals of competent jurisdiction.

(Stats.1977, c. 527, p. 1703, § 411.)

§ 118-412. Actions to determine validity of contracts, bonds, etc.

Sec. 412. Any action to determine the validity of any contract, any bonds, notes, or other evidences of indebtedness, or the levy of a special assessment shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Stats.1977, c. 527, p. 1703, § 412.)

§ 118-413. Claims for money or damages against district

Sec. 413. 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. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the board, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims made against a county.

(Stats.1977, c. 527, p. 1703, § 413.)

CHAPTER 7. ZONES

Section

- 118-431. Establishment of improvement zones; change of boundaries.
- 118-432. Conduct of proceedings for establishment of zones.
- 118-433. Approval of boundaries of zones including cities by city council.
- 118-434. Advancement of general funds of district to accomplish improvement, work on project.
- 118-435. Levy of taxes or assessments in zones to carry out purposes of law.
- 118-436. Special tax or assessment for payment for work done by public entity within zone.
- 118-437. Fixing rates of zone taxes or assessments; levy and collection.
- 118-438. Benefit assessments on real property; uses of revenues; procedures; collection; railroad and utility rights-of-way.

§ 118-431. Establishment of improvement zones; change of boundaries

Sec. 431. Subject to the provisions of Article 2 (commencing with Section 471) of Chapter 8 of this part, the board, by resolutions thereof adopted from time to time, may establish improvement zones within the district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from such zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided, or superimposed zones by metes and bounds and entitling each of such zones by a zone number. Any territory in the district may be included within one or more improvement zones.

After a project has been approved at an election held pursuant to Section 474 of this act, the boundaries of the zone or zones approving the project shall not be changed, except as otherwise provided in this law.

(Stats.1977, c. 527, p. 1703, § 431.)

WATER CODE—APPENDIX

App. § 118-437

§ 118-432. Conduct of proceedings for establishment of zones

Sec. 432. Proceedings for the establishment of a zone shall be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zone, which proceedings shall be instituted in the manner prescribed in this law.

(Stats.1977, c. 527, p. 1704, § 432.)

§ 118-433. Approval of boundaries of zones including cities by city council

Sec. 433. The boundaries of any proposed zone which includes any territory within a city shall be submitted to the city council of such city for approval before the final adoption of the boundaries of such zone by the board. If the city council does not approve the boundaries of the zone lying within the city, or including the city as a whole, the city council may approve realigned boundaries for the portion of the zone within the city. The board may then form the zone with such boundaries as have been approved by the city council, or the board shall exclude all land within such city from the zone.

(Stats.1977, c. 527, p. 1704, § 433.)

§ 118-434. Advancement of general funds of district to accomplish improvement, work on project

Sec. 434. The board of directors may advance general funds of the district to accomplish the purposes of a zone formed in accordance with Section 431 or 476 and, if the zone is formed under Section 476, may repay the district from the proceeds of the sale of bonds authorized for such purpose, or if the zone is formed under Section 431 may, in the formation of such zone, provide that the district shall be repaid with interest at not to exceed 8 percent from the special taxes levied exclusively upon the taxable property in the zone.

(Stats.1977, c. 527, p. 1704, § 434.)

§ 118-435. Levy of taxes or assessments in zones to carry out purposes of law

Sec. 435. The board may, in any one year, levy taxes or assessments in any zone to pay the cost of carrying out any of the objects or purposes of this law performed or to be performed on behalf of the zone, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or improvements established, or to be established, within, or on behalf of, the zone, according to the benefits derived, or to be derived, by the zone by either of the following methods:

(a) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon.

(b) By a levy or assessment within a zone or participating zone, upon the land only.

(Stats.1977, c. 527, p. 1704, § 435.)

§ 118-436. Special tax or assessment for payment for work done by public entity within zone

Sec. 436. The board shall have the power, in any year, to levy and collect a special tax or assessment upon the real property in any zone, including both land and improvements thereon within such zone or participating zones, for the purpose of raising funds to make payments pursuant to any contract entered into with another public entity pursuant to this act when the contract requires the public entity to perform work in any such specified zone or participating zones for its or their particular benefit and also requires the district to pay such public entity a sum of money in consideration or subvention for the performance of such work. The tax or assessment levied pursuant to this section shall be in addition to any other tax or assessment herein otherwise provided. No tax shall be levied or collected pursuant to this section unless the levy of such tax is approved by the voters of the district, by a majority vote of those voting on the proposition, at an election held within the district for such purpose.

(Stats.1977, c. 527, p. 1704, § 436.)

§ 118-437. Fixing rates of zone taxes or assessments; levy and collection

Sec. 437. Each year at the time the board fixes and levies taxes or assessments for district purposes, it shall also fix the rates of zone taxes or assessments and shall levy the taxes or assessments upon the zone pursuant to Sections 702, 703, and 704. The zone rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is

established and the cost of the maintenance thereof, or both, during the current year. The tax or assessment in any one fiscal year shall not exceed an aggregate of twenty cents (\$0.20) on each one hundred dollars (\$100) of assessed valuation of the taxable property in the zone for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

The taxes or assessments levied pursuant to this section shall be in addition to any other taxes or assessments provided by this law and shall be levied and collected at the same time and in the same manner as other district taxes and assessments. All funds collected by reason of the tax or assessment shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it is in the best interest of a zone to undertake a project or work which will require a rate of zone tax or assessment in excess of twenty cents (\$0.20) on each one hundred dollars (\$100) of assessed valuation of the taxable property in the zone, it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question to the voters of the zone as to whether or not the taxes or assessments in excess of twenty cents (\$0.20) for each one hundred dollars (\$100) of assessed valuation of the taxable real property in the zone shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone, and notice of the time, place, and purpose of the election has been given by publication in the agency pursuant to Section 6066 of the Government Code, and posted in not less than three public places in the zone. If a majority of the votes cast favor such tax or assessment rate, the board may thereafter tax or assess not to exceed such new rate.

The taxes or assessments shall be levied and collected together with, and not separately from, taxes or assessments for district purposes, and the revenues derived from such taxes or assessments shall be paid into the district treasury to the credit of the district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for such purposes; provided, however, that no revenues, or portions thereof, which are derived in any of the several zones from the taxes or assessments levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone, except in the case of joint projects or for projects authorized or established outside such zone, or zones, for the benefit thereof. In cases of projects which affect two or more zones, such zones shall become, and shall be referred to as, participating zones. (Stats.1977, c. 527, p. 1705; § 437.)

§ 118-438. Benefit assessments on real property; uses of revenues; procedures; collection; railroad and utility rights-of-way

Sec. 438. (a) The board of directors of the district may, by ordinance, provide a procedure for the levy of a benefit assessment on each parcel of real property within any zone in an amount sufficient to pay the cost of carrying out, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or projects established or to be established within or on behalf of such zone, except that the board shall not impose an assessment upon a federal or state governmental agency or another local agency.

(b) The revenue derived from the benefit assessment may be in lieu of, or supplemental to, revenue obtained by the levy of ad valorem taxes.

(c) The amount of the benefit assessment imposed on any parcel of property shall be determined on the basis of estimated benefit to the property.

(d) For any year in which the board proposes to impose a benefit assessment, the board shall cause to be prepared a written report which shall contain a description of each parcel of real property proposed to be subject to the benefit assessment and the amount of the proposed assessment for each parcel. The report shall be filed with the clerk of the district.

(e) Upon the filing of such report, the clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The clerk shall publish notice of such hearing as provided in Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published in the district.

(f) At the time, date, and place stated in the notice, the board of directors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the board of directors may adopt, revise, change, reduce, or modify any proposed assessment and shall make its determination upon each assessment as described in the report and thereafter, by resolution, shall confirm the report.

(g) No assessment authorized by this section may be imposed to pay the costs of any work or project approved after the effective date of this section at an election conducted pursuant to Article 2 (commencing with Section 471) of Chapter 8 of this part, unless at such election the question of imposing such a benefit assessment is also submitted to the voters and approved by a majority of those voters voting on the question.

(h) Whenever the board proposes to impose a benefit assessment to pay the costs of any work or project approved prior to the effective date of this section pursuant to Article 2 (commencing with Section 471) of Chapter 8 of this part, the board shall, for the first year in which the assessment is proposed to be levied, adopt the proposed assessment by ordinance. Such ordinance shall be subject to referendum.

