

ORANGE COUNTY WATER DISTRICT ACT

TABLE OF CONTENTS

Section 1. Creation; name of district; boundaries; divisions..... 1

Section 1.2. Boundaries; adjustment..... 12

Section 1.4. Boundaries; adjustment; limit ..... 12

Section 1.6. Boundaries; adjustment; directors ..... 12

Section 2. District powers..... 13

Section 2.1. Groundwater storage; agreement between entity and district; priority; limitation; allocation of use; findings supporting conclusions of consideration of agreement ..... 16

Section 2.5. Negotiable promissory notes; issuance; interest rate; maturity; payment; amount ..... 17

Section 3. Exercise of powers ..... 18

Section 4. Board of directors; officers; employees ..... 18

Section 4.1. Attorney ..... 18

Section 4.2. Payment of judgment against officer, agent or employee..... 19

Section 5. President or vice presidents; general manager or secretary; execution of contracts; treasurer; administrative rules and regulations; officers' bond ..... 19

Section 6. Directors; quorum; method of acting ..... 20

Section 6.5. Directors; compensation; reimbursement of expenses..... 20

Section 7. Property; legal title; management, use, etc.; sale ..... 21

Section 8. Investigations of quality of surface and groundwaters; cleanup; liability..... 21

Section 9. Election of directors..... 22

Section 11.	Directors; residence requirements .....	22
Section 12.	Subsequent elections; appointment of directors; vacancies; bonds.....	22
Section 13.	Organization after election; term; office; general manager and secretary.....	23
Section 15.	Declaration of appointment .....	24
Section 16.	Financial statement; CPA audit .....	24
Section 17.	Estimate of money needed; maximum general assessment .....	24
Section 17.1.	"General reserve" and "appropriation for contingencies" defined .....	26
Section 18.	Assessments; levy; rate.....	26
Section 19.	Computation and entry of assessments; collection; laws applicable .....	27
Section 20.	Funds .....	27
Section 20.5.	Claims for money or damages; law governing .....	28
Section 20.6.	Determination of feasibility of project .....	28
Section 20.7.	Finding from engineer's report; institution of project .....	28
Section 21.	Issuance of bonds; purposes .....	29
Section 21.1.	Maximum debt limit.....	29
Section 21.2.	Resolution of board .....	29
Section 21.3.	Resolution calling election; contents.....	29
Section 21.4.	Publication of resolution .....	30
Section 21.5.	Consolidation of elections .....	30

Section 21.6.	Electors; registration; conduct of election .....	30
Section 21.7.	Canvass of returns; resolution of results; required vote.....	31
Section 21.8.	Defeat of proposition; limitation on further proceedings.....	31
Section 21.9.	Form of bonds and coupons; date.....	31
Section 21.10.	Series bonds .....	31
Section 21.11.	Time, manner and place of payment; maturity .....	31
Section 21.12.	Action to determine validity of bonds .....	31
Section 21.13.	Redemption prior to maturity .....	31
Section 21.14.	Denomination of bonds .....	32
Section 21.15.	Signatures .....	32
Section 21.16.	Issuance and sale; bids.....	32
Section 21.17.	Legal investments .....	32
Section 21.18.	Bond fund; use; transfer of balance .....	33
Section 21.19.	Delivery of bonds; purchase price.....	33
Section 21.20.	Unsold bonds; resolution voiding; time .....	33
Section 21.21.	Use of bond proceeds for other purposes; election; procedure .....	33
Section 21.22.	Levy and collection of assessment.....	34
Section 23.	Replenishment assessments.....	34
Section 24.	Registration of water producing facilities; fine for nonregistration; definitions .....	34
Section 25.	Annual investigation and report upon ground water conditions .....	36

Section 26.	Notice of receipt of report; hearing on report; estimated overdraft and replenishment requirements.....	36
Section 27.	Replenishment assessment; levy; rate; hearing; additional assessment.....	37
Section 27.1.	Additional replenishment assessment; hearing; finding and determination by board; irrigation defined.....	38
Section 28.	Replenishment assessment; notice.....	38
Section 28.1.	Additional replenishment assessment; notice .....	38
Section 29.	Water production statement; payment of replenishment expenses; fixed payment by small producers.....	39
Section 29.1.	Filing false or fraudulent water production statement; misdemeanor; penalty .....	40
Section 30.	Amended statement; correction of records.....	40
Section 31.	Record of water production; record of replenishment assessments and charges.....	40
Section 31.5.	Basin equity assessments; production requirements and limitations .....	41
Section 31.6.	Transfers from general fund to basin equity assessment fund; repayment .....	47
Section 32.	Unregistered facility; injunction .....	47
Section 33.	Excess production; Investigation; meters; order limiting production; protest; notices.....	48
Section 33.1.	Investigation and report concerning water production; authority of district to fix amount of production; notice; protest; hearing .....	49
Section 34.	Delinquent replenishment or basin equity assessment.....	49
Section 35.	Production of water from unregistered facility and without meter; exemption; punishment .....	50

Section 35.1.	Injuring, removing or tampering with meters; misdemeanor; penalty .....	50
Section 37.	Claims; treasurer's report .....	51
Section 38.	Replenishment and basin equity assessments; exclusion of certain facilities .....	51
Section 38.1.	Exemption from payment of replenishment and basin equity assessments .....	52
Section 39.	Acquisition of right to flood; relocation of streets, etc.....	55
Section 41.	Unauthorized indebtedness .....	55
Section 42.	Unpaid warrants; registration; interest; subsequent payment.....	56
Section 43.	Tax exemption of certain district property .....	56
Section 44.	Action to test validity of assessment .....	56
Section 45.	Statement, report, notice or other document required to be filed or given to district; date of filing or giving .....	57
Section 48.	Limitation of actions .....	57
Section 49.	Willful violation of duty .....	57
Section 50.	Annexation; authorization; effect.....	57
Section 51.	Annexation; petition.....	58
Section 52.	Annexation; notice to show cause.....	58
Section 53.	Annexation; hearing upon petition and objections .....	58
Section 54.	Annexation; condition to grant.....	59
Section 55.	Annexation; determination; inclusion order; agreement to conditions; notice to show cause regarding conditions; dismissal of petition.....	59

Section 56.	Annexation; resolution stating facts; undertaking to pay election costs .....	60
Section 57.	Annexation; election .....	61
Section 58.	Annexation; order conforming to result of election.....	61
Section 59.	Annexation; sufficient protest; finding of best interest; election.....	62
Section 60.	Annexation; record of boundary change; effect.....	62
Section 61.	Annexation; minute entry; evidence .....	62
Section 62.	Annexation; powers of guardian, executor or administrator.....	63
Section 63.	Annexation; liability of included land .....	63
Section 64.	Annexation; division and precinct boundaries.....	63
Section 65.	Exclusion of lands; authorization; effect.....	63
Section 66.	Exclusion of lands; petition.....	64
Section 67.	Exclusion of lands; notice to show cause.....	64
Section 68.	Exclusion of lands; hearing upon petition and objections .....	64
Section 69.	Exclusion of lands; hearing; grant or denial of petition .....	65
Section 71.	Exclusion of lands; redetermination of boundaries .....	65
Section 72.	Exclusion of lands; division and precinct boundaries.....	65
Section 73.	Exclusion of lands; powers of guardian, executor or administrator.....	66
Section 74.	Exclusion of lands; liability of excluded lands .....	66
Section 75.	Liberal construction .....	66
Section 76.	Partial invalidity .....	66
Section 77.	Vested rights .....	67

Section 78.	Title of act.....	67
SUPPLEMENTARY REGULATIONS.....		68
SB 91, Chapter 770, California Statues of 1953 .....		68
Section 64.....		68
Section 65.....		68
SB 1371, Chapter 1812, California Statutes of 1961 .....		68
Section 5.....		68
PUBLIC WORKS CONTRACTS.....		69
Section 21040.	(Chapter 1.5)Application of article.....	69
Section 21041.	Binding contracts; Endorsement.....	69
Section 21042.	Prescription of methods for construction of works and letting of contracts .....	69
Section 21043.	Response to emergency in accordance with provisions relating to minority and women business enterprises .....	70
Section 21044.	Contracts excluded from competitive bidding requirement .....	70
Section 21045.	Faithful performance bond; Direction and approval of work .....	70
DEERING'S WATER CODE OF THE STATE OF CALIFORNIA.....		71
COMPENSATION OF WATER DISTRICT DIRECTORS .....		71
Section 20200.	"Water District" .....	71
Section 20201.	Authorization to provide and to increase compensation .....	71

Section 20202.	Yearly ceiling on compensation increase; Limitation on number of compensable days.....	71
Section 20203.	Authority to adopt ordinances; Notice and hearing .....	72
Section 20204.	Effective date of ordinances; Voters' right to petition for referendum .....	72
Section 20205.	Suspension of ordinance; Number of signatures necessary to subject ordinance to referendum.....	72
Section 20206.	Procedure following ordinance protest petition .....	72
Section 20207.	Applicability of Elections Code .....	73

## **ORANGE COUNTY WATER DISTRICT ACT**

Current through the 1995 portion of the 1995-96 legislative sessions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **Section 1. Creation; name of district; boundaries; divisions**

- (a) A district is hereby created to be known and designated as "Orange County Water District," located entirely within Orange County, California, including and comprising all of the land within the exterior boundaries of the district, which boundaries are described as follows:

Beginning at the intersection of the boundary line between Los Angeles and Orange Counties, as officially established by the California Legislature in 1919, see Chapter 470 of the 1919 Statutes and Amendments to the codes, or Sections 3927 and 3938 of the Political Code as enacted in 1919, with the high-tide line of the Pacific Ocean; thence northerly along said boundary line the following courses and distances: North 33 degrees 00' 00" East to Station 1. (Los Angeles-Orange County); thence North 57 degrees 10' 40" East 8238.78 feet; thence North 2 degrees 48' 35" West 2207.94 feet; thence North 16 degrees 46' 45" West 1444.82 feet; thence North 27 degrees 12' 00" West 2106.10 feet; thence North 31 degrees 22' 50" West 1296.25 feet; thence North 27 degrees 55' 55" East 8375.40 feet; thence North 11 degrees 36' 55" East 2241.41 feet; thence North 39 degrees 48' 20" East 5650.97 feet; thence North 59 degrees 07' 40" East 3391.48 feet; thence North 0 degrees 11' 50" West 4330.76 feet; thence North 45 degrees 31' 59" East 972.19 feet more or less; then North 17 degrees 58' 52" East 132.27 feet to the beginning of a tangent curve concave Westerly and having a radius of 5,200 feet; thence Northerly along said curve through a central angle of 03 degrees 10' 38" an arc distance of 288.36 feet to a point on the Southerly right-of-way line of "Moody Creek Channel" (100.00 feet wide) as conveyed to the Orange County Flood Control District by deed recorded in Book 3632, Page 36 of Official Records of Orange County, State of California; said point also being on a no-tangent curve concave Southerly and having a radius of 950.00 feet, a radial line from said point bears South 30 degrees 16' 03" East; thence Easterly along said Southerly right-of-way line and along said curve through a central angle of 26 degrees 34' 39" an arc distance of 440.67 feet more or less; thence North 45 degrees 31' 59" East 144.84 feet; thence North 0 degrees 11' 10" West 3996.39 feet; thence North 89 degrees 37' 10" East 1320.92 feet; thence North 0 degrees 23' 25" West 1318.92 feet; thence North 89 degrees 34' 55" East 1320.00 feet; thence North 0 degrees 25' 25" West 1341.64 feet; thence North 89 degrees 21' 35" East 1303.75 feet; thence North 0 degrees 47' 15" West 1850.84 feet; thence North 89 degrees 35' 45" East 1320.65 feet; thence North 0 degrees 23' 45" West 1316.40 feet; thence North 89 degrees 26' 40" East 1318.50 feet; thence North 1 degrees 04' 00" West 1323.56 feet; thence North 89 degrees 39' 30" East 2706.72 feet; thence North 0 degrees 26' 30" West 2642.38 feet; thence North 89 degrees 35' 50" East 5282.00 feet; thence North 0 degrees 34' 20" West 2700.56 feet; thence North 89 degrees 36' 50" East 2639.57 feet; thence North 0 degrees 33' 05" West 2640.34 feet; thence North 89 degrees 37' 10" East 2674.26 feet; thence North 0

degrees 31' 50" West 2639.37 feet; thence North 89 degrees 35' 50" East 2665.05 feet; thence North 0 degrees 33' 05" West 2637.57 feet; thence North 89 degrees 37' 10" East 2671.99 feet to the Southwest corner of Section 18, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence northerly along the West line of said Section 18 one-quarter mile to the Northwest corner of the Southwest one-quarter of the Southwest one-quarter of said Section 18; thence leaving said boundary line between Los Angeles and Orange Counties and following the exterior boundary of the City of Fullerton the following courses and distances: easterly 8,145 feet along the North line of the South one-half of the South one-half of said Section 18 and Section 17, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence North 26 degrees 00' 00" West 170.00 feet, North 46 degrees 59' 35" East 824.88 feet; North 81 degrees 59' 42" East 36.26 feet, more or less, to its intersection with the curved centerline of Euclid Avenue (formerly Nicolas Avenue), 60 feet wide, said curve being concave northeasterly and having a radius of 1,200 feet, a radial to said point of intersection bears South 63 degrees 08' 55" West; thence through a central angle of 10 degrees 48' 38" northwesterly along said curved centerline 226.42 feet, a radial to said point bears South 73 degrees 57' 33" West; thence North 83 degrees 12' 00" East 377.39 feet; South 27 degrees 22' 00" East 178.44 feet; South 35 degrees 46' 00" East 181.17 feet; North 81 degrees 07' 38" East 205.29 feet; North 24 degrees 30' 00" East 198.00 feet; North 84 degrees 45' 00" East 300.00 feet; South 80 degrees 35' 00" East 61.10 feet; South 56 degrees 45' 00" East 45.00 feet; South 81 degrees 28' 00" East 288.00 feet; South 64 degrees 50' 00" East 254.00 feet; North 81 degrees 02' 27" East 169.92 feet to its intersection with the westerly line of Section 16 Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence North 0 degrees 53' 33" East 541.42 feet; North 0 degrees 52' 52" East 1320.36 feet; South 89 degrees 07' 33" East 2641.10 feet; North 0 degrees 51' 35" East 373.17 feet; South 89 degrees 10' 28" East 51.52 feet to a point in the centerline of Harbor Boulevard, being a curve concave northeasterly and having a radius of 1700.00 feet, a radial through said point bearing South 76 degrees 42' 39" West; thence along said centerline through a central angle of 17 degrees 43' 34" southeasterly an arc distance of 525.94 feet; thence tangent to said curve, continuing along said centerline, South 31 degrees 00' 55" East 125.32 feet to the beginning of a tangent curve concave southwesterly and having a radius of 1500.00 feet; thence along said curve through a central angle of 21 degrees 25' 00" southeasterly an arc distance of 560.69 feet; thence continuing along said centerline South 9 degrees 35' 55" East 226.85 feet; North 80 degrees 22' 05" East 269.44 feet; thence North 9 degrees 37' 55" West 324.50 feet; South 80 degrees 22' 05" West 185 feet; North 9 degrees 37' 55" West 25.00 feet; North 20 degrees 34' 25" East 597.16 feet; North 1 degrees 35" East 696.84 feet; thence westerly 800 feet, more or less, to the Northwest corner of the South one-half of the North one-half of the Northeast one-quarter of Section 16, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence northerly 660 feet, more or less, along the centerline of Harbor Boulevard (formerly North Fullerton Road) to the Northwest corner of the Northeast one-quarter of said Section 16, said point also being the Southwest corner of the Southeast one-quarter of Section 9, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence continuing along the West line of said Southeast one-quarter of Section 9, northerly 1320.65 feet, more or less, to the

