The Amador Water Agency Enabling Act adopted by State Legislature in 1959, is an act to create the Amador Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the Agency, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the Agency, and providing for the levy and collection of taxes for the payment of general agency expenses and for cooperation and contracts with any entity.

The Enabling Act is shown in Appendix #A
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An act to create the Amador County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the agency, and providing for the levy and collection of taxes for the payment of general agency expenses and for co-operation and contracts with any entity. (Stats. 1959, c. 2137, p. 5061.)

**Cross References**

Procedure for letting contracts, see Public Contract Code § 21451.

**§ 95-1. Creation; name; boundaries**

Sec. 1. A district is hereby created to be known as the Amador Water Agency. The agency shall consist of all the territory lying within the exterior boundaries of the County of Amador.


**Cross References**

Boundaries of Amador County, see Government Code § 23103.
§ 95-2. Definitions

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" means the Amador Water Agency.

(b) "County" means the County of Amador of the State of California.

(c) "United States" means the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission, distribution, storage, spreading, treatment, purification, reclamation, recapture, and salvage of any water, including sewage, waste, and storm water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all lands, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or the district, or for (ii) the underwriting in whole or in part of any or all of the construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or the district or the underwriting in whole or in part of the cost, or for (iv) the payment in whole or in part for water to be furnished or sold to the district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.
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§ 95-2. Board

"Board" means the board of directors of the agency.

Cross References
Qualification of electors, see Const. Art. 2, §§ 2, 4; Elections Code § 2000 et seq.

§ 95-3. Body politic and corporate; general powers; exercise of powers

Sec. 3. The Amador Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors.

§ 95-3.1. Perpetual succession

Sec. 3.1. The agency shall have perpetual succession.
(Stats.1959, c. 2137, p. 5062, § 3.1.)

§ 95-3.2. Seal

Sec. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.
(Stats.1959, c. 2137, p. 5062, § 3.2.)

§ 95-3.3. Actions

Sec. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.
(Stats.1959, c. 2137, p. 5062, § 3.3.)

Library References


§ 95-3.4. Eminent domain

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary or convenient for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use without the consent of the public agency owning such property, unless provision is made to furnish substitute facilities for the use of such public agency.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide
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service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Amador shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(Stats.1959, c. 2137, p. 5062, § 3.4. Amended by Stats.1975, c. 581, p. 1165, § 2.)

Law Revision Commission Comment

1975 Amendment

The deleted portions of Section 3.4 [Water C.App. § 95-3.4] are superseded by provisions of the Eminent Domain Law. See Code Civ.Proc. §§ 1230.020 (uniform procedure), 1240.610 et seq. (more necessary public use), 1240.010 (declaration that a use is a public use is unnecessary), 1240.110 (right to take any property or any interest or right in property), 1250.210 (identification of plaintiff). See also Code Civ.Proc. §§ 1240.040 and 1245.210 et seq. (resolution of necessity), 1235.170 ("property" defined).

Historical and Statutory Notes

Operative effect of 1975 amendment, see note under § 102-7.

Cross References

Prima facie evidence, rebuttable presumption, see Evidence Code § 602.

Library References

Eminent Domain § 10.9
WESI-LAW Topic No. 148
C.J.S. Eminent Domains § 24
Recommendations relating to condemnation law and procedure in special districts. 12

§ 95-3.5. Property acquisition; use; disposal

Sec. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary or convenient to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

(Stats.1959, c. 2137, p. 5063, § 3.5.)

Library References

Waters and Water Courses § 190.
WESI-LAW Topic No. 405.
C.J.S. Waters § 223.
App. § 95-3.6  

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§ 95-3.6. Contracts; employment of labor; necessary acts; construction

Sec. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

(Stats.1959, c. 2137, p. 5063, § 3.6.)

§ 95-3.7. Borrowing money; issuance of bonds; powers

Sec. 3.7. The agency shall have the power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

(Stats.1959, c. 2137, p. 5063, § 3.7.)

§ 95-3.8. Rules and regulations; rates and charges; sale, lease or disposition of water

Sec. 3.8. The agency shall have the power by resolution or ordinance to adopt regulations respecting the exercise of its powers and the carrying out of its purposes, and to fix and collect rates and charges for the providing or the availability of any service it is authorized to provide or make available or for the sale, lease or other disposition of water or other product of its works or operations, including standby charges and connection charges.

(Added by Stats.1975, c. 63, p. 112, § 1, eff. May 6, 1975.)

Library References

Waters and Water Courses ☑217.
WESTLAW Topic No. 405.
C.J.S. Waters § 315.