(i) The board may provide for the collection of the benefit assessment at the same time, in the same manner, and subject to the same penalties and procedure for sale in the case of delinquencies, as the general taxes levied by the county. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such benefit assessment; except that, if for the first year such assessment is levied the real property to which such assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, the assessment confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

(j) Whenever a railroad, gas, water, or electric utility right-of-way or electric line right-of-way is included within such zone, the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the assessments authorized only if, and to the extent that, it is found that it will be benefited, and the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the same penalties, and the same procedure and sale, in case of delinquency as other properties in such zone. In determining whether or not the railroad, gas, water, or electric utility right-of-way or electric line right-of-way benefits, its use as a right-of-way for a railroad, gas, water, or electric utility shall be presumed to be permanent.

(Added by Stats.1981, c. 986, p. 3823, § 4.)

CHAPTER 8. PROJECTS AND WORKS

Article	Section
1. Initiation and Hearings	118-451
2. Work or Project Elections	118-471
3. Performance of Works	118-491

ARTICLE 1: INITIATION AND HEARINGS

Section
118-451. Employment of engineers to devise plans; periodic reports; contents.
118-452. Determination of projects to be carried out.
118-453. Institution of works or projects; resolution; contents; notice of hearing.
118-454. Hearing; objections; resolution of board; exclusion of property not benefitted from zone.
118-455. Majority protest; termination of work or project; new hearing.
118-456. Evidence of ownership of realty.
118-457. Persons entitled to sign protest.

§ 118-451. Employment of engineers to devise plans; periodic reports; contents

Sec. 451. (a) The board may employ competent registered civil engineers, under the supervision of the chief engineer, to investigate and carefully devise a plan or plans for the accomplishment of any of the purposes of this law, and to obtain such other information in regard thereto as may be determined to be necessary or useful for carrying out the purposes of this law. The board may direct the engineer or engineers to make and file reports from time to time with the board.

(b) The reports may contain, among other things, the following:

(1) A general description of the work proposed to be done, together with general plans, profiles, cross sections, and general specifications relating thereto, on each project or work.

(2) A general description of the lands, rights-of-way, easements, and property proposed to be taken, acquired, or injured in carrying out the project or work.

App. § 118-451

WATER CODE—APPENDIX

(3) A map or maps which shall show the location and zones, as may be required, of each project or work, which shall show the lands, rights-of-way, easements, and property to be taken, acquired, or injured in carrying out the project or work, and which shall show any other information in regard to the project or work that may be determined to be necessary or useful.

(4) An estimate of the cost of each project or work, including the cost of lands, rights-of-way, easements, and property proposed to be taken, acquired, or injured in carrying out the project or work, and all incidental expenses incurred or likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing, and advertising expenses. The estimate shall also state the total amount of bonds, if any, necessary to be issued to pay for the project or work.

(c) The engineer or engineers shall, from time to time and as directed by the board, file with the board supplementary, amendatory, and additional reports and recommendations as necessity and convenience may require.

(Stats.1977, c. 527, p. 1706, § 451. Amended by Stats.1989, c. 585, § 2, eff. Sept. 21, 1989.)

§ 118-452. Determination of projects to be carried out

Sec. 452. The board shall determine which projects or works shall be carried out and shall determine as to each project or work that it is one of the following:

- (a) For the common benefit of the district as a whole.
- (b) For the benefit of participating zones.
- (c) For the benefit of a single zone.

(Stats.1977, c. 527, p. 1707, § 452.)

§ 118-453. Institution of works or projects; resolution; contents; notice of hearing

Sec. 453. The board may institute works or projects for single zones, and joint works or projects for participating zones, for the financing, construction, maintaining, operating, extending, repairing, or otherwise improving any work or improvement of common benefit to the zone or participating zones. For the purpose of acquiring authority to proceed with any such work or project, the board shall adopt a resolution specifying its intention to undertake the work or project, incorporating estimates of cost of the work or project to be borne by the zone or participating zones. The resolution shall also set forth whether bonds, taxes, or assessments are to be used to finance the work or project, and the amounts to be raised for the project. If taxes or assessments are to be used to finance the project, the resolution shall specify the procedure to be followed, provided in Section 435, in order to levy the taxes or assessments. The resolution shall fix a time and place for public hearing on the resolution and shall refer to a map or maps showing the general location and general construction of the work or project. Notice of the hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published or circulated in the zone or participating zones. A copy of any resolution proposed for approval at the conclusion of this hearing shall be published together with the hearing notice pursuant to Section 6066 of the Government Code.

(Stats.1977, c. 527, p. 1707, § 453. Amended by Stats.1989, c. 585, § 3, eff. Sept. 21, 1989.)

§ 118-454. Hearing; objections; resolution of board; exclusion of property not benefitted from zone

Sec. 454. (a) At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed work or project, to the proposed methods and amounts of financing the work or project, and to the inclusion or exclusion of property within the proposed zone or participating zones.

(b) If, in the judgment of the board, evidence given at the public hearing indicates that changes in the proposed work or project or the methods and amounts of financing the work or project are necessary or desirable, the board may, at the conclusion of the hearing, adopt a resolution making changes in the proposed work or project and the methods and amounts of financing the work or project.

(c) At the conclusion of the hearing, unless the board abandons the proposed work or project, it shall exclude from the zone or participating zones all property which, in the judgment of the board, will not be benefitted by the proposed work or project.

WATER CODE—APPENDIX

App. § 118-457

(d) At the conclusion of the public hearing, the board may adopt any of those resolutions required by Section 431, 471, 476, 601, or 603.

(Stats.1977, c. 527, p. 1707, § 454. Amended by Stats.1989, c. 585, § 4, eff. Sept. 21, 1989.)

§ 118-455. Majority protest; termination of work or project; new hearing

Sec. 455. If, prior to the conclusion of the hearing, a written protest is filed with the board against the proposed work or project which is signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, within such zone or within any of the participating zones for which such work or project was initiated, or by the holders of title to a majority of the assessed valuation of the real property within the zone or any of the participating zones, the proceedings relating to such work or project shall be terminated and a new hearing shall be conducted before the board may proceed with the work or project. Such new hearing may not be held until at least six months following such termination.

(Stats.1977, c. 527, p. 1708, § 455. Amended by Stats.1983, c. 767, § 4.)

§ 118-456. Evidence of ownership of realty

Sec. 456. In all matters referred to in this chapter, the last equalized assessment roll of the County of Monterey next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

(Stats.1977, c. 527, p. 1708, § 456.)

§ 118-457. Persons entitled to sign protest

Sec. 457. Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor, or incompetent person, certified copies of the letters, or such other evidence as may be satisfactory to the board, must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors, or incompetents are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation, or unincorporated association may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing. A proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles which certifies that a search of the official records of the county since the date of the conveyance discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

App. § 118-457

WATER CODE—APPENDIX

The board shall be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign such protest may be denied.

(Stats.1977, c. 527, p. 1708, § 457.)

ARTICLE 2. WORK OR PROJECT ELECTIONS

Section

118-471. Notice of election; contents.

118-472. Publication of notice.

118-473. Ballot measure.

118-474. Conduct of election; subsequent elections.

118-475. Consolidation of election with district, city or county election or statewide primary or general election.

118-476. Consolidation with bond election required.

118-477. All-mail ballot elections.

§ 118-471. Notice of election; contents

Sec. 471. If the board determines to proceed with a work or project in a zone or participating zones after the conclusion of the public hearing, it shall call an election to be held in the zone or participating zones on the question of proceeding with the work or project. Such election shall be called by the adoption of a notice of election, which shall state the date of the election, the proposition to be voted upon, the hours the polls will be open, and shall designate the election precincts, the polling place within each precinct and the names of the election officers consisting of one inspector, one judge, and one clerk for each precinct. Only registered voters within the zone or participating zones shall be entitled to vote at such election.

(Stats.1977, c. 527, p. 1709, § 471.)

§ 118-472. Publication of notice

Sec. 472. The notice of election shall be published or posted pursuant to the same procedure and time limits prescribed for giving notice of the public hearing pursuant to Section 453. No other notice of such election need be given nor need sample ballots or polling place cards be issued.

(Stats.1977, c. 527, p. 1709, § 472.)