Northwest corner of the Southwest one-quarter of said Southeast one-quarter of Section 9; thence along the North line of said Southwest one-quarter of the Southeast one-quarter of Section 9, easterly 1320 feet, more or less, to the Northeast corner of said Southwest one-quarter of the Southeast one-quarter of Section 9; thence along the West line of the Northeast one-quarter of said Southeast one-quarter of Section 9, northerly 1320 feet, more or less, to the Northwest corner of said Northeast one-quarter of the Southeast one-quarter of Section 9; thence along the northerly line of said Southeast one-quarter of Section 9, easterly 1320.58 feet, more or less to the Northeast corner of said Southeast one-quarter of Section 9; thence along the East line of said Section 9, southerly 1320 feet, more or less to the Northeast corner of the Southeast one-quarter of the Southeast one-quarter of said Section 9; thence along the North line of the West one-half of the Southwest one-quarter of the Southwest one-quarter of Section 10, Township 3 South, Range 10 West, San Bernardino Base and Meridian, easterly 660 feet, more or less, to the Northeast corner thereof; thence along the East line of said West one-half of the Southwest one-quarter of the Southwest one-quarter of Section 10 and the southerly prolongation thereof, southerly 1350 feet, more or less, to a point on the southerly right-of-way line of Imperial Highway, 60 feet wide; thence along said southerly right-of-way line, South 88 degrees 28' 00" East 1980.00 feet, more or less, to a point 30 feet South of the Southeast corner of the Southwest one-quarter of said Section 10; thence along the East line of the West one-half of Section 15, Township 3 South, Range 10 West, San Bernardino Base and Meridian, southerly 3,300 feet, more or less, to the Northwest corner of the South one-half of the Northwest one-quarter of the Southeast one-quarter of said Section 15; thence South 89 degrees 34' 57" East 728.35 feet, more or less; thence South 0 degrees 25' 03" West 180.57 feet; South 89 degrees 34' 57" East 30.00 feet; South 0 degrees 25' 03" West 120.00 feet; South 60 degrees 12' 37" East 67.88 feet; South 40 degrees 51' 51" East 212.76 feet; South 46 degrees 41' 14" East 100.44 feet; South 56 degrees 28' 22" East 68.42 feet; South 64 degrees 23' 55" East 68.42 feet; South 72 degrees 19' 28" East 68.42 feet; South 80 degrees 34' 05" East 68.39 feet; South 89 degrees 56' 00" East 24.82 feet to the Southeast corner of the Northwest one-quarter of the Southeast one-quarter of said Section 15; thence along the South line of the North one-halves of the Southeast one-quarter of Section 15 and the Southwest one-quarter of Section 14, Township 3 South, Range 10 West, San Bernardino Base and Meridian, easterly 1721.49 feet, more or less, to its intersection with the centerline of Brea Boulevard; thence North 25 degrees 43' 30" East 222.61 feet; South 64 degrees 16' 30" East 467.50 feet; thence South 62 degrees 16' 30" East 262.50 feet; North 25 degrees 43' 30" East 125.00 feet to the South line of the North one-half of said Southwest one-quarter of Section 14; thence along the South line of the North one-half of the South one-half of said Section 14 easterly 3,990.09 feet, more or less, to the Southwest corner of the North one-half of the Southwest one-quarter of Section 13, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence North 2 degrees 06' 03" East 433.30 feet; South 53 degrees 03' 50" East 717.75 feet to a point on the South line of the North one-half of the Southwest one-quarter of said Section 13; thence along said South line easterly 713.66 feet, more or less; thence North 27 degrees 25' 41" West 253.30 feet; North 16 degrees 25' 08" East 958.97 feet; South 37 degrees 05' 52" West 1068.97 feet; North 37 degrees 31' 46" West 869.87

feet, more or less, North 25 degrees 43' 30" East 341.53 feet, more or less, to a point in the North line of the Southwest one-quarter of said Section 13; thence along said North line North 89 degrees 37' 33" East 1332.13 feet to a point in the South line of Imperial Highway, 100 feet wide, said point being on a nontangent curve concave northerly and having a radius of 3050.00 feet, a radial to said point bears South 8 degrees 02' 34" West; thence easterly along said curve, through a central angle of 8 degrees 02' 34" an arc distance of 428.14 feet; thence continuing along said South line of Imperial Highway North 89 degrees 37' 33" East 502.65 feet; North 89 degrees 27' 13" East 1319.29 feet to the East line of the Northwest one-quarter of the Southeast one-quarter of said Section 13; thence along said East line South 1290 feet to the Northeast corner of the Southwest one-quarter of the Southeast one-quarter of said Section 13; thence easterly one mile to the Northeast corner of the Southwest one-quarter of the Southeast one-quarter of Section 18, Township 3 South, Range 9 West, San Bernardino Base and Meridian; thence South one-quarter mile to the Southeast corner of said Southwest one-quarter of the Southeast one-quarter; thence East one-eighth mile to the southwest corner of the East one-half of the Southeast one-quarter of the Southeast one-quarter of said Section Eighteen (18); thence North one-quarter mile to the Northwest corner of said East one-half; thence East one-eighth mile to the Northeast corner of said East one-half; thence South one-eighth mile to the Northwest corner of the South one-half of the South one-half of the South one-half of fractional Section Seventeen (17), Township Three (3) South, Range 9 West, San Bernardino Base and Meridian; thence East along the North line of the said South one-half of the South one-half of the South one-half of said fractional Section Seventeen (17) to the East line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said East Rancho line to the Northwest corner of Block One (1) of Yorba Linda Tract as per map recorded in Book 5, pages 17 and 18 of Miscellaneous Maps, Records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda Tract to the Northeast corner of Lot One (1) in Block Two (2) of said tract; thence southerly along the East line of said Block 2 to an intersection with the westerly prolongation of the North line of Block 25, as shown on a map of Carlton, recorded in Book 29, pages 9 and 10, Miscellaneous Records of Los Angeles County, California, said intersection being on the southerly line of Wabash Avenue as shown on said map of Carlton; thence easterly along the southerly line of said Wabash Avenue to an intersection with the westerly line of First Street, 60 feet in width as now laid out; thence southerly along the westerly line of said First Street to an intersection with the westerly prolongation of the northerly line of Block 6 of said Yorba Linda Tract; thence easterly along said westerly prolongation and along the northerly line of Blocks 6 and 7 of said Yorba Linda Tract to the Northeast corner of said Block 7; thence southerly, easterly, southerly and easterly along the exterior boundary lines of said Yorba Linda Tract; thence southerly along the easterly line of said Block 8 and its southerly prolongation to the South line of Yorba Linda Boulevard, 60 feet wide as now laid out; thence easterly along the easterly prolongation of said southerly line of Yorba Linda Boulevard to an intersection with the East line of the M. Yorba allotment of second class land, as shown on a map showing the subdivision of the Rancho Canon de Santa Ana, by order of the Seventeenth Judicial District; thence North 01 degrees 29' 51" West, 30.00 feet, more or less, to a point in the centerline of Yorba Linda

Boulevard, extended easterly; thence North 89 degrees 25' 00" West along said extended centerline a distance of 338.07 feet; thence North 00 degrees 04' 28" East, 2681.55 feet; thence North 89 degrees 59' 42" East, 1795.99 feet; thence running North 89 degrees 23' 16" East, 386.73 feet along the northerly line of the Rancho Canon de Santa Ana to a point on a curve concave westerly and having a radius of 1200.00 feet; thence northerly along said curve through a central angle of 39 degrees 17' 20" an arc distance of 822.87 feet to its intersection with the West line of the Northwest one-quarter of Section 24 Township 3 South, Range 9 West, S.B.B. & M.; thence North 0 degrees 15' 09" West, 154.38 feet along the West line of said Northwest one-quarter of Section 24 to the southerly line of that certain 50.00 feet right-of-way conveyed to The Metropolitan Water District of Southern California, by Deed recorded July 11, 1960, in Book 5321, page 448; thence continuing along said West line of the Northwest one-quarter of Section 24, North 0 degrees 41' 30" East 1810.75 feet to the Northwest corner of said Section 24 as shown on a map recorded in Book 97, Pages 1 & 2, Record of Surveys, records of said Orange County, California; thence along the northerly line of said Section 24, South 89 degrees 53' 28" East 2658.08 feet to the Northeast corner of the Northwest one-quarter of said Section 24; thence along said northerly line of said Section 24, South 89 degrees 03' 19" East 2661.15 feet to the Northwest corner of Annexation No. 75-2 to the City of Yorba Linda; thence following the boundary of said Annexation No. 75-2 to the City of Yorba Linda, the following courses and distances: South 87 degrees 20' 11" East 1877.10 feet to the easterly boundary line of the land known as the Dominguez Ranch; thence along said easterly boundary of the Dominguez Ranch, South 01 degrees 38' 23" East 7827.18 feet to a point in a line running northeasterly from a point 2800 feet northerly of the centerline of the Atchison, Topeka and Santa Fe Railway Company's main track as measured along the East line of the allotment of second class lands to V. Yorba in the partition of the Rancho Canon de Santa Ana to a point 2400 feet northerly of said A.T. and S.F. Railway Company's main track centerline as measures along the East line of the allotment of second class lands to W. McKee in said partition of said Rancho Canon de Santa Ana; thence easterly along said line to a point in the East line of the allotment of second class land to W. McKee in partition of said Rancho Canon de Santa Ana, said point being 2400 feet northerly measured along said East line of allotment to W. McKee, from its intersection with the centerline of the Atchison, Topeka and Santa Fe Railway Company's main track; thence southerly along the said East line of allotment to W. McKee to its intersection with the southerly line of that certain right-of-way of A.T. & S.F. railroad described in a quitclaim of the Anaheim Union Water Company, recorded in Book 193, page 114, Deeds of Orange County; thence along said southerly right-of-way line, North 71 degrees 26' 00" East, 879.86 feet, more or less to the most westerly point of the 50 foot wide strip of land recorded in Book 1283, page 447, O.R.; thence South 18 degrees 34' 00" East, 50.00 feet; thence along the southerly line of the parcel of land described in said Book 1283, page 447, Official Records, North 71 degrees 26' 00" East, 566.64 feet, more or less, parallel with the centerline of said A.T. & S.F. railroad, to a tangent curve concave northwesterly and having a radius of 3681.1 feet; thence northeasterly along said curve, as described in Parcel 1 in Book 193, page 114, of Deeds and Book 1283, page 447, O.R., and being 100 feet southeasterly and parallel to said railroad centerline, 1313.7 feet, more or

less, to a point in the boundary line between the lands of Anaheim Union Water Company and F.H. Bixby, as described in said Deed; thence along said boundary line South 0 degrees 25' 56' East, 450 feet, more or less, to a point in the northerly lines of Lot 4, Tract 865, recorded in Book 28, page 18, M.M., Records of Orange County; thence following the boundary of said Tract 865 the following courses and distances; North 60 degrees 56' 00" East, 448.29 feet; thence North 85 degrees 19' 00" East, 2139.20 feet; thence South 38 degrees 30' 00" East, 860.00 feet; thence South 62 degrees 52' 00" West, 1057.58 feet; thence South 27 degrees 08' 00" East, 1188.00 feet; thence North 62 degrees 52' 00" East, 1201.25 feet; thence South 14 degrees 27' 00" East, 491.55 feet; thence South 27 degrees 34' 00" East, 852.60 feet; thence South 53 degrees 04' 00" East, 1025.00 feet; thence South 82 degrees 04' 00" East, 310.00 feet to the most easterly corner of Tract 865; thence along the southeasterly line of Lots 1 and 2 of said Tract, South 62 degrees 52' 30" West, 371.24 feet to a point of intersection with the centerline of the 100.00 foot right-of-way of Santa Ana Canyon Road as that centerline is shown on Plan No. 9054 of Santa Ana Canyon Road right-of-way map Route 91, Orange County Road Department Maps, that point of intersection being a point on a curve concave southwesterly and having a radius of 2,000 feet; thence southeasterly along the arc of that curve, through a central angle of 7 degrees 07' 19", 248.60 feet; thence tangent to that curve South 53 degrees 06' 53" East, 35.55 feet; thence North 83 degrees 20' 35" East, 132.16 feet to a point of the northeasterly right-of-way line of the Santa Ana Canyon Road as shown on Map No. 9054; thence southeasterly along that northeasterly right-of-way line as shown on that Map No. 9054, South 51 degrees 59' 18" East, 115.20 feet to the beginning of a tangent curve, concave northeasterly and have a radius of 1,436 feet, thence along the arc of that curve through a central angle of 30 degrees 24' 00" 76.91 feet; thence tangent to that curve, south 82 degrees 23' 18" East, 700.56 feet; thence North 7 degrees 36' 42" East, 5.00 feet; thence South 82 degrees 23' 18" East, 470.55 feet to the northeasterly line of the Wallace Ranch Annexation and Oak Hill Ranch Annexation to the City of Anaheim; thence southeasterly along that northeasterly line of the Wallace Ranch Annexation and Oak Hills Ranch Annexation, South 27 degrees 08' 00" East, 2805.27 feet to a point on the northwesterly line of the allotments to Benjamin and Thomas Flint and Lewellyn Bixby in partition of the Rancho Santiago De Santa Ana; thence south 35 degrees 10' 00" West along that last mentioned line, 16023.12 feet to a point, being the Northeast corner of the land described in deed to Santiago Farmers Association recorded in Book 98, page 544 of Deeds, Records of Los Angeles County, California; thence westerly along the northerly boundary line of said land 5750.76 feet to a point in the westerly line of Section Eighteen (18), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian, said point also being the Northwest corner of said land described in Book 98, page 544 of Deeds, Records of Los Angeles County, California; thence southerly along the westerly line of said Section Eighteen (18), 1,865.34 feet to a point, said point being northerly 571.90 feet from the Southwest corner of said Section Eighteen (18); thence North 48 degrees 05' 20" West 754.60 feet; thence North 56 degrees 27' 50" West, 414.94 feet to a point distant South 52 degrees 44' 00" West, 230.49 feet from the easterly corner of the parcel indicated "Reservoir No. 2" on map of record of surveys filed in Book 8, page 3 of Record of Surveys in the office of the County Recorder of Orange County, California; thence

North 52 degrees 44' 00 " East, 230.49 feet to the most easterly corner of said "Reservoir No. 2"; thence North 42 degrees 18' 00" West, 155.61 feet; thence South 50 degrees 25' 00" West, 267.27 feet; thence North 56 degrees 27' 50" West, 788.89 feet; thence North 51 degrees 38' 50" West, 768.86 feet; thence North 74 degrees 58' 40" West, 630.33 feet; thence South 49 degrees 25' 20" West, 608.63 feet to an angle point in the boundary line of the land described in the deed to Graham Brothers, Incorporated, recorded January 29, 1938, in Book 923, page 248 of Official Records of Orange County, California, said angle point being at the northeasterly end of a course described in said deed as "South 40 degrees 51' 30" West, 43.66 feet"; thence from said angle point South 40 degrees 51' 30 " West, 43.66 feet to a point, said point being the most northerly corner of the Carpenter Irrigation District as described in Book 74, page 223 of Official Records of Orange County, California, said point also being North 86 degrees 03' 10" East more or less and 719.62 feet more or less from station 27 as said station is shown on a map of record of surveys filed in Book 3, page 54 of Record of Surveys in the office of the County Recorder of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to the easterly terminus of that certain course described as "North 85 degrees 29' East 472.55 feet" in the Carpenter Irrigation District boundary; thence along the northerly boundaries of Tract No. 7560 as per map recorded in Book 253, pages 24 to 27, inclusive, Miscellaneous Maps, and Tract No. 8306, as per map recorded in Book 359, pages 35 and 36, Miscellaneous Maps, records of said Orange County, North 85 degrees 30' 02" East 1103.03 feet to the most northerly corner of said Tract No. 8306; thence following along the exterior boundary of said Tract No. 8306, the following courses and distances: South 17 degrees 42' 09" East 151.53 feet to the beginning of a curve concave southerly having a radius of 235.00 feet; thence easterly along said curve 20.79 feet through a central angle of 50 degrees 04' 10" to the beginning of a curve concave northerly having a radius of 195.00 feet; thence easterly along said curve 40.05 feet through a central angle of 11 degrees 46' 08" thence South 17 degrees 42' 09" East 60.03 feet to the beginning of curve concave northerly having a radius of 255.00 feet; thence westerly along said curve 54.42 feet through a central angle of 12 degrees 13' 39" to the beginning of a curve concave southeasterly having a radius of 175.00 feet; thence southwesterly along said curve 195.48 feet through a central angle of 64 degrees 00' 00"; thence South 22 degrees 00' 54" West 116.05 feet to the beginning of a curve concave northwesterly having a radius of 530.00 feet; thence southwesterly along said curve 166.34 feet through a central angle of 17 degrees 58' 56 " ; thence South 39 degrees 59' 50" West 84.66 feet to a point in the North line of Tract 944 as per map recorded in Book 29, page 41, of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said Tract 944 to a point South 89 degrees 55' 45" East 350.00 feet of the Southwest corner of Lot 7 of said Tract 944; thence South 42 degrees 00' 00" East, 320.00 feet; thence South 74 degrees 00' 00" East, 300.00 feet; thence South 35 degrees 00' 00" East, 365.00 feet; thence South 12 degrees 00' 00" East, 440.00 feet; thence South 340.00 feet; thence South 13 degrees 00' 00" West, 385.00 feet; thence South 22 degrees 00' 00" West, 370.00 feet; thence South 14 degrees 00' 00" West, 280.00 feet; thence South 9 degrees 00' East, 102.66 feet to a point in the northerly line of Amapola Avenue (60

feet wide) as conveyed to the County of Orange by Deed recorded in Book 644, page 374, Official Records of said County of Orange, said point being on a nontangent curve concave southerly and having a radius of 280.00 feet, a radial bears North 17 degrees 26' 53" West to said point; thence westerly along said northerly line through a central angle of 39 degrees 25' 07" an arc distance of 192.64 feet; thence South 33 degrees 08' 00" West, 179.31 feet to a tangent curve concave northerly and having a radius of 220.00 feet; thence southwesterly along said curve through a central angle of 56 degrees 52' 00" an arc distance of 218.35 feet; thence West 17.03 feet to a point on the exterior boundary of Tract 931 as per map recorded in Book 29, page 27 of Miscellaneous Maps, Records of Orange County, California; thence southerly following the easterly boundary of said Tract 931, to the Southeast corner of Lot Five (5) of said Tract 931; thence South 89 degrees 59' 40" East 1335.78 feet to the centerline of Santiago Canyon Road (Old County Park Road) 60 feet wide, as conveyed to Orange County by Deed recorded July 24, 1929, in Book 303, page 1 of Official Records of Orange County, California; thence South 89 degrees 59' 06" East 302.13 feet; thence South 0 00' 54" West 148.72 feet; thence North 89 degrees 59' 06" West 282.76 feet to a point in said Santiago Canyon Road centerline, said point being on a nontangent curve concave northeasterly with a radius of 1000.00 feet, a radial line through said point bears South 80 degrees 40' 23" West; thence southeasterly along said curve 229.72 feet through a central angle of 13 degrees 09' 43"; thence leaving said curve South 22 degrees 29' 20" East, 396.01 feet; thence leaving said centerline, South 35 degrees 33' 00" West, 2010.01 feet to a point on the centerline of County Park Road; said point being also in the northwesterly boundary of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago and Flint and Bixby's allotment in Rancho Santiago de Santa Ana as per map recorded in Book 1, page 88 of Miscellaneous Maps, Records of Orange County, California; thence southwesterly along said last mentioned boundary of said Irvine's Subdivision to a point on said boundary line and located southwesterly a distance of one and one-half miles from the westerly corner of Block Twenty (20) of said Irvine's Subdivision; thence within said Irvine's Subdivision southeasterly to the most easterly corner of the northerly one-quarter of the westerly one-quarter of Block Sixteen (16) of said Irvine's Subdivision; thence southwesterly along the southeasterly line of said northerly one-quarter of the westerly one-quarter of said Block Sixteen (16) to the most southerly corner thereof; thence southeasterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of said Block Sixteen (16) to the southeasterly line of said block; thence southwesterly to the most southerly corner of said Block Sixteen (16); thence southeasterly along the northeasterly line of Block Forty-one (41) a distance of one-quarter mile; thence southwesterly one and one-half miles to the southerly corner of the northwesterly one-half of the northerly one-quarter of Block Forty-two (42); thence southeasterly one-half mile to the westerly corner of the southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence northeasterly one-quarter mile to the northerly corner of said southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence southeasterly three-fourths of a mile to the easterly corner of the southwesterly one-half of the northerly one-quarter of Block Sixty-six (66); thence southwesterly one-half mile to the northerly corner of the southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southeasterly one-half mile to

the easterly corner of said southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southwesterly one-quarter mile to the southerly corner of said Block Sixty-six (66); thence southeasterly two miles to the easterly corner of Block One Hundred Six (106); thence southwesterly one-half mile to the southerly corner of the easterly one-quarter of said Block One Hundred Six (106); thence southeasterly one and one-quarter mile to the westerly corner of southeasterly one-half of the northerly one-quarter of Block One Hundred Forty-two (142); thence northeasterly three-fourths mile to the northerly corner of the southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of said southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the southerly corner of said southerly one-quarter of westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one-half mile to the southerly corner of said northwesterly one-half of the easterly one-quarter of Block One Hundred Forty-two (142); thence southeasterly one-quarter mile to the easterly corner of the southerly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one mile to the southerly corner of the easterly one-quarter of Block One Hundred Forty-one (141); thence southeasterly one-half mile to the center of Block One Hundred Fifty-four (154); thence southwesterly three miles to the center of Block One Hundred Fifty-seven (157); thence northwesterly one-half mile to the westerly corner of the northerly one-quarter of said Block One Hundred Fifty-seven (157); thence northeasterly one-quarter mile to the southerly corner of the easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence northwesterly one-quarter mile to the westerly corner of said easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence southwesterly one-half mile to the southerly corner of the northerly one-quarter of the southerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the easterly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northeasterly one-eighth mile to the southerly corner of the northeasterly one-half of the northerly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the northeasterly one-half of the easterly one-quarter of the southerly one-quarter of Block One Hundred Twenty-four (124); thence southwesterly three-eighths mile to the southerly corner of the northwesterly one-half of the said southerly one-quarter of Block One Hundred Twenty-four (124); thence northwesterly three-fourths mile to the southerly corner of Block 102; thence southwesterly three and three-fourths miles to the easterly corner of the southwesterly one-half of the southwesterly one-half of Block 98; thence northwesterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of Block 98, 91, and 57, to the center line of MacArthur Boulevard; thence westerly along said northeasterly line to an intersection with that certain easterly boundary line of the City of Newport Beach as established by Ordinance No. 840, approved by the City Council of Newport Beach on January 13, 1958; thence in a general southerly direction along said easterly boundary line as established by said Ordinance No. 840 and by

Resolution No. 7245, approved by the City Council of Newport Beach on July 27, 1970; by Resolution No. 6753, approved by the City Council of Newport Beach on April 22, 1968; by Resolution No. 7311, approved by the City Council of Newport Beach on November 23, 1970; by Resolution No. 8505, approved by the City Council of Newport Beach on June 9, 1975; by said Resolution No. 7311; by Resolution No. 7377, approved by the City Council of Newport Beach on February 22, 1971; by Resolution No. 6203, approved by the City Council of Newport Beach on August 9, 1965; by Ordinance No. 896, approved by the City Council of Newport Beach on August 18, 1959; by Ordinance No. 585, approved by the City Council of Newport Beach on December 13, 1948; by Ordinance No. 897, approved by the City Council of Newport Beach on September 28, 1959; by Resolution No. 9208, approved by the City Council of Newport Beach on October 25, 1977; by said Ordinance No. 897; by Resolution No. 7024, approved by the City Council of Newport Beach on July 14, 1969; by Ordinance No. 843, approved by the City Council of Newport Beach on April 14, 1958; and to the southerly corner of the City of Newport Beach as established by Resolution No. 7243, approved by the City of Newport Beach on July 27, 1970; thence in a general northwesterly direction along the southwesterly boundary line of the City of Newport Beach parallel with the line of ordinary high-tide of the Pacific Ocean and three miles therefrom to the most westerly corner of the City of Newport Beach; thence continuing in a general northwesterly direction along a line parallel with said line of ordinary high-tide being three miles westerly therefrom to a point on the southwesterly extension of the northwesterly line of Rancho La Bolsa Chica, as shown on licensed surveyor's map filed in Book 3, Page 45 of Records of Survey in the Office of the County Recorder of Orange County, California; thence northeasterly along the said extension of the northwesterly line of said Rancho La Bolsa Chica to the line of ordinary high-tide of the Pacific Ocean; thence northwesterly along said ordinary high-tide of the Pacific Ocean to the point of beginning.

Except that portion of certain unincorporated lands and those lands lying within the City of Newport Beach, County of Orange, State of California, commonly known as the "Bayview" area and more particularly described as follows:

BEGINNING at the intersection of the centerline of Bristol Street (formerly Palisades Road), with the northwesterly boundary of the City of Newport Beach as established by Ordinance No. 837, approved by the City Council of Newport Beach on October 28, 1957; thence leaving said centerline of Bristol Street and southwesterly along said northwesterly boundary line, and northwesterly along the northeasterly boundary line of the City of Newport Beach as established by Ordinance No. 748, approved by the City Council of Newport Beach on April 25, 1955, to an intersection with the southeasterly boundary of the northwesterly one-half of the northwesterly one-half of Block Fifty-one (51) of said Irvine's subdivision; thence northeasterly along said southeasterly boundary to the easterly corner of the northwesterly one-half of the northerly one-quarter of said Block Fifty-one (51); thence southeasterly along the centerline of said Bristol Street to the POINT OF BEGINNING.

(b) The district is hereby divided into 10 divisions which shall be numbered first,

second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, and one director shall be elected or appointed as hereinafter provided from each division.

- (c) The boundaries of the first, second, third, fourth, fifth, six and seventh divisions are established pursuant to Section 1.2.
- (d) The boundaries of the eighth, ninth and tenth divisions are as follows:
  - (1) Eighth Division: Division No. 8 shall comprise all that area included within the exterior boundary of the Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Santa Ana as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.
  - (2) Ninth Division: Division No. 9 shall comprise all that area included within the exterior boundary of the Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Anaheim as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

- (3) Tenth Division: Division No. 10 shall comprise all that area included within the exterior boundary of the Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Fullerton as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.
- (e) Annexations to or enlargements of municipal corporations which constitute Divisions 8, 9 and 10 shall become part of the division which said municipal corporation constitutes without further act of said district; provided, however, that if said annexations or enlargements include land which is not already a part of said district, such land may be included within said district and said division only by inclusion proceedings as provided in this act.

**Section 1.2. Boundaries; adjustment**

- (a) After each federal decennial census, and using population figures as validated by the Population Research Unit of the Department of Finance, the board of directors shall, by resolution, adjust the boundaries of the first, second, third, fourth, fifth, sixth, and seventh divisions so that those divisions are, as far as practicable, equal in population and represent, as far as practicable, a commonality of interest.
- (b) The resolution requires the vote of not less than six directors for adoption.
- (c) At the time of, or after, any annexation of territory to the agency, the board of directors shall designate, by resolution, the division of which the annexed territory shall be a part.

**Section 1.4. Boundaries; adjustment; limit**

No change in the boundaries of any division may be made within the four months immediately preceding the election of any director.

**Section 1.6. Boundaries; adjustment; directors**

- (a) A change in the boundaries of a division does not affect the term of office of any director.
- (b) Notwithstanding Section 11, if the boundaries of a division are adjusted, the director of the division whose boundaries have been adjusted, shall continue to be the director of the division bearing the number of his or her division as formerly comprised until the office becomes vacant by means of term expiration or otherwise, whether or not the director is a resident within the boundaries of the division as adjusted.

- (c) The successor to the office in a division whose boundaries have been adjusted shall be a resident of, and voter within the meaning of Section 18 of the Elections Code in, that division.

## **Section 2. District powers**

The "Orange County Water District" shall have the following powers:

1. To have perpetual succession.
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey, or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers.
5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery, facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within the district, or to augment and protect the quality of the common water supplies of the district, and purposes incidental thereto.
6. For the common benefit of the district and for the purpose of managing the groundwater basin and managing, replenishing, regulating, and protecting the groundwater supplies within the district to exercise the following powers:
  - (a) Provide for the conjunctive use of groundwater and surface water resources within the district area.
  - (b) Store water in underground water basins or reservoirs within or outside of the district.
  - (c) Regulate and control the storage of water and the use of groundwater basin storage space in the groundwater basin within the district and pursuant to the provisions set forth in Section 2.1 to (1) determine the amount of storage space available in the groundwater basin within the district, (2) allocate that available groundwater storage space, and (3) enter into groundwater storage agreements, provided that the district shall

have no authority under the provisions of this section, except the provisions of paragraph (l) of this subdivision, to limit the extraction of groundwater within the district, except to the extent that a party may agree thereto under any such groundwater storage or other agreement.

- (d) Appropriate and acquire water and water rights within or outside of the district.
- (e) Purchase and import water into the district.
- (f) Conserve and reclaim water within or outside of the district.
- (g) Buy and sell water at such rates as shall be determined by the board of directors.
- (h) Exchange water.
- (i) Distribute water to persons in exchange for ceasing or reducing groundwater extractions.
- (j) Transport, reclaim, purify, treat, inject, extract, or otherwise manage and control water for the beneficial use of persons or property within the district and to improve and protect the quality of the groundwater supplies within the district.
- (k) Fix the terms and conditions of any contract under which owners or operators of water-producing facilities within the district may agree to use water from an alternative nontributary source in lieu of groundwater, and to that end the district may become a party to such a contract and may pay from district funds that portion of the cost of water from an alternate source as will encourage the purchase and use of the same in lieu of producing groundwater, as long as persons or property within the district are directly or indirectly benefited by the resulting replenishment.
- (l) Fix the terms and conditions of any contract under which the owner or operator of a water-producing facility within the district may agree to increase the production of groundwater in lieu of water from an alternative nontributary source for the purpose of removing contaminants or pollutants from the groundwater basin. The district may become a party to that contract and may pay from district funds that portion of the cost of the groundwater production as will encourage the production for beneficial use of polluted or contaminated groundwater, as long as that pollution or contamination is impairing the quality of the water supplies within the district and the quality of the water supplies within the district will be improved by that production.

- (m) Determine in the manner herein provided the amount and percentage of water produced from the groundwater supplies within the district to the total amount of water produced within the district by all persons and operators, including the total amount of water from supplemental sources; require that persons and operators produce more or less of their total water needs from the groundwater within the district than the basin production percentage determined by the district as provided herein; levy a basin equity assessment, which may be uniform or nonuniform in amount as determined by the board of directors of the district, on each person and operator who produces more water from the groundwater within the district; and to compensate other persons and operators who are directed by the district to produce less than the basin production percentage from groundwater within the district.
7. To provide for the protection and enhancement of the environment within and outside the district in connection with the water activities of the district.
  8. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of the district which shall not interfere, or be inconsistent, with the primary use and purpose of the lands, facilities, and works by the district.
  9. To carry out the purposes of this act, to commence, maintain, intervene in, defend, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within the district, or diminution of the quantity or pollution or contamination of the water supply of the district, or to prevent unlawful exportation of water from the district, or to prevent any interference with the water or water rights used or useful in the district which may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that the district shall not have power to intervene or take part in, or to pay costs or expenses of, actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of the district and which do not involve pollution or contamination of water within the district or exporting water outside of the district's boundaries or any threat thereof.
  10. To exercise the right of eminent domain to take any property necessary to the exercise of any of the powers granted by this act, except that the district shall not have the right of eminent domain as to water, water rights, reservoirs, pipelines, water distributing systems, waterworks, or powerplants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by the district any property maintained and actually used for the scientific propagation and study of plantlife. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or

abridge the right of the district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Santa Ana River watershed for rights-of-ways upon and across and under which to construct pipelines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of the district provided the property sought to be condemned for the purposes is not already being used by other corporations, municipalities, districts, or individuals for similar purposes; providing, however, that neither the district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take, or condemn any of the water or the right to the use of any of the water of the Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering the district or its board of directors to so do.

11. The district shall, in addition to the other powers herein granted by this act, have the following rights and powers: to act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof, any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act. In those joint or cooperative activities, the district may act within or outside of its boundaries.
12. To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act.
13. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.
14. To carry on technical and other investigations of all kinds, necessary to carry out this act, and for this purpose the district shall have the right of access through its authorized representative to all properties within the district.

**Section 2.1. Groundwater storage; agreement between entity and district; priority; limitation; allocation of use; findings supporting conclusions of consideration of agreement**

- (a) All groundwater storage by an entity other than the district shall be conducted pursuant to a groundwater storage agreement between that entity and the district.
- (b) Use of the groundwater basin within the district for the purpose of replenishing and managing the groundwater supplies of the district shall have priority over the use of the groundwater basin for storage of water.

- (c) The groundwater storage agreement shall be limited to public and private entities distributing water to consumers for domestic, municipal, industrial, and agricultural use within their boundaries, which are located wholly or partially within the district, except that, where the primary benefits accrue to persons or property within the district, the agreement may include other public and private entities, including, but not limited to, the Metropolitan Water District of Southern California and the Department of Water Resources of the State of California.
- (d) The groundwater storage agreement may include provisions that provide for the waiver of replenishment assessments or basin equity assessments, or both, on stored water that is extracted pursuant to the agreement.
- (e) In allocating the use of the groundwater basin storage space, the district shall consider and protect the quality of the groundwater and the reasonable water supply needs of the district. The district shall impose such limitations on the quality of the water to be stored as shall be necessary to protect the quality of the groundwater in the district.
- (f) The district shall include written findings supporting its conclusions in its record of consideration of a proposed groundwater storage agreement.

**Section 2.5. Negotiable promissory notes; issuance; interest rate; maturity; payment; amount**

- (a) The district, by a four-fifths vote of the board of directors, may issue negotiable promissory notes to acquire funds for any district purpose. Such promissory notes shall bear interest at a rate not to exceed the maximum interest rate provided for in Section 53531 of the Government Code. The maturity of such promissory notes shall not be later than five years from the date thereof. They shall be payable from revenues and taxes levied for purposes of the district other than the payment of principal and interest on any bonded debt of the district. The total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either five million dollars (\$5,000,000) or 3 percent of the assessed valuation of the taxable property in the district.
- (b) Notwithstanding any other provision of this act, the district may enter into agreements with the United States, the state, or any department, agency, or official of the United States or state, for the grant or loan of funds to the district for any district purpose, upon those terms and conditions which may be determined by the board of directors.