§ 118-473. Ballot measure

Sec. 473. (a) The ballot for the election shall contain the following ballot measure:

Shall the proposed work or project for Zones No. _____ in the Monterey Peninsula Water Management District be approved?	Yes No	<input type="checkbox"/> <input type="checkbox"/>
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(b) The ballot measure may further include the question of bond financing as may be required pursuant to Section 476.

(Stats.1977, c. 527, p. 1709, § 473. Amended by Stats.1989, c. 585, § 5, eff. Sept. 21, 1989.)

§ 118-474. Conduct of election; subsequent elections

Sec. 474. The election shall be conducted as one election comprising all of the zones affected, rather than separately in each zone, and precincts established may comprise territory in more than one zone. If a majority of the voters voting upon the proposition are in favor of the work or project, the board may proceed with the project. Except when a majority of the voters voting are for the work or project, the board shall not proceed with the work or project unless it is later approved by the voters at a subsequent election called and conducted pursuant to this chapter. Such subsequent elections may be called by the board without conducting additional public hearings if the subsequent election is conducted not to exceed one year after the initial election at which the project was not approved by the majority of the voters.

(Stats.1977, c. 527, p. 1710, § 474.)

§ 118-475. Consolidation of election with district, city or county election or statewide primary or general election

Sec. 475. The election may be consolidated with any district, city, or county election or statewide primary or general election under the provisions of the Elections Code relating to the consolidation of elections and, in case of consolidation, the notice shall be as provided in the Elections Code.

(Stats.1977, c. 527, p. 1710, § 475.)

WATER CODE—APPENDIX

App. § 118-494

§ 118-476. Consolidation with bond election required

Sec. 476. (a) If the board determines that bonded indebtedness should be incurred to pay for any portion of the cost of a proposed work or project, the election required under this chapter shall be fully consolidated with the bond election without complying with the procedures for consolidation of elections set forth in the Elections Code, and the procedures for calling and conducting the bond election shall be applicable to both elections, and both propositions shall be included on the ballot for that election. In the case of a consolidated election, the resolution required under Section 603 shall constitute the notice of election required under this chapter and shall contain the information required under this chapter. If a majority of the voters voting in all of the zones participating in the election, considering the zones as a single unit rather than separately, vote in favor of approving the project, but the bond election fails, the board may proceed to pay the costs of the project out of the taxes or assessments levied under this act or from other sources excluding bonds.

(b) The board may consolidate in a single ballot measure both the project approval required pursuant to Section 473 and the bond approval required by Article 1 (commencing with Section 601) of Chapter 3 of Part 5.

(Stats.1977, c. 527, p. 1710, § 476. Amended by Stats.1989, c. 585, § 6, eff. Sept. 21, 1989.)

§ 118-477. All-mail ballot elections

Sec. 477. Notwithstanding any other provisions of law and regardless of the number of eligible voters, the district may, by resolution of the board of directors, conduct any election pursuant to this chapter by all-mailed ballots pursuant to Chapter 5 (commencing with Section 1340) of Division 2 of the Elections Code.

(Added by Stats.1981, c. 986, p. 3825, § 5.)

ARTICLE 3. PERFORMANCE OF WORKS

Section

118-491 to 118-493. Repealed.

118-494. Improvement to be made in conformity with report, plans, specifications and map; exception.

§§ 118-491 to 118-493. Repealed by Stats.1984, c. 1128, §§ 179 to 181

Historical and Statutory Notes

See, now, Pub.Con.C. §§ 21621 to 21623.

§ 118-494. Improvement to be made in conformity with report, plans, specifications and map; exception

Sec. 494. Any improvement for which bonds are approved in an election under the provisions of this law, shall be made in conformity with the report and map as provided in Article 1 (commencing with Section 451), except when the doing of any of such work described in the report is prohibited by law or is rendered contrary to the best interests of the district, in which event the board may order necessary changes made in the proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

(Stats.1977, c. 527, p. 1711, § 494. Amended by Stats.1989, c. 585, § 7, eff. Sept. 21, 1989.)

PART 5. FINANCES

Chapter	Section
1. General	118-501
2. Promissory Notes	118-531
3. Bonds	118-601
4. Taxes and Assessments	118-701
5. Standby and Use Charges	118-721

CHAPTER 1. GENERAL

Section

- 118-501. Levy and collection of taxes; purposes.
- 118-502. Borrowing money; incurring indebtedness; issuance of bonds; powers.
- 118-503. Legal investments.
- 118-504. Deposit of funds; disbursements.
- 118-505. Establishment and maintenance of funds and accounts.
- 118-506. Transfer of funds.
- 118-507. Investment of funds.
- 118-508. Advancement of district funds.
- 118-509. Repayment of advancement of district funds.

§ 118-501. Levy and collection of taxes; purposes

Sec. 501. The district may cause taxes to be levied and collected, in the manner hereinafter provided, for the purpose of paying any obligation of the district including its formation expenses and any warrants issued therefor and to accomplish the purposes of this act.

(Stats.1977, c. 527, p. 1712, § 501.)

§ 118-502. Borrowing money; incurring indebtedness; issuance of bonds; powers

Sec. 502. The district shall have the power as provided in this law to borrow money, to incur indebtedness, to issue bonds or other evidence of such indebtedness, and to refund or retire any indebtedness or lien that may exist against the district or property thereof.

(Stats.1977, c. 527, p. 1712, § 502.)

§ 118-503. Legal investments

Sec. 503. All bonds, notes, or other evidence of indebtedness issued by the district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer; and, whenever any moneys or funds by law now or hereafter enacted may be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds, notes of other evidence of indebtedness of the district; and, whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds, notes, or other evidence of indebtedness of the district may be so used.

(Stats.1977, c. 527, p. 1712, § 503.)

§ 118-504. Deposit of funds; disbursements

Sec. 504. All funds of the district shall be deposited in the district treasury, subject to disbursement as provided pursuant to the provisions of this law under the direction of the district auditor or such other fiscal officer as is appointed by the board of directors.

(Stats.1977, c. 527, p. 1712, § 504.)

§ 118-505. Establishment and maintenance of funds and accounts

Sec. 505. The district may establish and maintain such separate funds and accounts as it deems necessary to carry out the separate purposes of this law, and the district may establish such additional separate funds as it shall from time to time determine.

The district may create and administer revolving funds to facilitate and assist in the carrying on and completing of any acquisition, work, or improvements provided for herein, and the district may abolish such funds.

(Stats.1977, c. 527, p. 1712, § 505.)

WATER CODE—APPENDIX

App. § 118-532

§ 118-506. Transfer of funds

Sec. 506. The district may make such transfers, for the purposes of a loan or permanently, from one fund to another fund of the district, as to its funds, or from one fund to another fund of a zone, as to such zone, as the district shall determine.

(Stats.1977, c. 527, p. 1712, § 506.)

§ 118-507. Investment of funds

Sec. 507. The district treasurer, or other fiscal officer, may invest any funds of the district in any security, debenture, bond, or deposit permitted and allowed for the investment of funds by the County of Monterey.

(Stats.1977, c. 527, p. 1713, § 507.)

§ 118-508. Advancement of district funds

Sec. 508. The board may advance general funds of the district to accomplish the purposes of a zone or participating zones formed pursuant to this act.

(Stats.1977, c. 527, p. 1713, § 508.)

§ 118-509. Repayment of advancement of district funds

Sec. 509. The board may repay the district for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the zone or participating zones.

(Stats.1977, c. 527, p. 1713, § 509.)

CHAPTER 2. PROMISSORY NOTES

Section

118-531. Issuance; purpose; interest rate; aggregate principal amount.

118-532. Additional notes, issuance in connection with agreement with United States or state to loan money to district.

118-533. Issuance of notes to refund notes issued pursuant to previous section.

118-534. Notes as general obligations of district.

118-535. Form, terms and execution of notes; sale; interest; notice.

§ 118-531. Issuance; purpose; interest rate; aggregate principal amount

Sec. 531. The district may, by resolution adopted by the board, issue negotiable promissory notes pursuant to this section to acquire funds for any district purpose or purposes. Any issue of such promissory notes shall bear interest at a rate not exceeding 8 percent per year and shall mature over a period not exceeding five years from the date thereof. The aggregate principal amount of such notes outstanding at any one time shall not exceed the lesser of either five hundred thousand dollars (\$500,000) or 1 percent of the assessed valuation of the taxable property in the district or, if the assessed valuation is not obtainable, 1 percent of the estimated assessed valuation of the taxable property in the district.