### **Section 3. Exercise of powers**

The powers and duties herein enumerated shall, except as herein otherwise provided, be exercised and performed by the board of directors elected or appointed as provided herein. "Board" or "board of directors" as used in this act means the Board of Directors of the Orange County Water District.

### **Section 4. Board of directors; officers; employees**

The government of the district shall be vested in the board of directors to consist of 10 members to be elected or appointed as hereinafter provided; a president, a first vice president, and a second vice president to be appointed from the 10 members of the board of directors and hold office at the pleasure of the board of directors.

The board of directors shall appoint, by a majority vote, a general manager, a secretary, assessor, tax collector, treasurer, and auditor, and shall define their duties and fix their compensation. Each of these officers shall serve at the pleasure of the board. If the board so chooses, it may appoint the county treasurer, county assessor, county tax collector, or county auditor of the County of Orange and their successors in office, which county officers and all their deputies, assistants, clerks, and employees shall perform the same respective duties of the office of assessor, tax collector, treasurer, and auditor for the district as they perform for Orange County, without additional compensation being paid by the district, in order to carry out the provisions of this act.

The board of directors may appoint and employ an attorney or attorneys, and an engineer or engineers for the district and such other officers and employees for the district as in their judgment may be deemed necessary, and prescribe their duties and powers and compensation, which officers and employees shall hold office or be employed during the pleasure of the board of directors.

#### **Section 4.1. Attorney**

The district may employ counsel to defend any action brought against it or against any of its officers, directors, agents, or employees on account of any claimed action or inaction involving any claimed injury, taking, damage, or destruction, and in the case of an action brought against an officer, director, agent, or employee, it is alleged that the action or inaction was in his or her official capacity, and the fees and expenses involved therein shall be a lawful charge against the district.

#### **Section 4.2. Payment of judgment against officer, agent or employee**

If any officer, director, agent, or employee of the district is held liable for any act or omission in his or her official capacity, except in the case of actual fraud or actual malice, and any judgment is rendered thereon, the district shall pay the judgment without obligation for repayment by the officer, director, agent, or employee.

#### **Section 5. President or vice presidents; general manager or secretary; execution of contracts; treasurer; administrative rules and regulations; officers' bond**

- (a) Except as provided by resolution of the board of directors, the president shall sign all contracts on behalf of the district, and perform such other duties as may be imposed on him or her by the board of directors or by this act. In the absence of or inability of the president to serve, the first vice president shall perform his or her duties. In the absence of or inability of both the president and the first vice president to serve, the second vice president shall perform the duties of the president.
- (b) Except as provided by resolution of the board of directors, the general manager or secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed on him or her by the board of directors or by this act.
- (c) The treasurer shall be responsible for the deposit and withdrawal of funds of the district. In the event the board of directors appoints a treasurer other than the county treasurer as provided in Section 4, the district shall file a certified copy of the resolution so appointing the treasurer with the county treasurer. The county treasurer shall thereupon deliver to the district all funds of the district on deposit with the county treasurer. Such funds shall thereafter be deposited by the district in a bank or banks approved for deposit of public funds.
- (d) The board of directors may, by resolution, adopt reasonable rules and regulations not inconsistent with this act for the administration and government of the affairs of the district, and alter them from time to time as conditions may require; they may also appoint appropriate officers or agents to represent them as directed in administering the affairs of the district, which officers or agents shall receive the compensation established by the board from time to time, and serve at the pleasure of the board. The board may require any of those officers or agents to furnish bond in the form and amount fixed by it.

## **Section 6. Directors; quorum; method of acting**

A majority of the members of the board shall constitute a quorum for the transaction of business. The board of directors shall act only by resolution or motion. Resolutions and motions may be adopted by a voice vote, but on demand of any member of the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. Any hearings or meetings held by the district or its board of directors as required by this act or in carrying out the provisions of this act may be continued or adjourned from time to time.

### **Section 6.5.<sup>1</sup> Directors; compensation; reimbursement of expenses**

The board of directors may fix the compensation of its members for their services as directors as follows:

- (a) A sum not exceeding one hundred dollars (\$100) for each meeting of the board of directors attended.
- (b) A sum not exceeding one hundred dollars (\$100) for each day, and a sum not exceeding fifty dollars (\$50) for each half day, for service rendered as a director, other than attending meetings of the board of directors, authorized, directed or approved by the board. Three hours or less, including travel time, shall be deemed one-half day, and time in excess of three hours, including travel time, shall be deemed one day.
- (c) No director shall receive in any calendar month a sum in excess of six hundred dollars (\$600) for meetings attended or services rendered.

As used in this section, "meeting of the board of directors" shall not include meetings of committees of the board of directors. Attending meetings of committees of the board of directors shall be considered as services rendered as a director.

In addition to compensation for meetings attended and services rendered, and in addition to the limitations of amounts of that compensation provided for in this section, each director shall receive reimbursement for all actual, necessary, and reasonable expenses, including mileage, incurred in the performance of his duties authorized, directed, or approved by the board.

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<sup>1</sup> Superseded by California Water Code Section 20200 *et seq.* and OCWD Ordinance No. 90-1-1.

## **Section 7. Property; legal title; management, use, etc.; sale**

The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of directors may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property.

## **Section 8. Investigations of quality of surface and groundwaters; cleanup; liability**

- (a) The district may conduct any investigations of the quality of the surface and groundwaters within the district which the district determines to be necessary and appropriate to determine whether those waters are contaminated or polluted.
- (b) The district may expend available funds to perform any cleanup, abatement, or remedial work required under the circumstances which, in the determination of the board of directors, is required by the magnitude of the endeavor or the urgency of prompt action needed to prevent, abate, or contain any threatened or existing contamination of, or pollution to, the surface or groundwaters of the district. This action may be taken in default of, or in addition to, remedial work by the person causing the contamination or pollution, or other persons. The district may perform the work itself, by contract, or by or in cooperation with any other governmental agency.
- (c) If, pursuant to subdivision (b), the contamination or pollution is cleaned up or contained, the effects thereof abated, or in the case of threatened contamination or pollution, other necessary remedial action is taken, the person causing or threatening to cause that contamination or pollution shall be liable to the district to the extent of the reasonable costs actually incurred in cleaning up or containing the contamination or pollution, abating the effects of the contamination or pollution, or taking other remedial action. The amount of those costs, together with court costs and reasonable attorneys' fees, shall be recoverable in a civil action by, and paid to, the district. In any such action, the necessity for the cleanup, containment, abatement, or remedial work, and the reasonableness of the costs incurred therewith, shall be presumed, and the defendant shall have the burden of proving that the work was not necessary, and the costs not reasonable.

## **Section 9. Election of directors**

Directors, other than directors representing Divisions 8, 9 and 10, shall be elected by the division each represents. Directors representing Divisions 8, 9 and 10 shall be appointed as provided elsewhere in this act.

The boundaries of the respective divisions, for the purpose of nomination and election of directors, as provided in this section, shall be the boundaries of said divisions as they shall exist on the ninetieth day preceding the date of election.

The provisions of the Elections Code relating to the qualifications of electors, so far as they may be applicable, shall govern all district elections, except that:

- (a) To the extent the provisions of the Elections Code pertaining to the qualifications of voters at local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.
- (b) Inconsistent provisions of this act shall control over any provisions of the Elections Code, except the Uniform District Election Law.

The election for directors shall be conducted in accordance with and shall be governed by the provisions of the Uniform District Election Law.

## **Section 11. Directors; residence requirements**

The successor to each director in office on January 1, 1994, and each director thereafter, whether elected or appointed, shall be a resident of, and a voter within the meaning of Section 18 of the Elections Code in, the division the director represents. A public officer, whether elected or appointed, may be elected or appointed to serve as a member of the board of directors of the district.

## **Section 12. Subsequent elections; appointment of directors; vacancies; bonds**

- (a) An election shall be held on the first Tuesday after the first Monday in November of each even-numbered year, in those divisions of 1 to 7, inclusive, at which directors for the district shall be elected to fill the offices of the directors whose terms of office shall expire at noon on the first Friday in December, in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

- (b) In Divisions 8, 9, and 10 of the district, the governing body of the city comprising each such division shall appoint the director to represent the division upon the board of directors, to serve a four-year term that expires at the same time as the terms of office of those elected directors whose terms of office expire that year. The terms of office of directors representing Divisions 8, 9, and 10 shall expire at noon on December 6, 1996. A director representing Division 8, 9, or 10 may be removed at any time and without cause by the majority vote of the appointing governing body.
- (c) Vacancies occurring in any elective office shall be filled pursuant to Section 1780 of the Government Code. If the vacancy is that of an appointed director, the appointing body shall appoint a successor.
- (d) Each director shall execute an official bond in an amount fixed by the board of directors that equals or exceeds one thousand dollars (\$1,000). The bonds shall be filed with the secretary of the board of directors.
- (e) In lieu of requiring each director to execute an official bond pursuant to subdivision (d), the district may provide fidelity insurance through master or blanket bonds, or other insurance approved by the board of directors.
- (f) Premiums for bonds required by this act shall constitute a proper charge against the district.

**Section 13. Organization after election; term; office; general manager and secretary**

- (a) At a meeting of the board of directors in December following the election, the directors elected at that election, those whose terms have not expired and those appointed, shall meet and organize as a board, elect a president and a first and second vice president, and may appoint a general manager and a secretary, who shall each hold office at the pleasure of the board. Each director appointed or elected shall hold office until his or her successor is elected, or appointed, and has qualified. The term of office of each elected director is hereby fixed at four years, except as herein otherwise provided or as provided in the Uniform District Election Law. The office of the district shall be established by the board of directors at some proper and convenient place within the County of Orange, but does not have to be established or maintained within the district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within the district and by publishing a similar notice pursuant to Section 6066 of the Government Code at least once a week for two weeks in some newspaper of general circulation published in Orange County.

- (b) The general manager and secretary of the district need not be one of the directors. The salary of the general manager and secretary and amount of the bond to be given for the faithful performance of their duties shall be fixed by the board of directors. The bond of the general manager and secretary of the district shall be filed in the office of the district.

**Section 15. Declaration of appointment**

At the first meeting of the board of directors of said district following receipt of a certificate of appointment of a director from Division 8, 9 or 10, the board of directors shall declare to be duly appointed as a director of said district, all such directors certified as appointed by the governing body of the city comprising each such division.

**Section 16. Financial statement; CPA audit**

- (a) The board of directors at a meeting during the fourth month following the close of each fiscal year shall render and immediately thereafter cause to be filed with the secretary and posted conspicuously in the office of the district a verified statement of the financial condition of the district, showing in detail the receipts and disbursements during the last preceding year, together with the sources of the receipts and purposes of the disbursements. A summary of the statement shall be published pursuant to Section 6066 of the Government Code in some newspaper published in the district, and shall refer to the itemized statement filed and posted in the office of the district for further particulars.
- (b) For the purpose of rendering the statement, the district shall designate a certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the district during the preceding year. The certified public accountant shall have no personal interest directly or indirectly in the financial affairs of the district.

**Section 17. Estimate of money needed; maximum general assessment**

The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year, including the purchase of supplemental water for the replenishment of ground water supplies of said district and amounts necessary for the payment of the principal of and interest on any bonded debt of the district as it becomes due. This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year other than projects and works which the board of directors shall deem advisable or necessary to finance by bonded indebtedness; to pay the estimated cost of maintenance, operation and repairs of works

and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers; to purchase supplemental water, in addition to water purchased from replenishment funds, for the replenishment of ground water supplies of the district. In estimating the general funds needed by said district, all general funds on hand which are or will be unexpended at the end of the fiscal year, other than (1) funds allocated to the general reserve by said board of directors; (2) funds allocated to the appropriation for contingencies by said board of directors, shall be considered as funds on hand.

Provided, however, that the amount of the general assessment levied during any year, excluding the amounts necessary for the payment of the principal of and interest on any bonded debt of the district, shall not exceed twenty cents (\$0.20) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County. Provided, further, however, that a tax rate in excess of eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, shall not be established unless authorized by an affirmative vote of eight of the members of the Board of Directors of the Orange County Water District. The general assessments provided for in this section shall in no event exceed eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of mineral rights, where such mineral rights are assessed separately from the land. All funds derived from said general assessment in excess of those derived from eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, as hereinabove provided, of any general assessment shall be deposited and applied to the water reserve fund. The amounts deposited and applied to the water reserve fund shall be used solely and exclusively for the purpose of:

- (a) The purchase of supplemental water for the replenishment of the ground water supplies of said district; and
- (b) Acquiring, constructing or developing intrusion prevention projects, spreading grounds or basins, waste water reclamation and water salvage projects, canals, conduits, pipelines, wells, or other works useful or necessary for the purposes of the district and to carry out the provisions of this act; and

- (c) Acquiring any real or personal property or rights or privilege therein useful or necessary for the foregoing projects or works or for the purposes of the district and to carry out the provisions of this act.

In addition to the purchase of supplemental water for the ground water supplies of said district from the water reserve fund and from the replenishment fund, the board of directors may purchase water for the replenishment of the ground water supplies of said district from the general fund upon the affirmative vote of at least eight members of the board of directors.

**Section 17.1. "General reserve" and "appropriation for contingencies" defined**

"General reserve" means funds allocated from the general fund used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures. The amount of the general reserve shall not at any time exceed the sum of 15 percent of the total current annual general and water reserve fund budgets.

"Appropriation for contingencies" means funds allocated from the general fund and the water reserve fund to cover expenditures that have not been provided for or that have been insufficiently provided for or for unappropriated requirements. The appropriation for contingencies shall not at any time exceed the sum of three million dollars (\$3,000,000).

**Section 18. Assessments; levy; rate**

The board of supervisors of said Orange County at the time of the levying county taxes annually must levy a general assessment sufficient to raise the amount or amounts specified in said estimates of said directors, as herein provided. In addition thereto, said board of supervisors shall levy an assessment sufficient to meet all payments of principal and interest on any bonds of the district as provided in Section 21.22 of this act. Said board of supervisors must determine the rate of such assessments by deducting such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for anticipated delinquencies from the assessed value of the assessable real property in said district on which an assessment is to be levied, as it appears on the assessment roll of the county, and then dividing the sum or sums reported by said board of directors as required to be raised by the remainder of such total assessed value. The general assessments and the assessment for payment of bond principal and interest levied and/or collected under the terms of this act shall be levied and collected on real property including assessable rights therein and improvements thereon, but not on personal property.

**Section 19. Computation and entry of assessments; collection; laws applicable**

The general assessment and the assessment for payment of bond principal and interest so levied by the district shall be computed and entered on the assessment roll by the county auditor, and if the board of supervisors fail to levy the general assessment and the assessment for payment of bond principal and interest as provided in the preceding section, then the auditor must do so. Such general assessments and assessments for payment of bond principal and interest shall be collected at the same time and in the same manner as state and county taxes, and when collected, shall be paid into the treasury of Orange County for payment to or the use of the district.

The provisions of the statutes of this State, prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency, and the redemption from that 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. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

**Section 20. Funds**

The following funds are hereby created and established for the district to which the moneys of the district shall be deposited and applied, to wit, the general fund, the replenishment fund, the water reserve fund, the bond fund, the basin equity assessment fund, and various improvement funds. All funds collected and received by the district from the levy of the district's replenishment assessment shall be deposited and applied to the replenishment fund. All funds collected and received by the district from the levy of the district's basin equity assessment shall be deposited and applied to the basin equity assessment fund. All funds collected and received by the district from the levy of the general assessment, other than those derived from the portion thereof in excess of those derived from eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in the district as provided in Section 17 of this act, shall be deposited and applied to the general fund. All funds collected and received by the district from the levy of assessments for the payment of the principal and interest on the bonded debt of the district shall be deposited and applied to the bond fund. All funds collected and received by the district from the levy of the general assessment derived from that portion thereof in excess of eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in the district, as provided in Section 17 of this act, shall be deposited and applied to the water reserve fund. All other funds received by the district shall be deposited in the fund designated by the board of directors. The board of directors of said district may, from time to time, upon an affirmative vote of eight (8) of the members of the board, transfer funds in such amounts as they deem advisable from the general fund to the water reserve fund.

### **Section 20.5. Claims for money or damages; law governing**

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

### **Section 20.6. Determination of feasibility of project**

For the purpose of constructing, purchasing, leasing or otherwise acquiring water, water rights, storage sites, spreading grounds, lands, canals, conduits, rights and privileges useful or necessary for the purposes of said district, and otherwise carrying out the provisions of this act, and before any such purposes or projects are instituted and carried out, the board of directors of said district shall determine whether any such purpose or project is feasible and necessary and of general benefit to the lands in the district, and shall also estimate and determine the amount of money necessary to be raised for each or any of said purposes or projects. For the purpose of ascertaining the feasibility, necessity and general benefit of any such purposes or projects and the amount of money necessary to be raised for the same or any of them, said board shall cause such engineering investigations, surveys, examinations, drawings, plans and reports to be made as shall furnish the proper basis for said purposes or projects, and said estimates of the cost thereof. Said engineering investigations, drawings, plans and reports, and the estimates based thereon may provide that the works necessary for a completed purpose or project shall be constructed progressively during a period of years. All engineering investigations, examinations, drawings, plans and reports shall be made under the direction of a competent engineer or engineers selected by the directors, and shall be certified by him or them. All data obtained by Orange County Flood Control District and all other available engineering data may be considered in all of said engineering investigations.

### **Section 20.7. Finding from engineer's report; institution of project**

If it shall appear from said engineer's report or reports that any such purpose or project is feasible and necessary and of general benefit to the lands in the district, the board of directors by resolution entered in its minutes may so find and may declare the purpose or project duly instituted.

## **Section 21. Issuance of bonds; purposes**

The district may incur indebtedness and bonds may be authorized and issued therefor for any or all of the following purposes:

- (a) Acquiring, constructing or developing intrusion prevention projects, spreading grounds or basins, waste water reclamation and water salvage projects, canals, conduits, pipelines, wells, or other works useful or necessary for the purposes of the district and to carry out the provisions of this act; and
- (b) Acquiring any real or personal property or rights or privilege therein useful or necessary for the foregoing projects or works or for the purposes of the district and to carry out the provisions of this act.

### **Section 21.1. Maximum debt limit**

The bonded indebtedness of the district outstanding at any one time shall not in the aggregate exceed five percent (5%) of the assessed value of all assessable real property, including assessable rights therein and improvements thereon, within the district as shown on the last equalized assessment roll of Orange County.

### **Section 21.2. Resolution of board**

Proceedings are initiated when the board of directors of the district passes a resolution by a vote of a majority of its members determining that any such purpose or project is feasible and of necessity and of general benefit to the real property in the district. Said resolution may be combined with the resolution calling the election.

### **Section 21.3. Resolution calling election; contents**

By a vote of a majority of its members, the board of directors may pass a resolution ordering the submission of the proposition of incurring a bonded debt for the purposes set forth in the resolution to the qualified voters of the district at an election called for that purpose. More than one proposition of incurring bonded debt may be submitted at the same election. Any proposition may include one or more of the authorized purposes. The resolution shall recite:

- (a) The objects and purposes of incurring the indebtedness.
- (b) The amount of the principal of the indebtedness.

- (c) The rate of maximum rate of interest on the indebtedness which shall not exceed the maximum interest rate provided for in Section 53531 of the Government Code. The interest shall be payable semiannually except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year, as determined by the board of directors at the time of sale.
- (d) The date of the election.
- (e) The manner of holding the election and the procedure for voting for or against the proposition.

**Section 21.4. Publication of resolution**

The resolution calling the election shall be published once a day for at least seven days in a newspaper published at least six days a week in the district. No other notice of the election need be given.

**Section 21.5. Consolidation of elections**

If such election is consolidated, in whole or in part, with any other election of the district or with a state or county election, the precincts, polling places and election officers within the area affected by the consolidation shall be the same as provided for such other election of the district or such state or county election, and it shall be sufficient if the resolution so states.

**Section 21.6. Electors; registration; conduct of election**

Anything in this act to the contrary notwithstanding, the election held for the purpose of authorizing the district to incur a bonded indebtedness shall be an election by the voters within the meaning of the Elections Code, residing within the district. No person shall vote at any such election who is not a voter within the meaning of the Elections Code, residing in the district. For the purpose of registering voters who shall be entitled to vote at such elections, the county clerk or registrar of voters is authorized to indicate upon the Affidavit of Registration whether the voter is a voter of the district. Except as otherwise provided in the resolution calling the election and except as in this act otherwise provided, the election shall be conducted as nearly as practicable in accordance with the general election laws of the State of California.

**Section 21.7. Canvass of returns; resolution of results; required vote**

The returns of the election shall be made to and canvassed by the board of directors of the district within seven (7) days following said election. As soon as possible thereafter, the board of directors shall adopt a resolution declaring and setting forth the results thereof. If two-thirds (2/3) of the votes cast on any proposition are for the proposition, the bonds may be issued.

**Section 21.8. Defeat of proposition; limitation on further proceedings**

If any proposition is defeated by the voters, the board of directors shall not call another election on a substantially similar proposition to be held within six months after the prior election.

**Section 21.9. Form of bonds and coupons; date**

The board of directors shall prescribe the form of the bonds and interest coupons, and fix the date of the bonds.

**Section 21.10. Series bonds**

The board of directors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series.

**Section 21.11. Time, manner and place of payment; maturity**

A bond shall be payable at the time, in the manner, and at the place or places fixed by the board of directors and designated in the bond. The maturity date of a bond need not be an anniversary of its date. The final maturity date of any issue of bonds, or any series thereof shall not exceed forty (40) years from the date of such bonds, or the date of such series thereof.

**Section 21.12. Action to determine validity of bonds**

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

**Section 21.13. Redemption prior to maturity**

The board of directors may provide for the redemption of any bond before maturity at such time or times and at such price or prices determined by it. 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.

#### **Section 21.14. Denomination of bonds**

The bonds shall be issued in such denomination or denominations as the board of directors may prescribe.

#### **Section 21.15. Signatures**

The bonds shall be signed by the president and the secretary, or the general manager, of the district. The bond coupons shall be numbered consecutively and signed by the secretary or the general manager of the district. All signatures may be printed, lithographed, or engraved except that one of the signatures on the bond shall be manually affixed. If any officer whose signature appears on bonds or coupons ceases to be such officer before delivery of the bonds, his or her signature is as effective as if he or she had remained in office.

#### **Section 21.16. Issuance and sale; bids**

The bonds may be issued and sold as the board of directors determines, but for not less than par. Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as the board of directors 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 of directors determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board of directors may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

#### **Section 21.17. Legal investments**

The bonds authorized herein shall be legal investments for all trust funds and for the funds of all insurance companies, and for the state school funds and whenever any money or funds by law now or hereafter enacted may be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, said money or funds may be invested in said bonds issued in accordance with the provisions of this act and whenever bonds of cities, cities and counties, counties, school districts, or municipalities by any law now or hereafter enacted may be used as security for the performance of any act, said bonds of said district may be so used. All bonds issued under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality in this State and shall be free and exempt from all taxation within the State of California.

### **Section 21.18. Bond fund; use; transfer of balance**

All premiums and accrued interest received shall be placed in the bond fund to be used for the payment of principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be deposited to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the bond proposition; provided, however, that when said purpose and object has been accomplished, any moneys remaining in such improvement fund shall be transferred to the bond fund to be used for the payment of principal of and interest on the bonds, and provided, further, when such purpose and object have been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the General Fund; and provided, further that the proceeds of the bonds may be used to pay the costs of the bond election, legal or other fees in connection with the authorization, issuance and sale of the bonds, and the costs of printing the bonds and other costs and expenses connected with the issuance and sale of the bonds.

### **Section 21.19. Delivery of bonds; purchase price**

Delivery of any bonds may be made at any place either inside or outside the State, and the purchase price may be received in cash, certified or cashier's checks, or bank credits, including credits in the form of certified Federal Reserve Bank funds.

### **Section 21.20. Unsold bonds; resolution voiding; time**

After three years after a bond election the board of directors may determine, by resolution adopted by a two-thirds vote of all of its members, that all or any part of the bonds remaining unsold shall not be issued or sold. The bonds described in the resolution shall upon such adoption become void.

### **Section 21.21. Use of bond proceeds for other purposes; election; procedure**

When the board of directors determines by resolution that the expenditure of moneys raised by the sale of bonds for the purpose for which the bonds were voted is unpracticable or unwise, it may call an election to obtain the consent of the voters to use the money for some other specified district purpose. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

### **Section 21.22. Levy and collection of assessment**

The board of supervisors of the County of Orange shall, at the time prescribed for the levy of a general assessment as provided in Section 18 of this act, levy and collect annually each year until the bonds are paid or until there is a sum in the bond fund of the district sufficient to meet all payments of principal and interest on the bonds as they become due, an assessment sufficient to pay the interest on the bonds as it falls due and such part of the principal as will become due before the proceeds of an assessment levied at the next assessment levy will be available. Said assessment shall be levied, enforced, and collected upon the same property and in the same manner as the general assessment as provided in this act and shall be in addition to all other taxes and assessments. The limitations upon assessments stated in Section 17 or elsewhere in this act shall not apply to the assessments required to be levied by this section. So long as any bonds of the district or interest thereon remain unpaid, the proceeds of an assessment levied under this section shall be used only for the payment of such bonds and the interest thereon.

### **Section 23. Replenishment assessments**

Replenishment assessments levied pursuant to this act are declared to be in furtherance of district activities in the protection of the water supplies for users within the district which are necessary for the public health, welfare and safety of the people of this state. The replenishment assessments are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within said district for the benefit of all who rely directly or indirectly upon the ground water supplies of such district.

The proceeds of the replenishment assessment levied, assessed and collected upon the production of water from the ground water supplies within said district shall be used to acquire water and to pay the costs of initiating, carrying on, and completing any of the powers, projects, and purposes for which this district is organized.

### **Section 24. Registration of water producing facilities; fine for nonregistration; definitions**

On or before the fifteenth day of January, 1954, all water producing facilities located within the boundaries of the Orange County Water District shall be registered with said district by the operator thereof. Any new water producing facility constructed or re-established after such date shall be registered with said district within 30 days after the completion or re-establishment thereof.

Failure to register any water producing facility with said district is a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500) or imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

In addition to other information which said district may determine is necessary and may require in the registration form provided, there shall also be given 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.

"Person" or "operator" as used in this act means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals or group of individuals whether legally 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.

"Ground water" as used in this act means all water beneath the earth's surface, but does not include water which is being produced with oil in the production of oil and gas or in a bona fide mining operation.

"Production" or "producing" as used in this act means the act of extracting ground water, by pumping or otherwise.

"Water producing facility" as used in this act means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within said district.

"Accumulated overdraft" as used in this act means the amount of water necessary to be replaced in the intake area of the ground water basin within said district to prevent the landward movement of ocean water into the fresh ground water body, as determined by the board of directors from time to time.

"Annual overdraft" as used in this act means the amount, determined by the board of directors, by which the production of water from the ground water supplies within said district during the water year exceeds the natural replenishment of such ground water supplies in such water year.

"Water year" as used in this act means July 1st of one calendar year to June 30th of the following calendar year.

## **Section 25. Annual investigation and report upon ground water conditions**

The district shall annually order an investigation and report to be made by an engineer or engineers employed by said district for the purpose of investigating and reporting upon ground water conditions of said district. The investigation and report shall include among other information which said district may desire, information for the consideration of the board in its determination of the annual overdraft, information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year, a report as to the total production of water from the ground water supplies of said district for the preceding water year, an estimate of the annual overdraft for the current water year and for the ensuing water year, and a recommendation as to the quantity of water to be purchased for replenishment of the ground water supplies of said district for the ensuing year.

## **Section 26. Notice of receipt of report; hearing on report; estimated overdraft and replenishment requirements**

- (a) On the second Wednesday in February of each year, the engineering investigation and report shall be delivered to the secretary of the district in writing. The secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of the report and of the public hearing to be held on the date of the regular meeting of the board of directors in March in a newspaper of general circulation, printed and published within the district, at least 10 days prior to the date at which the public hearing regarding groundwater conditions shall be held. The notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district to call at the offices of the district to examine the engineering investigation and report.
- (b) There shall be held, by the board of directors, on the date of a meeting of the board of directors in March of each year, at the district offices a public hearing at which time any operator of a water-producing facility within the district or any person interested in the condition of the groundwater supplies of the district may in person or by representative appear and submit evidence concerning the groundwater conditions of the district. Appearances, also, may be made supporting or protesting the written engineering investigation and report. The board of directors shall, before the levy of the replenishment assessments, find and determine the average annual overdraft for the immediate past five water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the amount of water which should be purchased for the replenishment of the groundwater supplies of the district for the ensuing water year, and the sum of money necessary therefor.

- (c) That finding and determination by the board shall be conclusive and binding upon all persons and parties.

**Section 27. Replenishment assessment; levy; rate; hearing; additional assessment**

- (a) If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, the board may levy and assess a charge or replenishment assessment against all persons operating water-producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.
- (b) The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past five water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft, plus an amount of money to pay the costs of initiating, carrying on, and completing any of the powers, projects, and purposes for which this district is organized.
- (c) On the date of a meeting of the board of directors in April of each year, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment and fixing the rate thereof. In computing and fixing the replenishment assessment rate, there shall be allowed that percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for delinquencies. Notice of the hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for the hearing.
- (d) Any replenishment assessment levied by this section shall be in addition to any general assessment levied by the district.
- (e) 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 assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

**Section 27.1. Additional replenishment assessment; hearing; finding and determination by board; irrigation defined**

At the time of the hearing specified in Section 27 of said act the board of directors may also hold a hearing for the purpose of determining the need and advisability of levying an additional replenishment assessment against all persons operating water-producing facilities for all purposes other than irrigation at a uniform rate per acre-foot for water produced during the ensuing year. Any such replenishment assessment levied and assessed under this section shall be in addition to the replenishment assessment authorized by said Section 27 and may be levied and assessed in such amounts necessary for the purposes set forth in Section 23 of this act, without regard to the limitations provided by said Section 27. Before levying said additional replenishment assessment, the board must find and determine by a vote of eight members that said additional replenishment assessment is necessary for the protection of the water supply purposes of the district and that the amount thereof is reasonable. In computing and fixing the additional replenishment assessment rate, there shall be allowed such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for delinquencies.

"Irrigation," as used in this act, means the act of first using water to place it on lands by any means for the commercial production of agricultural, horticultural, or floricultural crops and for pasture grown for commercial purposes.

**Section 28. Replenishment assessment; notice**

The district, after the levying of the replenishment assessment, shall give notice thereof to the operator of each water producing facility in the district as disclosed by the records of said district, which notice shall state the rate of the replenishment assessment for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first class mail with postage prepaid by said district.

**Section 28.1. Additional replenishment assessment; notice**

The district, at the time of giving the notice specified in Section 28 of said act, shall also give notice to the operator of each water-producing facility in the district as disclosed by the records of said district, which notice shall state the rate of the additional replenishment assessment, if any, levied and assessed pursuant to Section 27.1 of this act.

**Section 29. Water production statement; payment of replenishment expenses; fixed payment by small producers**

- (a) (1) Each operator of a water-producing facility within the district, until the facility has been permanently abandoned, shall file with the district, on or before January 31, and on or before July 31 of each year, a statement setting forth all of the following:
    - (A) The total production in acre-feet of water for the preceding six month period of January to June, inclusive, or July to December, inclusive, as applicable.
    - (B) A general description or number locating each water-producing facility.
    - (C) The method or basis of the computation of water production.
  - (2) If no water has been produced from the water-producing facility during the reporting period, a statement shall be filed as provided for herein stating that no water has been produced during that period.
  - (3) A statement shall be verified by a written declaration that it is made under the penalties of perjury.
  - (4) The replenishment assessment and the additional replenishment assessment are payable to the district on or before the last date on which the water production statements are to be filed and are computed by multiplying the production in acre-feet of water as disclosed in the statement, by the replenishment assessment rate and the additional replenishment assessment rate.
  - (5) When an operator has permanently abandoned a water-producing facility, the operator shall give written notice of the abandonment to the district.
- (b) If any operator of a water-producing facility fails to pay the replenishment assessments when due, the district shall charge interest on the delinquent amount of the replenishment assessments at the rate of 1 percent each month or fraction thereof that the replenishment assessments remain delinquent.
- (c) (1) If any operator of a water-producing facility fails to file the water production statement on or before the last day of February or on or before the 31st day of August of each year, for the applicable reporting period, the district shall, in addition to charging interest as provided in this section, assess against the operator a penalty charge, in an amount of 10 percent of the amount due the district.

- (2) Paragraph (1), as amended in the first year of the 1995-96 Regular Session of the Legislature, applies to any operator of a water producing facility that fails to file a required water production statement on or after the effective date of those amendments, and to any operator that failed to file a required water production statement on or before July 31, 1994, for the preceding January to June, inclusive.
- (d) The board of directors may, at the time of fixing the replenishment assessment rate and additional replenishment assessment rate, provide by resolution that the operator of any water-producing facility with a discharge opening not greater than two inches in diameter and that does not provide domestic or irrigation water for an area in excess of one acre may pay a fixed amount as the operator's replenishment assessment and additional replenishment assessment, in lieu of filing a sworn statement regarding groundwater production.

**Section 29.1. Filing false or fraudulent water production statement; misdemeanor; penalty**

Any person who, with intent to evade any provision or requirement of this act, 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 (6) months, or by both such fine and imprisonment.