(Stats.1977, c. 527, p. 1713, § 531.)

§ 118-532. Additional notes, issuance in connection with agreement with United States or state to loan money to district

Sec. 532. The district may, by resolution adopted by the board, issue negotiable promissory notes pursuant to this section (in addition to promissory notes issued pursuant to Section 531) to bear interest at a rate not exceeding 8 percent per year and to mature over a period not exceeding five years from the date thereof. Such notes may be issued only if all of the following conditions precedent are met:

(a) Prior to the date of issuance of such notes, the district shall have entered into a contract or contracts with the United States or the state, or both, pursuant to which the United States or the state, or both, agree to grant or loan to the district moneys to pay all or part of the costs of the project or work for payment of the cost of construction of which such notes are issued.

(b) The district shall have authorized bonds pursuant to Section 476 or 606 in an aggregate principal amount which, when added to such grants or loans, has been calculated to be sufficient to

App. § 118-532

WATER CODE—APPENDIX

complete such project or work and such bonds shall have been authorized for the purpose of payment of the cost of construction of such project or work.

Such notes may be issued only for the payment of a portion of the costs of a project or work specified in subdivision (a). The aggregate principal amount of such notes issued by the district at any time shall not exceed 40 percent of the aggregate sums which the United States and the state, or both, have agreed to pay to the district pursuant to the contracts upon which the district relies for the issuance of such notes. Such notes shall be payable solely from sums paid to the district by the United States or the state, or both, pursuant to such contracts, or in the absence of such sums, from the proceeds of the sale of refunding notes issued pursuant to Section 533.

(Stats.1977, c. 527, p. 1713, § 532.)

§ 118-533. Issuance of notes to refund notes issued pursuant to previous section

Sec. 533. In the event that sums agreed to be paid by the United States or the state, or both, are not paid to the district and received by it on or prior to a specified anniversary of the date of any notes issued pursuant to Section 532, which anniversary shall be specified in any notes issued pursuant to Section 532, and which anniversary shall be no less than six months prior to the date of maturity of such notes, the district shall issue negotiable promissory notes pursuant to this section to refund such notes issued pursuant to Section 532. Any issue of such refunding promissory notes shall bear interest at a rate not exceeding 8 percent per year and shall mature in annual installments of principal calculated to result in approximately equal annual payments of principal and interest over a period not exceeding 10 years from the date thereof. The aggregate principal amount of such notes at any time issued by the district shall not exceed (a) the aggregate principal amount of notes issued pursuant to Section 532 for the payment of which no funds have been received from the United States or the state, or both, by such specified anniversary date, plus (b) the interest thereon from the date thereof to the date of payment thereof. If notes issued pursuant to this section cannot be sold at public or private sale, such notes shall be delivered to the holder or holders of the notes issued pursuant to Section 532 as payment in full thereof and shall bear interest at 8 percent per year.

(Stats.1977, c. 527, p. 1714, § 533.)

§ 118-534. Notes as general obligations of district

Sec. 534. All notes issued pursuant to Sections 531 and 533 shall be general obligations of the district and the principal thereof and interest thereon shall be payable from taxes or assessments levied and collected as provided in Chapter 4 (commencing with Section 701) of this part.

(Stats.1977, c. 527, p. 1714, § 534.)

§ 118-535. Form, terms and execution of notes; sale; interest; notice

Sec. 535. The board shall, by resolution, provide for the form, terms, and execution of the notes, and shall provide for the sale of the notes for not less than their par value and accrued interest thereon upon such notice inviting sealed bids in such manner as the board may prescribe, which shall be after at least one publication of notice of such sale at least five days before such sale in a newspaper of general circulation published or circulated in the district in accordance with Section 6061 of the Government Code.

(Stats.1977, c. 527, p. 1714, § 535.)

CHAPTER 3. BONDS

Article	Section
1. Initiation of Proceedings and Election for Bonds	118-601
2. Issuance of Bonds	118-611
3. Sale of Bonds	118-631
4. Payment of Bonds	118-651
5. Refunding Bonds	118-661
6. Revenue Bonds	118-671
7. Bond Anticipation Notes	118-681

ARTICLE 1. INITIATION OF PROCEEDINGS AND ELECTION FOR BONDS

Section

- 118-601. Filing of resolution.
- 118-602. Call of special bond election; question; payment of bonds and interest.
- 118-603. Resolution; submission of proposition; establishment of precincts; conduct of election.
- 118-604. Map of work or project.
- 118-605. Publication of resolution calling special bond election.
- 118-606. Effect of defects or irregularities in proceedings.
- 118-607. Failure of bond propositions; limitation on subsequent elections.

§ 118-601. Filing of resolution

Sec. 601. Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or project in any zone or participating zones, the board may, by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or project and the denomination and the maximum rate of interest of such bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Monterey County within five days after its issuance. From and after the filing of the copy of such resolution the board shall be deemed vested with the authority to proceed with the bond election.

(Stats.1977, c. 527, p. 1714, § 601.)

§ 118-602. Call of special bond election; question; payment of bonds and interest

Sec. 602. After the filing for record of the resolution specified in Section 601, the board may call a special bond election in such zone or participating zones at which shall be submitted to the qualified electors of such zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in such resolution and for the purpose or purposes therein stated. Such bonds and the interest thereon shall be paid from revenue derived from service, standby, and other charges in the affected zone and from annual taxes or assessments levied as provided in this act.

(Stats.1977, c. 527, p. 1715, § 602.)

§ 118-603. Resolution; submission of proposition; establishment of precincts; conduct of election

Sec. 603. (a) The board shall call the special bond election by resolution and submit to the qualified electors of the zone or participating zones the proposition of incurring a bonded debt in the zone or participating zones in the amount and for the purposes stated in the resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of those objects and purposes, and refer to the recorded copy of the resolution adopted by the board and on file pursuant to Section 601 for particulars. The resolution shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on that indebtedness, and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. For the purposes of the election, the board shall in the resolution establish special bond election precincts within the boundaries of each zone or participating zones and may form election precincts by consolidating the precincts established for general elections in the district to a number not exceeding six general precincts for each special bond election precinct, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each of the special bond election precincts.

(b) In all particulars not recited in the resolution, the special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

(Stats.1977, c. 527, p. 1715, § 603. Amended by Stats.1989, c. 585, § 8, eff. Sept. 21, 1989.)

§ 118-604. Map of work or project

Sec. 604. The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed work or project, and shall cause such map to be posted in a prominent place in the offices of the agency for public inspection for at least 30 days before the date fixed for such election.

(Stats.1977, c. 527, p. 1715, § 604.)

App. § 118-605

WATER CODE—APPENDIX

§ 118-605. Publication of resolution calling special bond election

Sec. 605. The resolution calling for a special bond election shall, prior to the date set for the election, be published in a newspaper of general circulation circulated in each zone or participating zones affected in accordance with Section 6064 of the Government Code. No other notice of the election need be given nor need sample ballots or polling place cards be issued.

(Stats.1977, c. 527, p. 1716, § 605. Amended by Stats.1989, c. 585, § 9, eff. Sept. 21, 1989.)

§ 118-606. Effect of defects or irregularities in proceedings

Sec. 606. Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by such election. Where a project affects a single zone only, no bonds shall be issued or sold unless a majority of the votes cast in such zone on the proposition of incurring a bonded indebtedness are in favor of incurring the bonded indebtedness to be undertaken by such zone. In such event, bonds for such zone for the amount stated in such proceedings shall be issued and sold as provided in this act. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless a majority of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such participating zones. In such event, bonds for such participating zones for the amount stated in such proceedings shall be issued and sold as provided in this act.

(Stats.1977, c. 527, p. 1716, § 606.)

§ 118-607. Failure of bond propositions; limitation on subsequent elections

Sec. 607. (a) Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this law fail to receive the requisite number of votes of qualified electors voting at such election to incur the indebtedness, the board shall not for six months after such election call or order another election in such zone or participating zones for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

(b) Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this law fail to receive the requisite number of votes of qualified electors voting at the subsequent election conducted on or after six months after an initial election, the board shall not call or order another election in such zone or participating zones for incurring indebtedness and issuing bonds under the terms of this law for the same objects and purposes unless and until the board adopts a new resolution pursuant to Section 601.

(Stats.1977, c. 527, p. 1716, § 607.)

ARTICLE 2. ISSUANCE OF BONDS

Section

118-611. Resolution for issuance of bonds.

118-612. Form of bonds; designation of zone; time of payment; place; interest.

118-613. Series bonds.

118-614. Maximum term of bonds.

118-615. Denomination of bonds; numbering; signing; seal; interest coupons.

118-616. Interest rate.

118-617. Redemption prior to maturity.

118-618. Payment; place.

118-619. Bonds of participating zones.

118-620. Force, value, and use of bonds; exemption from taxation.

§ 118-611. Resolution for issuance of bonds

Sec. 611. If from the bond election returns it appears that at least a majority of the votes cast in the district in such election were in favor of and assented to the incurring of the bonded debt, the board may, by resolution, at such time or times as it deems proper, provide for the issuance of all or any part of the bonds of the district so authorized until the full amount of the authorized bonded debt has been issued.

(Stats.1977, c. 527, p. 1716, § 611.)

§ 118-612. Form of bonds; designation of zone; time of payment; place; interest

Sec. 612. The board shall, subject to the provisions of this law, prescribe by such resolution the form of such bonds, which must include a designation of the zone or participating zones affected, and

of the interest coupons attached thereto. Such bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by the board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of such indebtedness shall have been paid.

(Stats.1977, c. 527, p. 1717, § 612.)

§ 118-613. Series bonds

Sec. 613. The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series.

(Stats.1977, c. 527, p. 1717, § 613.)

§ 118-614. Maximum term of bonds

Sec. 614. The maximum term which the bonds or any series thereof shall run before maturity shall not exceed 40 years from the date of the bonds or of such series thereof.

(Stats.1977, c. 527, p. 1717, § 614.)

§ 118-615. Denomination of bonds; numbering; signing; seal; interest coupons

Sec. 615. The bonds shall be issued in such denomination as the board may determine, and shall be made payable annually or semiannually, and such bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the treasurer of the district, and the seal of the district shall be affixed thereto by the secretary of the district. Either or both such signatures may be printed, engraved, or lithographed. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer by his printed, engraved, or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

(Stats.1977, c. 527, p. 1717, § 615.)

§ 118-616. Interest rate

Sec. 616. The bonds shall bear interest at a rate or rates not to exceed 12 percent per year, or any higher rate or rates permitted pursuant to Section 53531 or 53531.5 of the Government Code, payable semiannually, except that interest for the first year may be payable at or before the end of that year.

(Stats.1977, c. 527, p. 1717, § 616. Amended by Stats.1983, c. 767, § 5.)

§ 118-617. Redemption prior to maturity

Sec. 617. The board may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

(Stats.1977, c. 527, p. 1717, § 617.)

§ 118-618. Payment; place

Sec. 618. The principal and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated therein, or at any such place or places at the option of the holder of the bond.

(Stats.1977, c. 527, p. 1717, § 618.)

§ 118-619. Bonds of participating zones

Sec. 619. If the bond election proceedings have been limited to and have applied only to a zone or participating zones, the bonds are bonds of the district, shall be issued in the name of the district, shall be designated "Bonds of the Monterey Peninsula Water Management District for (Participating) Zone No. _____," and shall state that taxes for the payment of the principal thereof and interest thereon will be levied exclusively upon the real property in the zone or participating zones subject to

App. § 118-619

WATER CODE—APPENDIX

taxation for district purposes to the extent and in the manner provided in the proceedings for the formation of the zone or participating zones.

(Stats.1977, c. 527, p. 1717, § 619.)

§ 118-620. Force, value, and use of bonds; exemption from taxation

Sec. 620. Any bonds issued by the district are hereby given the same force, value, and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

(Stats.1977, c. 527, p. 1718, § 620.)

ARTICLE 3. SALE OF BONDS

Section

118-631. Authority; notice inviting sealed bids; award or private sale.

118-632. Deposit of proceeds; fund; expenditures; transfer of funds.

118-633. Costs and expenses; interest; payment.

118-634. Expenditures; purposes.

118-635. Security for bonds.

118-636. Temporary or interim bonds.

118-637. Replacement of lost, destroyed, or mutilated bonds or coupons.

§ 118-631. Authority; notice inviting sealed bids; award or private sale

Sec. 631. The board may sell bonds of any authorized issue, or any part thereof, at not less than 90 percent of the par value thereof and interest thereon accrued from the date of the bonds to the date of delivery to the purchaser thereof. Before selling any bonds, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either advertise or sell the bonds at private sale.

(Stats.1977, c. 527, p. 1718, § 631. Amended by Stats.1983, c. 767, § 6.)

§ 118-632. Deposit of proceeds; fund; expenditures; transfer of funds

Sec. 632. The proceeds from the sale of bonds shall be paid into the treasury of the district, placed to the credit of a special improvement fund, and expended only for the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys remaining in the special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds.

(Stats.1977, c. 527, p. 1718, § 632.)

§ 118-633. Costs and expenses; interest; payment

Sec. 633. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction, or completion of which the bonds have been issued, and for a period of not to exceed two years thereafter.

(Stats.1977, c. 527, p. 1718, § 633.)

§ 118-634. Expenditures; purposes

Sec. 634. The proceeds from the sale of bonds of the district for a zone or zones thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to the zone or participating zones after the authorization of the bonds.

(Stats.1977, c. 527, p. 1718, § 634.)

§ 118-635. Security for bonds

Sec. 635. The district may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a project or works upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such project or works as may be provided for in the proposition authorizing the bonds.

(Stats.1977, c. 527, p. 1718, § 635.)

§ 118-636. Temporary or interim bonds

Sec. 636. Pending the actual issuance or delivery of bonds, the district may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

(Stats.1977, c. 527, p. 1718, § 636.)

§ 118-637. Replacement of lost, destroyed, or mutilated bonds or coupons

Sec. 637. The district may provide for the replacement of lost, destroyed, or mutilated bonds or coupons.

(Stats.1977, c. 527, p. 1719, § 637.)

ARTICLE 4. PAYMENT OF BONDS

Section

118-651. Revenue for payment; liability of property in other zones.

118-652. Tax or assessment; levy; collection; payment of principal and interest on bonds.

118-653. Law governing time and manner of levying, assessing, equalizing and collecting taxes.

118-654. Issuance of additional bonds.

§ 118-651. Revenue for payment; liability of property in other zones

Sec. 651. Any bonds issued under the provisions of this law, and the interest thereon, shall be paid by revenue derived from service charges, standby charges, user charges, and other charges in the issuing zone or participating zones and from an annual tax or assessment levied as provided in this law. No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

(Stats.1977, c. 527, p. 1719, § 651.)

§ 118-652. Tax or assessment; levy; collection; payment of principal and interest on bonds

Sec. 652. In the event that service, standby, and other charges are insufficient to pay the interest and portion of the principal due, the board shall levy a tax or assessment each year sufficient to pay the unpaid interest and such portion of the principal of such bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for district purposes, and when collected shall be paid into the district treasury to the credit of the zone of issuance, and shall be used for the payment of the principal and interest on such bonds, and for no other purpose. The principal and interest on such bonds shall be paid by the district treasurer in the manner provided by law for the payment of principal and interest on bonds of the county.

(Stats.1977, c. 527, p. 1719, § 652.)

§ 118-653. Law governing time and manner of levying, assessing, equalizing and collecting taxes

Sec. 653. The provisions of law of this state, prescribing the time and manner of levying, assessing, equalizing, and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.

(Stats.1977, c. 527, p. 1719, § 653.)

§ 118-654. Issuance of additional bonds

Sec. 654. Whenever bonds have been authorized by any zone or participating zones of the district and such bonds have been issued as authorized in this law, and if the board shall by resolution determine that additional bonds should be issued for carrying out the work or project, or for any of the purposes of this law, the board may again proceed as provided in this law, and submit to the qualified voters of such zone or participating zones, the question of issuing additional bonds in the same manner and with like procedure as provided in this law, and all the provisions of this law for

the issuing and sale of bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

(Stats.1977, c. 527, p. 1719, § 654.)

ARTICLE 5. REFUNDING BONDS

Section

118-661. Exchange for outstanding bonds; resolution; contents.

118-662. Signatures on refunding bonds; countersigning; interest coupons.

118-663. Manner of exchange.

118-664. Levy and collection of taxes to pay principal and interest on refunding bonds.