**Section 30. Amended statement; correction of records**

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 semiannual water production statement.

**Section 31. Record of water production; record of replenishment assessments and charges**

The district shall maintain records in which shall be noted the annual water production from each water producing facility within the district.

The district shall also maintain records in which shall be entered each district assessment levy and charge, a general description of the property upon which each water producing facility is located and any identifying number or code which may be assigned to such facility.

## **Section 31.5. Basin equity assessments; production requirements and limitations**

- (a) Basin equity assessments and production requirements and limitations on persons and operators within the district are declared to be in furtherance of district activities in the protection of water supplies for users within the district which are necessary for the public health, welfare, and safety of the people of this state. The basin equity assessments and the production requirements and limitations provided for in this act may be imposed upon, and applied to, all persons and producers within the district for the benefit of all who rely directly or indirectly upon the groundwater supplies of the district.
- (b) The basin equity assessments imposed pursuant to this act against all persons and operators within the district may be uniform or nonuniform in amount, as determined by the board of directors of the district, in order to effectuate the goals and purposes of the district. The proceeds of the basin equity assessments imposed and collected shall be used to equalize the cost of water to all persons and operators within the district and to acquire water to replenish the groundwater supplies of the district.
- (c) As used in this act:
  - (1) "Supplemental sources" means sources of water outside the watershed of the Santa Ana River, excepting that portion of that watershed on and along Santiago Creek upstream of the downstream toe of the slope of the Villa Park Flood Control Dam, such as, but not limited to, water produced from the Metropolitan Water District of Southern California.
  - (2) "Basin production percentage" means the ratio that all water to be produced from groundwater supplies within the district bears to all water to be produced by persons and operators within the district from supplemental sources and from groundwater within the district during the ensuing water year.
- (d) The district shall annually order an engineer employed by the district to prepare an investigation and report. The investigation and report shall set forth all of the following information, together with other information requested by the district, relating to the preceding water year:
  - (1) Amount of water produced by persons and operators from groundwater within the district.
  - (2) Amount of water produced by persons and operators from supplemental sources.

- (3) Amount of water produced by persons and operators from all other sources.
  - (4) Condition of groundwater supplies within the district.
  - (5) Information as to the probable availability of water from supplemental sources during the next succeeding fiscal year.
  - (6) The cost of producing water from groundwater within the district, including any replenishment assessment of the district.
  - (7) The cost of water produced within the district from supplemental sources.
- (e)
- (1) On the second Wednesday in February of each year, the engineering investigation and report shall be delivered to the secretary of the district.
  - (2) The secretary shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of the report and of the public hearing to be held on the date of a meeting of the board of directors in March, in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding water supplies within the district is to be held.
  - (3) The notice, among any other information that the district may provide, shall include an invitation to all persons or operators within the district to call at the offices of the district to examine the engineering investigation and report.
  - (4) The board of directors shall hold on the date of a meeting of the board in March of each year, a public hearing at which a person or operator within the district, or any person interested in the amounts and source from which all persons and operators produce their total supply of water, as well as the estimated difference in the cost of water produced from groundwater within the district or supplemental sources, may appear and be heard, in person or by representative.
- (f)
- (1) On the date of a meeting of the board of directors in April of each year, the board of directors shall hold a public hearing to determine the need and desirability of imposing basin equity assessments and the amounts thereof, the need for establishing production requirements and limitations, and the extent of those requirements and limitations as to each person or operator within the district for the ensuing water year.

- (2) In computing and fixing the amount of any basin equity assessment for any person or operator within the district, the board may allow a percentage for delinquencies, not to exceed 10 percent, as determined by the board.
- (3) Notice of the proposed hearing shall be published in the district pursuant to Section 6061 of the Government Code at least 10 days prior to the date set for the hearing.
- (4) The notice shall set forth all of the following:
  - (A) That a report regarding water supplies within the district has been prepared.
  - (B) The date, time, and place of the proposed hearing.
  - (C) A statement that the board will consider at the hearing the need and desirability of imposing basin equity assessments and the amounts of those assessments, as well as establishing production requirements and limitations, on persons and operators within the district for the ensuing water year and surcharges in connection with those requirements and limitations.
  - (D) An invitation to all persons and operators to appear at the public hearing and be heard in regard to any of the foregoing matters.
- (g)
  - (1) At the hearing, the board shall hear, take, and receive all competent evidence presented regarding the need for basin equity assessments, production requirements and limitations in general, and specifically, the extent of those requirements or limitations as to each person or operator within the district, the amount of the basin equity assessment which shall be imposed upon each person and operator for all purposes other than irrigation at uniform or nonuniform rates and may be imposed upon each person and operator for irrigation purposes at uniform or nonuniform rates for the ensuing water year, and the amount of surcharges for production in excess of the basin production limitations.
  - (2) After the hearing, the board may, by a resolution adopted by a vote of not less than eight members of the board, find and determine for the ensuing water year all of the following:
    - (A) The estimated total amount of water to be produced by all persons and operators within the district from the groundwater within the district and the estimated amount to be produced by persons and operators from supplemental sources.

- (B) The basin production percentage.
- (C) That a basin equity assessment and production requirement and limitation from groundwater within the district are necessary for the protection of the water supply of the district.
- (D) The surcharge, in an amount to be determined in the discretion of the board, for production in excess of the production limitations.
- (E) The amount of the basin equity assessment to be imposed upon each person and operator in a dollar amount per acre-foot of water produced from the groundwater supply for all purposes other than irrigation, which need not be uniform as to each person or operator within the district, and that the amount is reasonable.
- (F) The amount of the basin equity assessment to be imposed upon each person and operator in a dollar amount per acre-foot of water produced from the groundwater supply for irrigation purposes, which need not be uniform as to each person or operator within the district, and that the amount is reasonable.
- (G) Production requirements or limitations and the surcharge for production in excess of the basin production limitations on persons and operators within the district that will apply during the ensuing water year. The requirements and limitations shall be on the amount of groundwater produced by those persons and operators expressed in a percentage of overall water produced or obtained by those persons or operators from groundwater within the district and from supplemental sources.
- (H) That during the ensuing water year, upon the district giving published notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published within the district at least 10 days prior to such a hearing, a subsequent public hearing may be held to modify the basin production percentage, any basin equity assessment, any production requirement or limitation, or the surcharge for production in excess of the production limitation established by the district. A modification, if any, shall be effective on the date established by the board and the district. The district shall give notice of the modification 10 days prior to the effective date of the modification pursuant to subdivision (e).

- (h)
  - (1) The board may exclude all persons and operators who produced 25 acre-feet or less of water from groundwater within the district during the ensuing water year from the imposition of the basin equity assessment and the production requirements and limitations.
  - (2) All findings and determinations made by the board pursuant to this section are final, conclusive, and binding upon all persons and parties.
- (i)
  - (1) The district shall thereafter, and in any event prior to July 1 in each year, give notice to each person or operator within the district. The notice shall include all of the following information:
    - (A) The amount of the basin equity assessment imposed upon that person or operator per acre-foot of water produced for purposes other than irrigation and the amount of the basin equity assessment imposed upon that person or operator per acre-foot of water produced for irrigation purposes.
    - (B) The basin production percentage.
    - (C) The production requirement or limitation upon the person or operator.
    - (D) The amount of surcharge imposed for production in excess of the basin production limitations.
  - (2) The notice required by this subdivision and the notice of any subsequent modifications may be sent by postcard or by other first-class mail with postage prepaid by the district.
- (j)
  - (1) Each person or operator within the district not excluded from the imposition of a basin equity assessment and the production requirements and limitations, shall file with the district, on or before the 30th day of September of each year, a basin equity assessment report in the form prescribed by the district setting forth the total amounts of water produced from groundwater within the district and from supplemental sources during the preceding water year by the person or operator. The statement shall be verified by a written declaration under penalty of perjury.
  - (2) If the person or operator has been required by the district to produce, or has in fact produced, more water from groundwater within the district than the equivalent of the basin production percentage determined by the district, that person or operator shall pay to the district, on or before September 30, an amount determined by the number of acre-feet of water which the person or operator has produced from groundwater within the

district in excess of the acre-foot equivalent of the basin production percentage multiplied by the basin equity assessment rate applicable to that person or operator, plus the amount of surcharge due for production in excess of the production limitations.

- (3) (A) If a person or operator, pursuant to the requirement of the district, has produced from groundwater within the district less than of the equivalent of the basin production percentage, the district shall pay the person or operator, on or before the 30th day of November, from the basin equity assessment fund, an amount determined by the number of acre-feet by which the production of the person or operator from groundwater as required by the district is less than the acre-foot equivalent of the basin production percentage multiplied by the basin equity assessment rate applicable to that person or operator.
- (B) If the production of the person or operator from groundwater is more than the production required by the district and less than the equivalent of the basin equity production percentage, then the district shall pay the person or operator an amount determined by the number of acre-feet by which the actual production of the person or operator from groundwater is less than the acre-foot equivalent of the basin production percentage multiplied by the basin equity assessment applicable to that person or operator.
- (k) If any person or operator fails to pay, when due, the applicable basin equity assessment or surcharge due for production in excess of the production limitations, the district shall charge interest on the delinquent amount at the rate of 1 percent each month or fraction thereof for which the amount remains delinquent. Should any person or operator within the district fail to file a basin equity assessment report on or before the 30th day of September of any year, the district shall, in addition to charging interest, assess a penalty charge against that person or operator in the amount of 10 percent of the amount found by the district to be due.
- (l) (1) The district may require other reports from persons and operators as necessary and desirable in the application of the basin equity assessment procedures.
- (2) Upon good cause shown, an amendment to any report required under this section may be filed, or a correction of any report may be made, within six months after the date the report was filed with the district.

**Section 31.6. Transfers from general fund to basin equity assessment fund; repayment**

The board of directors may from time to time transfer up to a maximum of two hundred fifty thousand dollars (\$250,000) to the basin equity assessment fund from the general fund in the event that there is insufficient money in the basin equity assessment fund for expenditures authorized in Section 31.5. All of the money so transferred shall be repaid to the general fund as soon as it is financially feasible to do so. It shall be financially feasible to repay the general fund when there is money in the basin equity assessment fund over and above that necessary to make expenditures, as specified in Section 31.5, and to provide a reasonable reserve for the making of such expenditures.

**Section 32. Unregistered facility; injunction**

The superior court of the county in which said district lies may issue a temporary restraining order upon the filing by said district with said court of a verified 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, that such defendant is delinquent in the payment of a replenishment assessment, or that the defendant is delinquent in the payment of a basin equity assessment. Such temporary restraining order shall be returnable to said court on or before ten (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 by the preponderance of the evidence at a hearing that the defendant has failed to register such water-producing facility with said district, that the defendant is delinquent in a replenishment assessment thereon, or has not paid or is delinquent in the payment of a basin equity assessment. 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 replenishment assessment, or to pay the delinquent basin equity assessment.

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 act or otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may herein be otherwise provided. Said district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

**Section 33. Excess production; Investigation; meters; order limiting production; protest; notices**

If said 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, said district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. Said 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 and the burden is upon said district to establish to the contrary.

After such determination has been made by said district, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the district's records. Any such determination made by said district shall be conclusive on all persons having an interest in such water-producing facility and the replenishment assessment interest and penalties thereon, payable forthwith, unless such person files with the board of directors of said district within 10 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, said board of directors thereafter shall hold a hearing at which time the total amount of the water production and the replenishment assessment thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by said board of directors shall be mailed to each protestant who shall have 20 days from the date of mailing to pay the replenishment assessment, interest and 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 said district. The service is complete at the time of deposit.

**Section 33.1. Investigation and report concerning water production; authority of district to fix amount of production; notice; protest; hearing**

If the district has probable cause to believe that the production of water from ground water by any person or operator is less than or in excess of that disclosed by the sworn statements filed by such person or operator pursuant to Section 31.5, or if no such statements are filed by any person or operator, the district may cause an investigation and report to be made concerning the production of water by such person or operator. The district may fix the amount of water produced from ground water within the district by such person or operator at an amount not to exceed the total maximum production capacity of all water-producing facilities of such person or operator; provided, however, where a water measuring device is permanently attached to any such water-producing facility, the record of production as disclosed by such water measuring device shall be presumed to be accurate and the burden is upon said district to establish the contrary.

After such determination has been made by the district, a written notice thereof shall be mailed to such person or operator at his address as shown by the district's record. Any such determination made by the district shall be conclusive on such person or operator and any basin equity assessment due by reason thereof, together with interest and penalties thereon, shall be payable forthwith, unless such person files with the board of directors of the district within 10 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 of directors thereafter shall hold a hearing at which time the total amount of water production by said person or operator shall be determined, which determination shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination of the board of directors shall be mailed to each protestant.

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 postage prepaid, addressed to the person on whom it is served at his address as disclosed by the records of said district. Service is complete at the time of deposit.

**Section 34. Delinquent replenishment or basin equity assessment**

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 replenishment assessment or basin equity assessment. As a provisional remedy in any such action, the district may seek an attachment against the property of any such delinquent water-producing facility operator named as a defendant therein, the appointment of a receiver to collect revenues generated directly or indirectly to that operator from the production of the water-producing facility, or both an attachment

and the appointment of a receiver. Prior to making application to the court for an order providing for the attachment of property or the appointment of a receiver, the district shall provide mailed notice to each person or entity known to the district to be an operator of or a user or consumer of water from the water-producing facility, which notice shall set forth the amount of the delinquency, the remedy or remedies to be sought by the district, and the reasons therefor. The cost and expenses incurred in executing the attachment or for the receiver shall be recovered as costs by the district. The court having jurisdiction of the suit may, in addition to allowing recovery of costs to the district as allowed by law, fix and allow as part of the judgment, interest and penalties as provided in Section 29. Should the district, as a provisional remedy in bringing the suit, seek an attachment against the property of any named defendant therein, or the appointment of a receiver as described in this section, the district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Part 2 of Title 7 of Chapter 4 thereof.

**Section 35. Production of water from unregistered facility and without meter; exemption; punishment**

It shall be unlawful to produce water from any water producing facility within the boundaries of the Orange County Water District unless such water producing facility has been registered with said district and has a water measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

This section is not applicable to operators of water producing facilities having a discharge opening two inches or less in diameter and which do not provide domestic or irrigation water for an area in excess of one acre who pay, in accordance with district regulations a fixed charge in lieu of affixing a water measuring device.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars (\$500) or imprisonment in the county jail for not to exceed six (6) months or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

**Section 35.1. Injuring, removing or tampering with meters; misdemeanor; penalty**

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 act, so as to cause said water measuring device to improperly or inaccurately measure and record said water production, 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 (6) months, or by both such fine and imprisonment.

**Section 37. Claims; treasurer's report**

No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant or check signed by the president and countersigned by the secretary or signed and countersigned by such persons as the board may approve. The treasurer shall report, at such times as the board of directors shall request, the amount of money of the district on deposit, the amount of receipts, and the amount or amounts paid out of the district funds since the last preceding report. The report shall be verified and filed with the secretary of the board.

**Section 38. Replenishment and basin equity assessments; exclusion of certain facilities**

Any water-producing facility which is not producing ground water from a zone replenished by the Santa Ana River or its tributaries may be excluded by order of the board of directors from the payment of the replenishment assessment and from the levy of the basin equity assessment and the production requirements and limitations provided by this act after the filing of a verified petition by the owner of a water-producing facility.

The petition shall be filed with the board of directors of the district and shall describe the land upon which the water-producing facility is located, a description of the water-producing facility, and the names and addresses of the owners of the water-producing facility, and shall set forth that such water-producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. Petitioner shall pay to the district the expenses of advertising and costs incident to the proceedings.

Upon the filing of the petition, the secretary of the district shall cause an investigation to be made by the district geologist or an engineer or engineers to determine whether the water-producing facility is or is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. Upon completion of such investigation a report of the results thereof shall be filed with the board of directors and a copy shall be mailed to the petitioner.

Upon the filing of the report, the board of directors shall fix a time for holding a hearing regarding the petition and report, which time shall be not less than 10 days and not more than 75 days after the filing of the report, and shall cause a notice of the filing thereof and time and place fixed for the holding of the hearing to be published one time at least 10 days before the date fixed for such hearing in a newspaper of general circulation printed and published within the district. The district shall also mail to the petitioner a notice of such hearing, not less than 7 days prior to the date of the hearing.

Any owner of a water-producing facility within the district may appear in person or by representative at said hearing either in behalf or in opposition to the granting of the request of said petition. If upon such hearing the

board of directors determines that the petition complies with the provisions of this section, and determines and finds that such water-producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries, the board of directors shall make an order that such water-producing facility shall be excluded from the payment of the replenishment assessment and from the levy of the basin equity assessment and the production requirements and limitations as provided in this act. From the making of such order the water-producing facility so excluded shall no longer pay any replenishment assessment or basin equity assessment thereafter levied but such order of exclusion shall not invalidate in any manner any replenishment assessment or basin equity assessment theretofore levied.