§ 118-661. Exchange for outstanding bonds; resolution; contents

Sec. 661. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity, and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity, and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest such refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to such refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate of interest shall be less as hereinabove provided.

(Stats.1977, c. 527, p. 1720, § 661.)

§ 118-662. Signatures on refunding bonds; countersigning; interest coupons

Sec. 662. The refunding bonds shall be signed by the chairman of the board, or such other member of the board as the board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of the district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of the district by his engraved or lithographed signature. In case an officer whose signature or countersignature appears on such bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

(Stats.1977, c. 527, p. 1720, § 662.)

§ 118-663. Manner of exchange

Sec. 663. Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on such refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay such holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

(Stats.1977, c. 527, p. 1720, § 663.)

§ 118-664. Levy and collection of taxes to pay principal and interest on refunding bonds

Sec. 664. When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided in this part, all the provisions of which shall apply to such refunding bonds to the same extent as to original issues.

(Stats.1977, c. 527, p. 1720, § 664.)

ARTICLE 6. REVENUE BONDS

Section

118-671. Resolution; issuance; use of proceeds.

Section

118-672. Ordering work to be done in accordance with the Improvement Act of 1911, the Improvement Bond Act of 1915, or the Municipal Improvement Act of 1913.

118-673. Certification as legal investments.

§ 118-671. Resolution; issuance; use of proceeds

Sec. 671. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the district, or zone or participating zones thereof, or for refunding any outstanding bonds should be incurred, and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the district is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code, and for such purpose the district shall be considered a "local agency" as defined by Section 54307 of such code. Any election for the issuance of revenue bonds for a zone or participating zones of the district shall be limited to the area of such zone or participating zones, and the proceeds from the sale of any such revenue bonds shall be expended only for the benefit of such zone or participating zones.

(Stats.1977, c. 527, p. 1721, § 671.)

§ 118-672. Ordering work to be done in accordance with the Improvement Act of 1911, the Improvement Bond Act of 1915, or the Municipal Improvement Act of 1913

Sec. 672. Whenever in the opinion of the board the public interest or convenience may require, it may order any work or improvement which it is authorized to undertake to be done in accordance with the procedure and pursuant to the provisions of either the Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code, the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

The following terms, as used in the aforesaid improvement acts, shall refer to that which is set out herein for the purposes of this act:

- (a) "Municipality" or "city" refers to the district.
- (b) "City council" or "legislative body" refers to the board.
- (c) "City treasurer" or "treasurer" refers to the officer of the district who has charge of and makes payments of the district funds.
- (d) "Mayor" refers to the chairman of the board.
- (e) "Clerk" refers to the secretary of the district.
- (f) "Council chambers" refers to the place where the regular meetings of the board of directors are held.
- (g) "Superintendent of streets," or "street superintendent" and "city engineer" refer to the chief engineer of the district.
- (h) "Right-of-way" refers to any parcel of land through which a right-of-way has been granted to the district for any purpose.

(i) All other words and terms relating to municipal officers and matters refers to the corresponding officers of the district and matters under this act.

(Stats.1977, c. 527, p. 1721, § 672.)

§ 118-673. Certification as legal investments

Sec. 673. All revenue bonds issued by the district may be certified as legal investments pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code).

(Stats.1977, c. 527, p. 1721, § 673.)

ARTICLE 7. BOND ANTICIPATION NOTES**Section**

118-681. Authority to borrow; purpose; limitation; issuance; maturity; renewal notes.

App. § 118-681

WATER CODE—APPENDIX

Section

118-682. Manner of sale; resolution; contents; interest; payment.

118-683. Authority to levy taxes or assessments.

118-684. Payment of anticipation notes from tax or assessment levy; cancellation of authorized bonds; maturity of bonds.

§ 118-681. Authority to borrow; purpose; limitation; issuance; maturity; renewal notes

Sec. 681. The district may borrow money in anticipation of the sale of, but not in excess of the principal amount of, bonds of a zone or participating zones authorized pursuant to this chapter which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes as provided in this article. Such notes may be issued in anticipation of the sale of all or any portion of the bonds which are duly authorized at the time the notes are issued. Such notes shall mature within a period not to exceed five years from the date of issuance. In the event that the sale of bonds shall not have occurred prior to the maturity of such notes, the district may issue renewal notes to meet the notes then maturing. There shall be only one renewal of any note issued pursuant to this section and such renewal note shall mature within a period not to exceed three years from the date of issuance.

(Stats.1977, c. 527, p. 1722, § 681.)

§ 118-682. Manner of sale; resolution; contents; interest; payment

Sec. 682. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition, or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the zone or participating zones are payable. The principal of such notes may be paid from any moneys of the zone or participating zones available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued.

(Stats.1977, c. 527, p. 1722, § 682.)

§ 118-683. Authority to levy taxes or assessments

Sec. 683. The resolution providing for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the zone or participating zones are not sold in time to provide funds to pay any unpaid note, and, if other funds of the zone or participating zones are not available for such payment, taxes or assessments shall be levied upon the taxable real property in the zone or participating zones for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution.

(Stats.1977, c. 527, p. 1722, § 683.)

§ 118-684. Payment of anticipation notes from tax or assessment levy; cancellation of authorized bonds; maturity of bonds

Sec. 684. To the extent bond anticipation notes are paid from a tax or assessment levy, authorized bonds in a corresponding amount shall be canceled and not issued thereafter. When bonds of the zone or participating zones are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds under Section 614 from the date of such notes as originally issued.

(Stats.1977, c. 527, p. 1722, § 684.)

CHAPTER 4. TAXES AND ASSESSMENTS

Section

118-701. Authority; purposes; limitation.

118-702. Levy in zones; proceedings for works and bonds; declaration of benefit to property.

118-703. Levy in zones according to special benefits.

118-704. Special tax within zone for purpose of contract cooperation.

118-705. Manner of levy and collection; deposit; expenditures; joint projects.

118-706. Lien on realty; force and effect; enforcement.

118-707. Applicability of laws governing priority, time, and manner of levying, assessing, equalizing and collecting county property taxes.

WATER CODE—APPENDIX

App. § 118-705

§ 118-701. Authority; purposes; limitation

Sec. 701. The board may, in any year and in addition to the amounts otherwise provided in this law, levy taxes or assessments on all land and improvements in the district, pursuant to the authority provided in Section 306, to pay the general administrative costs and expenses of the district and to carry out any of the objects or purposes of this law of common benefit to the district; provided, however, that such tax or assessment shall not exceed ten cents (\$0.10) on each one hundred dollars (\$100) of assessed valuation.

(Stats.1977, c. 527, p. 1723, § 701.)

§ 118-702. Levy in zones; proceedings for works and bonds; declaration of benefit to property

Sec. 702. Subject to the provisions of Section 437, the board may, in any year and in addition to the amounts otherwise provided in this law, levy such taxes or assessments in each of the zones and participating zones as has been authorized after proceedings pursuant to Chapter 8 (commencing with Section 451) of Part 4 and Chapter 3 (commencing with Section 601) of this part, in amounts sufficient to pay the unpaid cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or projects established or to be established within or on behalf of such zone or participating zones, according to the benefits derived by such respective zones by levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon. It is declared that for the purposes of any tax or assessment levied under this section, the property so taxed or assessed within a given zone is equally benefited.

(Stats.1977, c. 527, p. 1723, § 702.)

§ 118-703. Levy in zones according to special benefits

Sec. 703. Subject to the provisions of Section 437, the board may, in any year, and in addition to the amounts otherwise provided in this law, levy taxes or assessments, by levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon, in each or any of such zones according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or participating zones, including the construction, maintaining, operating, extending, repairing, or otherwise improving any or all works or projects established or to be established within or on behalf of such zone or zones.

(Stats.1977, c. 527, p. 1723, § 703.)

§ 118-704. Special tax within zone for purpose of contract cooperation

Sec. 704. In the event of project cooperation with any public entity as authorized pursuant to Chapter 5 (commencing with Section 401) of Part 4, and requiring the making of a contract with any such public entity by the terms of which work is to be performed by any such public entity in any specified zone or participating zones for the particular benefit thereof, and by such proposed contract the district is to pay to such public entity a sum of money in consideration or subvention for the performance of such work by such public entity, and subject to the provisions of Section 437, the board may, after proceeding in the manner prescribed in Chapter 8 (commencing with Section 451) of Part 4 of Chapter 3 (commencing with Section 601) of this part, levy and collect a special tax or assessment upon the real property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

(Stats.1977, c. 527, p. 1723, § 704.)

§ 118-705. Manner of levy and collection; deposit; expenditures; joint projects

Sec. 705. All taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes. The revenues derived from the district taxes or assessments shall be paid into the district treasury to the credit of the district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for the purposes for which the tax or assessment was levied; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of this chapter shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside of such zone, or participating zones, but for the benefit thereof. In

App. § 118-705

WATER CODE—APPENDIX

cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

(Stats.1977, c. 527, p. 1724, § 705.)

§ 118-706. Lien on realty; force and effect; enforcement

Sec. 706. District taxes or assessments for the payment of a bonded debt and the interest thereon shall be a lien on all the real property benefited thereby as stated in the resolution of the board of directors proposing the incurrence of the debt. All taxes or assessments for other purposes of the district shall be a lien on all the real property in the district subject to the respective tax or assessment. District taxes or assessments, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

(Stats.1977, c. 527, p. 1724, § 706.)

§ 118-707. Applicability of laws governing priority, time, and manner of levying, assessing, equalizing and collecting county property taxes

Sec. 707. The provisions of law of this state, prescribing the priority, time, and manner of levying, assessing, equalizing, and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this law, hereby adopted for the district and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this law.

(Stats.1977, c. 527, p. 1724, § 707.)

CHAPTER 5. STANDBY AND USE CHARGES

Section

118-721. Authority to fix; basis; purpose; schedule of charges; limitations on power.

118-722. Collection of annual standby charge as part of annual general county tax bill.

118-723. Manner of collection of annual ground water charge.

§ 118-721. Authority to fix; basis; purpose; schedule of charges; limitations on power

Sec. 721. The district may fix standby charges to be applied on an area, or frontage, or parcel basis, or a combination thereof, to such areas within the agency to which service is made available, whether the service is actually used or not, for the purpose of financing or maintaining and operating projects or works which the district is authorized to undertake. The district may establish schedules varying such charges according to the land uses and the degree of availability or quantity of use of such service to the affected lands, and may restrict such charge to lands lying within one or more zones established within such district; provided, however, that the district may not: (1) fix an annual charge in excess of ten dollars (\$10) for each acre or for each parcel of less than one acre; (2) apply standby charges to parcels that are being used for the production of livestock for market or plant crops, including timber; or (3) apply standby charges to lands situated more than one-quarter of a mile from an available main or service connection.

(Stats.1977, c. 527, p. 1724, § 721.)

§ 118-722. Collection of annual standby charge as part of annual general county tax bill

Sec. 722. In the event the district levies an annual standby charge, the district shall collect the standby charges as a part of the annual general county tax bill; provided, the district furnishes in writing to the board of supervisors of the county and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such cases, the standby charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes. The amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

WATER CODE—APPENDIX

App. § 118-801

In the event the district levies and collects a standby charge pursuant to a monthly or other form of regular billing directly from the landowner of record, the district shall record a certificate of delinquency with the county recorder, specifying the amount due, which amount shall thereby become a lien against the parcel of land to which it is charged.

(Stats.1977, c. 527, p. 1725, § 722.)

§ 118-723. Manner of collection of annual ground water charge

Sec. 723. In the event the district levies an annual ground water charge in the manner prescribed in Article 2 (commencing with Section 341) of Chapter 2 of Part 4, the district shall collect such ground water charge as a part of the annual general county tax bill; provided, the district furnishes in writing to the board of supervisors of the county and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such cases, the ground water charges shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the ground water charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes, except as otherwise provided in Section 354. The amount of the ground water charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

In the event the district levies and collects the ground water charges pursuant to a monthly or other form of regular billing directly from the landowner of record, the district shall record a certificate of delinquency with the county recorder, specifying the amount due, which amount shall thereby become a lien against the parcel of land to which it is charged.

(Stats.1977, c. 527, p. 1725, § 723.)

PART 6. CHANGES IN ORGANIZATION

Chapter	Section
1. Annexation to Zones	118-801
2. Exclusion From Zones	118-821
3. Dissolution of Zones	118-841
4. District Reorganization	118-851

CHAPTER 1. ANNEXATION TO ZONES

Section
118-801. Initiation of proceedings; contents of resolution; publication; posting hearing.
118-802. Protest; proceedings; effect.
118-803. Addition of area to zone upon adoption of resolution; property subject to taxation; enforcement of annexation; validation of proceedings.
118-804. Petition signed by all title holders; annexation without notice and hearing.

§ 118-801. Initiation of proceedings; contents of resolution; publication; posting hearing

Sec. 801. The board, by resolution, may initiate proceedings for the annexation of territory within the district to a zone or participating zones whether such territory is contiguous or not to such zone or participating zones.

The resolution proposing annexation shall:

- (a) Declare that proceedings have been initiated by the board pursuant to this act.
- (b) State the reason for proposing the annexation.
- (c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the district which map shall govern for all details as to the extent of the area proposed to be annexed.
- (d) State the terms and conditions of the annexation.
- (e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or to the annexation upon such terms and conditions.

App. § 118-801

WATER CODE—APPENDIX

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

The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper published or circulated in the district.

A copy of the resolution proposing annexation shall also be posted in three public places within the zone or participating zones and three public places in the area proposed to be annexed for at least two weeks prior to the hearing.

The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons shall be heard at the hearing. (Stats.1977, c. 527, p. 1726, § 801.)

§ 118-802. Protest; proceedings; effect

Sec. 802. If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to a zone or participating zones will be benefited thereby, and that the zone or participating zones to which the area proposed to be annexed will also be benefited thereby or will not be injured thereby, the board may, by resolution, approve such annexation.

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

If the board finds and determines that either the area proposed to be annexed to the zone or participating zones will not be benefited thereby or that the zone or participating zones to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

(Stats.1977, c. 527, p. 1726, § 802.)

§ 118-803. Addition of area to zone upon adoption of resolution; property subject to taxation; enforcement of annexation; validation of proceedings

Sec. 803. From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the zone or participating zones.

The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the zone or participating zones, including the payment of the principal of and interest on bonds and other obligations of the zone or participating zones authorized and outstanding at the time of the annexation. If the terms and conditions established by the board specifically so provide the taxable property in the annexed territory shall be subject to taxation as if the annexed property had always been a part of the zone or participating zones.

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

Any action or proceeding in which the validity of an annexation to a zone or participating zones pursuant to this section is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to a zone or participating zones; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

(Stats.1977, c. 527, p. 1727, § 803.)

§ 118-804. Petition signed by all title holders; annexation without notice and hearing

Sec. 804. Notwithstanding the provisions of Section 802, if the petition for annexation of land to a zone or participating zones is signed by all of the holders of title of land in the portion proposed to be

annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.
(Stats.1977, c. 527, p. 1727, § 804.)

CHAPTER 2. EXCLUSION FROM ZONES

Section

- 118-821. Initiation; motion by board or petition.
- 118-822. Resolution of intention to exclude; contents.
- 118-823. Time and place for hearing; statement in resolution.
- 118-824. Notice of hearing; resolution as to necessity of exclusion; contents.
- 118-825. Taxation after exclusion; publication of resolution of exclusion; posting; validation of proceedings.
- 118-826. Effect of detachment upon bond issue.

§ 118-821. Initiation; motion by board or petition

Sec. 821. Proceedings to exclude territory from a zone or participating zones may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded which states reasons such exclusion will be beneficial to the district or the zone or participating zones or the territory to be excluded.

(Stats.1977, c. 527, p. 1728, § 821.)

§ 118-822. Resolution of intention to exclude; contents

Sec. 822. Upon adoption of such motion to initiate exclusion proceedings or upon receipt of such petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state:

(a) The method by which such exclusion proceedings were initiated, by motion of the board or by petition of voters.

(b) That taxes for carrying out the purpose of the zone or participating zones will not be levied upon taxable property in the excluded territory following such exclusion in the event such territory is excluded.

(c) That following such exclusion, the taxable property in the territory remaining in such zone or participating zones shall continue to be levied upon and taxed to provide funds for the purposes of such zone or participating zones.

The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in such zone or participating zones, is on file with the secretary and is available for inspection by any person or persons interested.

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

(Stats.1977, c. 527, p. 1728, § 822.)