The exclusion provisions provided in this section apply only to exclusion of water-producing facilities from the payment of the replenishment assessments or basin equity assessments authorized by this act, but do not in any manner exclude or limit the rights of the district to levy and collect a general assessment as provided in this act.

The finding and determination by said board is final and conclusive.

**Section 38.1. Exemption from payment of replenishment and basin equity assessments**

- (a) Any water-producing facility which is producing water within the exterior boundaries of the district may be exempted by order of the board of directors from any or all of the following, upon the filing of a verified petition by the owner of the water-producing facility and the findings required to be made by this section:
- (1) The payment of all or any portion of the replenishment assessments.
  - (2) The levy of all or any portion of the basin equity assessment applicable to the owner or operator of the facility or facilities.
  - (3) The production requirements and limitations provided for in this act.
- (b) The petition shall be filed with the board of directors of the district and shall include a description of the land upon which the water-producing facility is located, a description of the water-producing facility, a statement of water quality analysis of the water produced by the water-producing facility, the names and addresses of the owners of the water-producing facility, and shall set forth the purpose or purposes for which any water produced from the water-producing facility will be used. The petition may include one or more water-producing facilities located in the same general area, provided each of those facilities are owned by the same owner. The petitioner shall pay to the district the expenses of advertising and costs incident to the proceedings.

- (c) Upon the filing of the petition, the general manager of the district shall cause an investigation to be made by the district geologist or an engineer or engineers for the purpose of determining whether the water produced by the water-producing facility is suitable or unsuitable for domestic or agricultural purposes. Upon completion of the investigation, a report of the results thereof shall be filed with the board of directors and a copy shall be mailed to the petitioner. Upon filing of the report, the board of directors shall fix a time for a hearing upon the petition and report, which time shall be not less than 10 days and not more than 75 days after the filing of the report, and shall cause a notice of the filing thereof and time and place fixed for the holding of the hearing to be published one time, at least 10 days before the date fixed for the hearing, in a newspaper of general circulation printed and published within the district. A copy of the notice shall be mailed to the petitioner by first-class mail with postage prepaid not less than seven days prior to the date of the hearing.
- (d) At the time of the hearing, the board of directors shall determine the quality of the water produced from the water-producing facility or facilities and the impact on the water supplies of the district from production of that water. The board of directors may exempt the water produced from the water-producing facility or facilities from the levy and payment of all or a portion of the replenishment assessments and basin equity assessment, and from the production requirements and limitations under this act, as follows:
- (1) If the board of directors finds and determines that the water produced from the facility or facilities or any of them is unsuitable for domestic or agricultural purposes, and further finds and determines that the production of that unsuitable water will have no adverse effects on the groundwater supplies of the district, the board of directors may make an order that water produced from the water-producing facility or facilities shall be exempted from any or all of the following:
    - (A) The payment of all or any portion of the replenishment assessments.
    - (B) The levy of all or any portion of the basin equity assessment applicable to the owner or operator of the facility or facilities.
    - (C) The production requirements and limitations as provided in this act.
  - (2) If the board of directors finds and determines that the water produced from the facility or facilities or any of them has or will have a beneficial effect upon the quality of the water supplies of the district, the board of directors may make an order that water produced from the water-producing facility or facilities shall be exempted from either or both of the following:

- (A) The levy of all or any portion of the basin equity assessment applicable to the owner or operator of the facility or facilities.
  - (B) The production requirements and limitations as provided in this act.
- (e) Nothing contained in this section shall exclude the operator of any water-producing facility exempted from the payments of all or any portion of replenishment assessments from affixing a water-measuring device to the facility as provided in Section 35 or from filing the water production statements provided for in Section 29.
  - (f) The board of directors of the district may from time to time require that the owner of any water-producing facility or facilities, which are exempted from the payment of all or any portion of either the replenishment assessments or the basin equity assessments, or from the production requirements or limitations, provide additional water quality analyses of water being produced from any water-producing facility which has been so exempted.
  - (g) The district shall at all times have the right to enter upon the premises where an exempted water-producing facility or facilities are located for the purpose of obtaining samples of the water being produced.
  - (h) If at any time it appears that the quality of water being produced from a water-producing facility which has been exempted from payment of all or any portion of the replenishment assessments, from the levy of all or any portion of the basin equity assessment applicable to the owner or operator of that facility or facilities, or from the production requirements and limitations, has become suitable for domestic or irrigation purposes, or if at any time it appears that the production of that water does not have a beneficial effect upon the quality of the water supplies of the district, the board of directors shall fix a time for a hearing to determine whether the water produced from the water-producing facility either:
    - (1) Has become suitable for domestic or agricultural purposes in the case of any exemption granted under paragraph (1) of subdivision (d).
    - (2) That the production of that water no longer has a beneficial effect upon the quality of the water supplies of the district in the case of any exemption granted under paragraph (2) of subdivision (d). The board of directors of the district shall cause a notice of the hearing to be published one time, at least 10 days before the date fixed for the hearing, in a newspaper of general circulation printed and published within the district. A copy of the notice shall be mailed to the owner of the water-producing facility by first-class mail with postage prepaid not less than seven days prior to the date of the hearing.

- (i) If upon the hearing, the board of directors finds and determines either that the quality of the water being produced from the water-producing facility has become suitable for domestic or irrigation purposes or that the production of water therefrom will have an adverse effect on the groundwater supplies of the district in the case of any exemption granted under paragraph (1) of subdivision (d), or that the production of water from the water-producing facility does not have a beneficial effect upon the quality of the water supplies of the district in the case of any exemption granted under paragraph (2) of subdivision (d), the board of directors shall make an order that the exemption or exemptions previously granted with respect to that water production shall be canceled or modified. Notice of the cancellation or modification of any exemption shall be sent to the owner of the specified water-producing facility by first-class mail with postage prepaid. The effective date of the cancellation or modification of any exemption shall be 10 days after the date of mailing of the notice of cancellation or modification.

**Section 39. Acquisition of right to flood; relocation of streets, etc.**

In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project the board of directors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain any of the works of the district over and through any of the lands which are now, or may become the property of this state and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

**Section 41. Unauthorized indebtedness**

The board of directors or other officers of said district shall have no power to incur any debt or liability whatever in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

#### **Section 42. Unpaid warrants; registration; interest; subsequent payment**

Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, when funds of the district are not available to pay the same, the treasurer shall endorse thereon the words "funds not available for payment," with the date of presentation and shall note thereon the rate of interest that such warrant shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that payment shall be made of all such warrants presented for payment prior to a certain date, and there is sufficient money available for such payments, the treasurer shall give notice by publication in some newspaper published in the district, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment need be made in the notice. Upon the presentation of any warrant entitled to payment under the terms of the notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication of said notice, and all warrants for the payment of which funds are declared in the notice to be available shall cease to draw interest at the time of the first publication of the notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

#### **Section 43. Tax exemption of certain district property**

The rights of way, ditches, flumes, pipe lines, dams, water rights, reservoirs, and other property of like character, belonging to the district shall not be taxed for State and county or municipal purposes.

#### **Section 44. Action to test validity of assessment**

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

**Section 45. Statement, report, notice or other document required to be filed or given to district; date of filing or giving**

Any statement, report, notice, or other document required by this act to be filed with or given to the district shall be deemed filed or given as of the date the same is physically delivered to the district office or as of the date it is postmarked when the same is placed in the United States mail addressed to the district at its office with first-class postage prepaid.

**Section 48. Limitation of actions**

No contest of any thing or matter herein provided for shall be made other than within the time and manner herein specified, and in any such contest the findings of facts or conclusions of said board of directors, upon all matters, shall be conclusive, unless the action be instituted within six months after such findings or conclusion was made, except as otherwise provided in this act.

**Section 49. Willful violation of duty**

For any willful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of Orange County by any assessment payer of the district.

**Section 50. Annexation; authorization; effect**

The boundaries of said district may be changed to include within said district additional land whether contiguous or not as hereinafter in this act provided, and the inclusion within said district of such lands shall be deemed to effect a change of the boundaries of said district; but no change in the boundaries of said district shall impair or affect its organization or its right in or to property, or any of its rights or privileges of whatever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Whenever additional land is included within said district, whether contiguous or not, the inclusion may be upon such reasonable terms and conditions as said district determines.

**Section 51. Annexation; petition**

The holder or holders of title, or a majority of the holders of title, of any tract or parcel of land contiguous or noncontiguous to the boundaries of said district, and within the County of Orange, may file in the office of the board of directors of said district, a petition praying that said tract or parcel of land be included within said district; provided, that if there is more than one holder of title of said land, the petitioners must include the holders of title of at least one-half of the area of said land. If any petitioner is the owner of an undivided interest in any land described in the petition, he shall be deemed to be the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land. Each signature to such petition shall be acknowledged as provided by law for signatures to an instrument to entitle it to be recorded.

**Section 52. Annexation; notice to show cause**

The secretary of the board of directors shall cause a notice of the filing of the petition to be published in the district pursuant to Section 6066 of the Government Code. The notice shall state the purpose of the petition and describe the boundaries of the tract of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of the land within the district to appear at the office of the board at a time named in the notice for the hearing of the petition, and objections thereto and show cause in writing, why the land or any of it should not be included as proposed in the petition. The time to be specified in the notice for the hearing of the petition and any objections thereto shall be a meeting of the board after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of the notice, otherwise the secretary shall refuse to publish the notice.

**Section 53. Annexation; hearing upon petition and objections**

The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they will include the whole or any portion of the lands described in said petition.

**Section 54. Annexation; condition to grant**

The board of directors to whom said petition is presented may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to the district, such respective sums, as nearly as the same can be estimated (the several amount to be determined by the board), as said petitioners or their grantors would have paid in the aggregate to said district had said lands been included in such district at the time the same was originally formed.

**Section 55. Annexation; determination; inclusion order; agreement to conditions; notice to show cause regarding conditions; dismissal of petition**

If the board of directors, after the hearing provided for in section 53 hereof, then shall determine that said petition complies with the requirements of section 51 hereof, and that the inclusion within the district of the tract of land described in said petition, or some portion or portions thereof, will be for the best interests of the district, and if no protest against the inclusion of such land is made as provided in section 53 hereof, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that said tract of land, or such portion or portions thereof as the board shall deem it for the best interests of the district to include, shall be included within the district, but no land shall be so included in said district unless the board, after the hearing aforesaid, shall determine that it can be benefited by means of some of the works of the district, and if the board determines that only a portion or certain portions of the tract of land described in said petition should be included, said petition shall be dismissed unless the petitioners include a majority of the holders of title of said portion, or of each of said portions, of said tract, representing also at least one-half the area of said portion, or of each of said portions, or unless, within sixty days from the time such determination is made, there shall be filed with the board the consent in writing, acknowledged or proved as required in section 51 hereof, of a majority of the holders of title of said portion, or of each of said portions of said tract of land, representing also at least one-half of the area of said portion or of each of said portions. The order shall describe the boundaries of the land so included within the district, and if said land adjoins any portion of the district, the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey to be made of such portions of said boundaries as may be deemed necessary. If more than one petition for the inclusion of land has been presented, the board may in one order include within the district any number of separate tracts of land. When the board finds that the inclusion of any land within the district without condition, would work an injury to the land already within the district, the board may prescribe conditions upon such inclusion of land either by providing for priority of right for the land already in the district, or for the payment of an additional annual charge upon the land included or such other conditions as the board may deem just. If any such conditions are prescribed by the board all the owners of the land subject to such conditions must, before any order for

its inclusion is made, sign an agreement with the district and project, describing the land so to be included and specifying such conditions. The signatures to said agreement must be acknowledged or proved as provided by law for the signatures of instrument to be recorded, and said agreement must be recorded in the office of the county recorder of the county in which such lands are situated, and thereupon and upon the recording of a copy of the order including said lands as hereinafter provided, said lands shall become a part of the district, subject to the conditions of said agreement.

Or in lieu of the execution and recording of said agreement signed and acknowledged by the owners of land to be included subject to said conditions, the board of directors may adjourn said hearing for not less than thirty days nor more than sixty days and shall give notice of the time and place of such adjourned hearing by publication in a newspaper of general circulation published in said county not less than once a week for three consecutive weeks; said notice so published shall set out at length the conditions proposed to be imposed and direct all persons interested to appear at the time and place specified in said notice and show cause, if any they have, why said conditions should not be imposed. At said hearing, or at any adjournment thereof duly entered upon the minutes, the board of directors by resolution may adopt, reject, or modify said conditions as may be just and make the order hereinabove provided for containing such of said conditions as may have been adopted and said order shall be final and conclusive upon a copy thereof duly certified by the secretary of the board being recorded in the office of the county recorder of said Orange County; provided, that said certified copy of said order shall not be recorded for a period of thirty days from and after the making of said order, during which thirty days a majority of the holders of title of the land described in the petition for inclusion and representing also more than one-half of the area of said tract or tracts of land, may file with the secretary of the board of directors a statement or statements in writing signed and acknowledged in the form required for the conveyance of real property, objecting to the inclusion of said lands with the conditions imposed thereon, whereupon said objections shall be laid before the board of directors and if the board finds the same to be in the form required by this section and signed by a majority of the holders of title of the tract or tracts of land described in said petition for inclusion, and representing more than one-half of the area of land described in said petition, then the board of directors shall enter in its minutes an order dismissing said petition for inclusion and no further proceedings shall be had thereupon, but said order of dismissal shall be without prejudice to the filing of another petition or other petitions for inclusion of the same land or any part thereof.

**Section 56. Annexation; resolution stating facts; undertaking to pay election costs**

If a protest against the inclusion of said lands, signed by not less than three percent of the holders of title or evidence of title to lands already within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, shall have been presented to the board of directors drawn, or after the withdrawal therefrom of any

signatures it shall still be signed by not less than three percent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, or if the board of directors deem it not for the best interests of the district to include therein the lands described in said petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundary of the tract of land proposed to be included in the district; but before calling the election provided for in the next section, the board may require an undertaking with sufficient sureties, from the petitioners for the inclusion of said land conditioned that the petitioners or the sureties will pay all the costs of holding said election in case such inclusion shall be denied.

**Section 57. Annexation; election**

Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which said election shall be held, and cause notice thereof to be given and published. Said notice shall be given and published, and said election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act for the holding of an election for directors. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

**Section 58. Annexation; order conforming to result of election**

If a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of all such portions thereof to be made as the board may deem necessary.

**Section 59. Annexation; sufficient protest; finding of best interest; election**

If a sufficient protest against the inclusion of any lands shall have been presented to the board of directors and maintained as provided in section 56, and the board of directors nevertheless finds and declares that the inclusion of said lands or a portion thereof with certain conditions imposed will be for the best interests of the district, the board shall proceed the same as if no protest had been filed until the conditions imposed shall become final as provided by section 55 except that the order changing the boundaries of the district, with such conditions upon the lands to be included as may have been imposed shall not be recorded in the office of the county recorder and said order shall not be effective for any purpose until, as the result of an election thereon, which the board shall thereupon order as provided by section 57 it is found and declared by the board that a majority of all the votes cast at said election were in favor of said change in boundaries with the conditions named. Thereupon a certified copy of the order changing the boundaries with the conditions imposed set out therein, together with a certified copy of the order declaring the result of said election, shall be recorded as provided by section 55 and become final. The same procedure regarding such election shall be followed as provided by section 57, except that the ballot cast at said election shall contain the words "For change of boundaries with conditions" or "Against change of boundaries with conditions" and the notice of election in addition to other requirements, shall contain a brief statement of the conditions imposed. If a majority of all the votes cast at said election shall be against such change of boundaries with conditions, the board shall order that the petition be denied.

**Section 60. Annexation; record of boundary change; effect**

Upon a change of the boundaries of a district, a copy of the order of the board of directors ordering said change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of said Orange County, and thereupon the district shall be and remain a district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

**Section 61. Annexation; minute entry; evidence**

Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

**Section 62. Annexation; powers of guardian, executor or administrator**

A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents on behalf of his ward, or of the estate which he represents, upon being thereunto authorized by the proper court, may sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

**Section 63. Annexation; liability of included land**

Any land added to the district as hereinabove provided shall become liable for all the obligations of the district existing at the time of the inclusion of said land therein.

**Section 64. Annexation; division and precinct boundaries**

In case land is included within the district as aforesaid, the board of directors thereof, not less than 30 days before any election in said district thereafter, shall reestablish the boundaries of the divisions and election precincts within said district, so as to include said land therein and so as to make said divisions as nearly equal in population as may be practicable. In case of the inclusion of any land less than 30 days before an election within said district, the inhabitants of the land so included shall not be entitled to vote at said election. Such included land shall become part of existing divisions of said district and by inclusion of additional lands the number of the divisions of said district or the number of directors of said district shall not be changed.

**Section 65. Exclusion of lands; authorization; effect**

The boundaries of the district may be changed, and tracts of land which were included within the boundaries of the district at or after its organization under the provisions of this act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the district nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

**Section 66. Exclusion of lands; petition**

The owners or owners in fee of one or more tracts or parcels of land which constitute a portion of the district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts within the district contiguous or adjacent thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

**Section 67. Exclusion of lands; notice to show cause**

The secretary of the board of directors shall cause a notice of the filing of the petition to be published in the district pursuant to Section 6066 of the Government Code. The notice shall state the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of the petition; and it shall notify all persons interested in, or who may be affected by the change of the boundaries of the district, to appear at the office of the board at a time named in the notice, and show cause, in writing, why the change of the boundaries of the district, as proposed in the petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be a meeting of the board after the expiration of the time for the publication of the notice.

**Section 68. Exclusion of lands; hearing upon petition and objections**

The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioner, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

**Section 69. Exclusion of lands; hearing; grant or denial of petition**

If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which in the judgment of the board will not be benefited by the operations of the district.

**Section 71. Exclusion of lands; redetermination of boundaries**

In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

**Section 72. Exclusion of lands; division and precinct boundaries**

In case land is excluded from the district as aforesaid, the board of directors thereof not less than 30 days, before any election in such district thereafter, shall reestablish the boundaries of the divisions and election precincts within said district, so as to make said divisions as nearly equal in population as may be practicable.

**Section 73. Exclusion of lands; powers of guardian, executor or administrator**

A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

**Section 74. Exclusion of lands; liability of excluded lands**

Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of the district the same as though said petition for its exclusion had never been filed or said decree of execution never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of the district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of the district of the petition for the exclusion of said lands from the district.

**Section 75. Liberal construction**

CONSTRUCTION OF ACT. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

**Section 76. Partial invalidity**

CONSTITUTIONALITY. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

**Section 77. Vested rights**

Nothing in this act contained shall be so construed as to affect or impair the vested right of any person, association or corporation to the use of water.

**Section 78. Title of act**

TITLE. This act may be designated and referred to as the "Orange County Water District Act," and any reference thereto by such designation shall be deemed sufficient for all purposes.

\* \* \* \* \*

## SUPPLEMENTARY REGULATIONS

The following sections were enacted as part of SB 91, Chapter 770, California Statutes of 1953, but not as amendments to the Orange County Water District Act.

**Section 64.** Nothing contained in this act does, nor shall the same be construed to, grant any new or additional rights or powers to, nor impair any existing rights of, the Orange County Water District as against any property or water rights in the Counties of San Bernardino and Riverside, either with respect to rights to appropriate water, the taking of property, the power of eminent domain, the right to intervene in litigation, or the right to act as against such property or water rights within said Counties of San Bernardino and Riverside.

**Section 65.** 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 without the invalid provision or application, and to this end the provisions of this act are severable.

\* \* \* \* \*

The following section was enacted as part of SB 1371, Chapter 1812, California Statutes of 1961, but not as an amendment to the Orange County Water District Act.

**Section 5.** If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act or any portion of the Orange County Water District Act to which this act is amendatory and supplementary; and if any additional replenishment assessment levied under Section 27.1 hereof is for any reason held to be unconstitutional, such decision shall not affect the validity of any replenishment assessment levied under Section 27 of the Orange County Water District Act, and the Legislature would have enacted each section, subsection and sentence hereof independent of each other section, subsection and sentence and would have enacted such remaining portion and each of them irrespective of such holding of unconstitutionality as to any portion which may be held unconstitutional.

\* \* \* \* \*

## **PUBLIC WORKS CONTRACTS**

### **Section 21040. (Chapter 1.5) Application of article**

The provisions of this article shall apply to contracts by the Orange County Water District, as provided for in Chapter 770 of the Statutes of 1933. Added by Stats 1984 ch 1128 sec 69.

### **Section 21041. Binding contracts; Endorsement**

The district shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing approved by resolution of the board of directors and properly executed by its officers who have been so authorized to do by the district. The approval of the form of all contracts shall be endorsed thereon by an attorney for the district.

Added by Stats 1984 ch 1128 sec 69.

### **Section 21042. Prescription of methods for construction of works and letting of contracts**

The district may prescribed methods for the construction of works and for the letting of contracts for any of the following purposes:

- (a) The construction of works, structures, or equipment.
- (b) The performance or furnishing of labor, materials, or supplies, necessary or convenient for carrying out any of the purposes of this act.
- (c) The acquisition or disposal of any real or personal property.

When work is not to be done by the district itself by force account, and the amount involved is ten thousand dollars (\$10,000), or more, any contract for the doing of the works shall be made by the district with the lowest and best bidder after the publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation published within the district, of a notice calling for bids and fixing a period during which bids will be received, which shall be not less than 10 days after the publication of notice. The district may reject any and all of the bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, the district may determine and declare that in its opinion, based on estimates submitted by the engineer for the district, any work may be performed better or more economically by the district with its own employees, or after hiring additional employees; and after the adoption of a resolution to this effect by at least seven affirmative votes of the directors of the district, the district may proceed to have that work done in the manner stated and without further observance of the provisions of this section.

Added by Stats 1984 ch 1128 sec 69.

**Section 21043. Response to emergency in accordance with provisions relating to minority and women business enterprises**

- (a) Contracts may be let or work undertaken without advertising for bids in an emergency.
- (b) In case of an emergency, if notice for bids to let contracts will not be given, the board of directors shall comply with Chapter 2.5 (commencing with Section 22050).

Added by Stats 1995 ch 29 sec 1.

**Section 21044. Contracts excluded from competitive bidding requirement**

Contracts, in writing or otherwise, for the acquisition or disposal of any real property, for the acquisition or leasing of personal property, the purchase of water to replenish the groundwater supplies of the district, the repair of district equipment or structures, and for legal, engineering, and other professional services may be let without calling for competitive bids.

Added by Stats 1984 ch 1128 sec 69.

**Section 21045. Faithful performance bond; Direction and approval of work**

- (a) The district shall require a person to whom the district awards a contract as a result of advertising for bids to enter into a bond, with good and sufficient sureties, to be approved by the board, payable to the district for its use, for at least 25 percent of the amount of the estimated contract price, conditioned for the faithful performance of the contract.
- (b) The general manager of the district may require a person to whom the district awards a contract without advertising for bids to enter into a bond in accordance with subdivision (a).
- (c) The work shall be done under the direction and to the satisfaction of the district engineer, and be subject to approval by the board.

Added by Stats 1995 ch 29 sec 2.

# DEERING'S WATER CODE OF THE STATE OF CALIFORNIA

## CHAPTER 2 - COMPENSATION OF WATER DISTRICT DIRECTORS

### **Section 20200. "Water District"**

As used in this chapter, "water district" means any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land of the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. "Water districts" include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, and water agencies.

### **Section 20201. Authorization to provide and to increase compensation**

Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or for each day's service rendered as a member of the board by request of the board, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202, increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

It is the intent of the Legislature that any future increase in compensation received by members of the governing board of a water district be authorized by an ordinance adopted pursuant to this chapter and not by an act of the Legislature.

### **Section 20202. Yearly ceiling on compensation increase; Limitation on number of compensable days**

In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district above the amount of one hundred dollars (\$100) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted.

No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of 10 days in any calendar month.

**Section 20203. Authority to adopt ordinances; Notice and hearing**

Any water district described in Section 20201 is authorized to adopt ordinances pursuant to this chapter. No ordinance shall be adopted pursuant to this chapter except following a public hearing. Notice of the hearing shall be published in a newspaper of general circulation pursuant to Section 6066 of the Government Code.

**Section 20204. Effective date of ordinances; Voters' right to petition for referendum**

An ordinance adopted pursuant to this chapter shall become effective 60 days from the date of its final passage. The voters of any water district shall have the right, as provided in this chapter, to petition for referendum on any ordinance adopted pursuant to this chapter.

**Section 20205. Suspension of ordinance; Number of signatures necessary to subject ordinance to referendum**

If a petition protesting against the adoption of the ordinance is presented to the governing board of the water district prior to the effective date of the ordinance, the ordinance shall be suspended and the governing board shall reconsider the ordinance.

If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election. If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district is less than 500,000 the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election.

**Section 20206. Procedure following ordinance protest petition**

If the governing board does not entirely repeal the ordinance against which a petition is filed, the governing board shall submit the ordinance to the voters either at a regular election or a special election called for the purpose. The ordinance shall not become effective unless and until a majority of the votes cast at the election are cast in favor of it. If the ordinance is not approved by the voters, no new ordinance may be adopted by the governing board pursuant to this chapter for at least one year following the date of election.

## **Section 20207. Applicability of Elections Code**

Except as otherwise provided in this chapter, the provisions of the Elections Code applicable to the right of referendum on legislative acts of districts shall govern the procedure on ordinances against which a petition is filed.

## INDEX

Accumulated overdraft.....	35
Acquisition of right to flood.....	55
Action to determine validity of bonds.....	31
Action to test validity of assessment.....	56
Acts requiring action by resolution .....	12, 19-21, 28, 29, 31, 33, 56, 60, 61
Ad valorem tax levy .....	24, 26
Additional replenishment assessment.....	38
Administrative rules and regulations .....	19
All Funds Balance Sheet.....	24
Amended statement.....	40
Annexations	
Agreement to conditions .....	59
Authorization.....	57
Condition to grant .....	59
Determination .....	59
Dismissal of petition.....	59
Division and precinct boundaries.....	63
Election .....	61
Exclusion of lands.....	64-66
Hearing upon petition and objections .....	58
Inclusion Order .....	59
Liability of included land .....	63
Minute entry .....	62
Notice to Show Cause .....	58, 59
Order conforming to result of election .....	61
Petition.....	58
Powers of guardian, executor or administrator .....	63
Protest against.....	62
Record of boundary change .....	62
Recordation of .....	62
Sufficient protest.....	62
to Divisions 8, 9 & 10.....	12
Annual investigation and report upon groundwater conditions .....	36, 42
Annual overdraft.....	35, 36
Appointment of Directors .....	22
Appropriation for contingencies.....	26
April Board meeting.....	37
Assessor.....	18
Attorney .....	18
Audit .....	24
Auditor.....	18
Authority of district to fix amount of production .....	49
Basin Equity Assessment Fund.....	27, 47
Basin equity assessments .....	41, 49

Basin production percentage.....	41
Beneficial effect.....	53
Blanket bond .....	23
Board of Directors .....	18
Appointment of.....	22
Bonds.....	22, 23
Compensation.....	20, 71
Declaration of appointment.....	24
Election of.....	22
First Vice President .....	18, 19, 23
Method of acting .....	20
Organization after election.....	23
President.....	18, 19, 23
Quorum.....	20
Reimbursement of expenses .....	20
Residency requirement.....	13, 22
Second Vice President .....	18, 19, 23
Terms of office .....	22, 23
Vacancies .....	22, 23
Vice President.....	19
Board of Supervisors.....	26, 34
Bond Fund.....	27, 33
Bonded indebtedness .....	29
Bonds .....	22, 23, 29
Boundaries	
Adjustment of .....	12
Divisions 1 - 7 .....	12
Divisions 8, 9 & 10.....	11
Legal descriptions.....	1
Budget .....	24
Canvass of returns .....	31
Certificate of appointment .....	24
Certified Public Accountant .....	24
Claims.....	28, 51
Condemnation .....	55
Consolidation of elections .....	30
Contamination .....	21
Contracts excluded from competitive bidding requirement.....	70
Counsel .....	18
County of Orange .....	18, 34
Decennial census .....	12
Declaration of appointment .....	24
Deering's Water Code.....	71

Definitions

Accumulated overdraft .....	35
Annual overdraft .....	35
Appropriation for contingencies .....	26
Basin production percentage .....	41
General reserve .....	26
Groundwater .....	35
Irrigation .....	38
Operator.....	35
Owner .....	35
Person .....	35
Producing.....	35
Production.....	35
Supplemental sources .....	41
Water district .....	71
Water producing facility .....	35
Water year .....	35
Delinquencies.....	39, 49
Delivery of bonds.....	33
Delivery of Engineer's Report.....	42
Denomination of bonds.....	32
Determination of feasibility of project .....	28
District Engineer .....	18, 51, 53
District Geologist .....	51, 53
District powers.....	13
District Secretary .....	18, 19, 51, 62
Election for incurring bonded debt .....	29, 33
Election of directors .....	22
Elections Code .....	22, 30
Emergency public works contracts .....	70
Employees.....	18
Engineer's Report.....	36, 41, 42
Estimated overdraft .....	36
Excess water production .....	48
Exclusion from payment of RA/BEA .....	51
Execution	
of bonds .....	32
of checks and warrants .....	51
of contracts .....	19
Exemption from payment of RA/BEA .....	52
Exercise of powers .....	18
Expiration of term of office.....	22, 23
Faithful performance bond .....	70
Feasibility of project.....	28
Financial statement .....	24
Fine for nonregistration of water producing facilities.....	34

First Vice President .....	18, 19, 23
Form of bonds and coupons .....	31
Fund transfers .....	47
Funds .....	27
Appropriation for contingencies .....	26
Basin Equity Assessment Fund .....	27, 47
Bond Fund .....	27, 33
General Fund.....	27, 47
General Reserve Fund .....	26
Improvement funds .....	27
Replenishment Fund.....	27
Transfers .....	27
Water Reserve Fund .....	27
General assessment.....	24, 26, 27, 34
General Manager .....	18, 19
General reserve.....	26
Groundwater.....	35
Groundwater basin, use of .....	16
Groundwater cleanup .....	21
Groundwater storage agreement.....	16
Improvement funds .....	27
Independent audit .....	24
Injunction .....	47
Injuring, removing or tampering with meters.....	50
Interest charge on delinquent Replenishment Assessment .....	39, 46
Investigation and report.....	41
Investigation and report concerning water production.....	49
Investigation and report of groundwater conditions.....	36
Investigations of quality of surface and groundwaters .....	21
Irrigation .....	38
Issuance and sale of bonds.....	32
Issuance of bonds .....	29
June Board meeting .....	24
Legal title .....	21
Liability for groundwater contamination.....	21
Limitation of actions.....	57
March Board meeting .....	36, 42
Maturity of bonds.....	31
Maximum debt limit.....	29
Meters.....	50
Notice of Replenishment Assessment.....	38

Officers .....	18
Appointment of.....	18, 19
Bond .....	19
Payment of judgment against .....	19
Ordinance.....	71, 72
Payment of bonds.....	31
Payment of replenishment expenses.....	39
Penalty charge .....	46
Penalty for filing false statement .....	40
Petition .....	51
Pollution.....	21
Population figures.....	12
President .....	18, 19, 23, 51, 62
Production of water from unregistered facility .....	50
Production requirements and limitations .....	41
Project feasibility .....	28
Projects.....	28
Promissory notes.....	17
Property .....	21
Protest .....	49
Public hearings	
re annexation .....	58
re establishing production requirements and limitations.....	42
re exemption from payment of RA/BEA .....	53
re imposing basin equity assessments .....	42
re levying of RA .....	37
re petition for exemption of RA/BEA .....	51
re water supplies of District .....	36, 42
Public Works Contracts.....	69
Publication of All Funds Balance Sheet .....	24
Publication of notice .....	23, 30, 36, 37, 42, 53
Publication of Notice of Election.....	30, 61
Punishment.....	50
Purchase price of bonds.....	33
Quorum.....	20
Record of replenishment assessments and charges.....	40
Record of water production .....	40
Redemption of bonds prior to maturity .....	31
Registration of water producing facilities.....	34
Reimbursement of expenses .....	20
Relocation of streets.....	55
Replenishment assessment notice .....	38
Replenishment assessments.....	34, 37, 49
Replenishment Fund .....	27
Residence requirements.....	22
Resolution	

Actions requiring.....	12, 19-21, 28, 29, 31, 33, 56, 60, 61
Vote of 6 Directors required.....	12
Vote of 7 Directors required.....	33
Vote of 8 Directors required .....	25, 26
Sale of property .....	21
Second Vice President .....	18, 19, 23
Series bonds .....	31
Signing authority.....	51
General Manager.....	32
President.....	51, 62
Secretary .....	32, 51, 62
Statement of financial condition .....	24
Supplemental sources .....	41
Surplus of property .....	21
Tax Collector .....	18
Tax exemption of certain district property.....	56
Terms of office.....	22, 23
Transfer of funds .....	27
Treasurer .....	18, 19, 51, 56
Treasurer's report.....	51
Unauthorized indebtedness.....	55
Uniform District Election Law .....	22
Unpaid warrants .....	56
Unregistered water producing facility .....	47
Unsold bonds .....	33
Unsuitable for domestic or agricultural purposes .....	53
Use of bond proceeds for other purposes .....	33
Verified petition .....	51, 52
Water producing facility.....	35
Water production statement .....	39, 40
Water Reserve Fund .....	25, 27
Water year.....	35
Willful violation of duty .....	57