§ 118-823. Time and place for hearing; statement in resolution

Sec. 823. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of such exclusion upon the district, the zone or participating zones, and the territory to be excluded.

(b) That at such time and place any person interested, including all persons owning property in the agency or in the zone or participating zones, will be heard.

(Stats.1977, c. 527, p. 1728, § 823.)

§ 118-824. Notice of hearing; resolution as to necessity of exclusion; contents

Sec. 824. Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper of general circulation published or circulated in the district. Such notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected zone or participating zones for at least two weeks before the time fixed for the hearing.

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

At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude such territory. If so, the resolution shall also state:

(a) The reasons why such exclusion is necessary or desirable.

(b) That the exterior boundaries of the zone or participating zones following such exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of the zone or participating zones as then constituted.

The determinations made in the resolution of exclusion shall be final and conclusive.
(Stats.1977, c. 527, p. 1728, § 824.)

§ 118-825. Taxation after exclusion; publication of resolution of exclusion; posting; validation of proceedings

Sec. 825. After the exclusion of territory from the zone or participating zones pursuant to this section, all taxes levied for the carrying out of the purpose of such zone or participating zones shall be levied exclusively upon the taxable property in the zone or participating zones as then constituted.

A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation published or circulated in the district. A copy of the resolution shall also be posted in three public places within the zone or participating zones for at least two weeks.

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

Any action or proceeding in which the validity of the exclusion of territory from the zone or participating zones or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the effective date of the resolution of exclusion; otherwise, the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(Stats.1977, c. 527, p. 1729, § 825.)

§ 118-826. Effect of detachment upon bond issue

Sec. 826. If territory is excluded from a zone or participating zones as a result of being detached from the district after bonds have been authorized at an election held in such zone or participating zones, but before any of such bonds have been issued and sold, the board of directors may modify the proposed work or project to take into consideration any change in circumstances resulting from such detachment, and may issue bonds in an amount not exceeding the amount authorized at such election for the purpose of paying the cost of the work or project as modified without any further election, but only after notice and hearing in the same manner as provided in Section 824, and provided that at the conclusion of the hearing the board of directors shall by resolution determine that the remaining territory within the zone or participating zones will be benefited by the work or project as modified.

(Stats.1977, c. 527, p. 1729, § 826.)

CHAPTER 3. DISSOLUTION OF ZONES

Section

- 118-841. Resolution of intention to dissolve.
- 118-842. Contents of resolution.
- 118-843. Notice of hearing; publication; posting.
- 118-844. Hearing; presentation of material matters.
- 118-845. Determination of necessity of dissolution; declaration of dissolution by ordinance.
- 118-846. Dissolution complete upon effective date of ordinance.
- 118-847. Taxation of territory of dissolved zones.
- 118-848. Validation of proceedings.
- 118-849. Resubmission of dissolution measure.

§ 118-841. Resolution of intention to dissolve

Sec. 841. Notwithstanding any other provision herein, whenever the board deems it necessary for any zone or participating zones formed pursuant to this act to be dissolved, it shall by resolution declare its intention to dissolve the zone or participating zones.

(Stats.1977, c. 527, p. 1730, § 841.)

§ 118-842. Contents of resolution

Sec. 842. The resolution of intention shall state:

- (a) The reason why the zone or participating zones should be dissolved.
- (b) If the zone or participating zones were formed pursuant to Section 431, 474 or 606 of this law, that no bonds have been issued for the zone or participating zones or are outstanding.
- (c) If the zone or participating zones were formed pursuant to Section 431 or 474 of this law, that no indebtedness or liability was incurred for the zone or participating zones or is outstanding.
- (d) That a map showing the exterior boundaries of the zone or participating zones, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.
- (e) The time and place for a hearing by the board on the question of the dissolution of the zone or participating zones.
- (f) That at such time and place any person interested, including all persons owning property in the district or in the zone or participating zones will be heard.

(Stats.1977, c. 527, p. 1730, § 842.)

§ 118-843. Notice of hearing; publication; posting

Sec. 843. Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper of general circulation published or circulated in the district. Such notice shall also be given by posting a copy of the resolution in three public places within the zone or participating zones for at least two weeks before the time fixed for the hearing.

(Stats.1977, c. 527, p. 1730, § 843.)

§ 118-844. Hearing; presentation of material matters

Sec. 844. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the district or in the zone or participating zones, may appear and present any matters material to the proposed dissolution.

(Stats.1977, c. 527, p. 1730, § 844.)

§ 118-845. Determination of necessity of dissolution; declaration of dissolution by ordinance

Sec. 845. At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the zone or participating zones. If so, the ordinance shall state that the exterior boundaries of the zone or participating zones are set forth on a map on file with the secretary and shall declare the zone or participating zones dissolved. The determinations made in the ordinance shall be final and conclusive.

(Stats.1977, c. 527, p. 1730, § 845.)

§ 118-846. Dissolution complete upon effective date of ordinance

Sec. 846. When the ordinance declaring a zone or participating zones dissolved becomes effective, the dissolution of such zone or participating zones is complete.

(Stats.1977, c. 527, p. 1730, § 846.)

§ 118-847. Taxation of territory of dissolved zones

Sec. 847. The taxable property within the boundaries of the dissolved zone or participating zones shall continue to be taxed or assessed for any indebtedness of the district contracted for such

App. § 118-847

WATER CODE—APPENDIX

dissolved zone or participating zones until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

(Stats.1977, c. 527, p. 1730, § 847.)

§ 118-848. Validation of proceedings

Sec. 848. Any action or proceeding in which the validity of the dissolution of a zone or participating zones, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the zone or participating zones; otherwise, the dissolution of the zone or participating zones and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(Stats.1977, c. 527, p. 1731, § 848.)

§ 118-849. Resubmission of dissolution measure

Sec. 849. After a bond election has been held in a zone or participating zones formed pursuant to Section 474 and less than a majority of the votes cast in such election were in favor of the measure, the board may within one year of the date of such election call and hold another election as provided in Sections 471 through 477, inclusive, for the purpose of resubmitting such measure to the electors of such zone or participating zones. If such measure is not so resubmitted such zone or participating zones, on the anniversary date of the election, are dissolved without further action by the board. If such measure is resubmitted and fails to receive more than a majority of the votes cast in such election in favor of such measure, such zone or participating zones are dissolved following the canvass of the election returns.

(Stats.1977, c. 527, p. 1731, § 849.)

CHAPTER 4. DISTRICT REORGANIZATION

Section

118-851. Applicability of District Reorganization Act of 1965.

118-852. Annexation of territory of district by city; effect.

118-853 to 118-900. Blank.

118-901. Reimbursement for costs.

§ 118-851. Applicability of District Reorganization Act of 1965

Sec. 851. Notwithstanding Section 56039 of the Government Code, the district shall be deemed to be a "district" within the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code), and all proceedings for the annexation or detachment of territory to or from the district shall be conducted in the manner therein provided and all the provisions of such act shall apply to the district.

(Stats.1977, c. 527, p. 1731, § 851.)

§ 118-852. Annexation of territory of district by city; effect

Sec. 852. The annexation of territory lying within the district to any city shall in no way affect the jurisdiction or boundaries of the district in regard to such territory and said territory shall remain within and a part of the district for all purposes until proceedings to detach such territory from the district have been taken and completed as provided herein.

(Stats.1977, c. 527, p. 1731, § 852.)

§§ 118-853 to 118-900. Blank

§ 118-901. Reimbursement for costs

Sec. 901. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

(Stats.1977, c. 527, p. 1731, § 901.)

CHAPTER 118
MONTEREY PENINSULA WATER MANAGEMENT
DISTRICT LAW

Part 2

FORMATION

Chapter 1

CREATION AND TERRITORY

Section

118-103. City of Marina.

§ 118-103. City of Marina

Sec. 103. Notwithstanding Section 102, the territory of the district does not include any territory located within the City of Marina on January 1, 1998.

(Added by Stats.1997, c. 85 (S.B.342), § 1.)

Part 4

POWERS AND PURPOSES

Chapter 2

WATER

Article 2

GROUND WATER MANAGEMENT

§ 118-342. Construction of article; definitions

Historical and Statutory Notes

1996 Legislation

Legislative declaration of Stats.1996, c. 57 (S.B.141),
§ 30, relating to the rendition of professional services by a

limited liability company, see Historical and Statutory
Notes under Code of Civil Procedure § 699.720.