§ 95-3.9. Standby charges; schedules; collection; penalties

Sec. 3.9. The agency may fix standby charges to be applied on an area, or frontage, or parcel basis, or a combination thereof, to such areas within the agency to which service is made available, whether the service is actually used or not, for the purpose of financing or maintaining and operating projects which the agency is authorized to undertake. The agency may establish schedules varying such charges according to the land uses and the degree of availability or quantity of use of such service to the affected lands, and may restrict such charge to lands lying within one or more improvement districts or areas of benefits established within such agency; provided, however, that the agency may not: (1) fix an annual charge in excess of ten dollars ($10) for each acre or for each parcel of less than one acre; (2) apply standby charges to parcels that are being used for the production of plant crops, including timber, or livestock for market; or (3) apply standby charges to lands situated more than one-quarter of a mile from an available main or service connection. The agency may collect the standby charges as a part of the annual general county tax bill, provided the agency furnishes in writing to the board of supervisors...
and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such cases, the standby charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes. If the agency collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

(Added by Stats.1975, c. 63, p. 112, § 2, eff. May 6, 1975.)

Historical and Statutory Notes

Section 13 of Stats.1988, c. 539, provided:

"Sections 2 to 7, inclusive, of this act shall not become operative if Assembly Bill 3047 [Stats.1988, c. 834] of the 1987-88 Regular Session is enacted and becomes operative."

Amendment of this section by § 2 of Stats. 1988, c. 539, failed to become operative under the provisions of § 13 of that Act.


Historical and Statutory Notes

Addition of §§ 95-3.10 to 95-3.14 by §§ 3 to 7 of Stats.1988, c. 539, failed to become operative under the provisions of § 13 of that Act.

§ 95-4. Availability of water

Sec. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

(Stats.1959, c. 2137, p. 5063, § 4.)

Cross References

Appropriation of water, see Water Code § 1200 et seq.;
Beneficial use of water, see Const. Art. 14, § 3; Water Code §§ 100, 101, 1240.

§ 95-4.1. Power; development; sale

Sec. 4.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only
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at wholesale to any public agency or private entity, or both, or the Federal or State Government.
(Stats.1959, c. 2137, p. 5064, § 4.1.)

§ 95-4.2. Flood control; water conservation
Sec. 4.2. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.
(Stats.1959, c. 2137, p. 5064, § 4.2.)

Library References
Levees and Flood Control §§ 5. C.J.S. Levees and Flood Control §§ 14, 15, 19, 27.
WESTLAW Topic No. 235.

§ 95-4.3. Storage of water; conservation and reclamation; appropriation; actions; prevention of unlawful exportation; contamination or pollution
Sec. 4.3. The agency shall have the power to appropriate and acquire water and water rights; to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding:
(a) To declare rights in or otherwise involving the ownership or use of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants;
(b) To prevent interference with or diminution of such waters;
(c) To prevent the wasteful use of water in the agency;
(d) To prevent the unlawful exportation of water from the agency;
(e) To prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in the agency;
(f) To prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency.
This section shall not authorize the agency to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

(Stats.1959, c. 2137, p. 5065, § 4.3.)

§ 95-4.4. Acquisition of works, waters and water rights

Sec. 4.4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(Stats.1959, c. 2137, p. 5065, § 4.4.)

§ 95-4.5. Operation; maintenance of works

Sec. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

(Stats.1959, c. 2137, p. 5065, § 4.5.)

§ 95-4.6. Surveys and Investigations

Sec. 4.6. The agency shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the agency, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, control of flood and use of water both within and without the agency, and for these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

(Stats.1959, c. 2137, p. 5065, § 4.6.)
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§ 95-4.7. Conduits along or across streets, railways, ditches, etc.

Sec. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property, and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right of way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

(Stats.1959, c. 2137, p. 5065, § 4.7.)

Cross References

Rights of way, see Civil Code § 801 et seq.

Library References

Waters and Water Courses § 192.
WESTLAW Topic No. 405.
C.J.S. Waters § 256.


§ 95-4.8. Right of way over public lands

Sec. 4.8. There is hereby granted to the agency the right of way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands.

(Stats.1959, c. 2137, p. 5065, § 4.8.)

Library References

Waters and Water Courses § 191.
WESTLAW Topic No. 405.
C.J.S. Waters § 255.

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§ 95-4.9. Repealed by Stats.1975, c. 585, p. 1241, § 3

Law Revision Commission Comment

1975 Repeal

Section 4.9 (Water Code App. § 95-4.9) is superseded by Section 1240.330 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

Historical and Statutory Notes

The repealed section, added by Stats.1959, c. 2137, § 4.9, related to relocation of streets, railroads, and canals.

§ 95-4.10. Reimbursement of county for expenses

Sec. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

(Stats. 1959, c. 2137, p. 5066, § 4.10.)

§ 95-4.11. Contracts; sale of right to use falling water for power purposes

Sec. 4.11. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

(Stats.1959, c. 2137, p. 5066, § 4.11.)

Library References

Waters and Water Courses §200(1), 201.
WESTLAW Topic No. 405.
C.J.S. Waters §§ 264 et seq., 277 et seq.

§ 95-4.12. Contracts with private water companies

Sec. 4.12. The agency shall have power to enter into contracts with any private water company formed and existing exclusively to provide water service within the agency whenever such contract appears to the board to be in the public interest.

(Stats.1959, c. 2137, p. 5066, § 4.12.)

§ 95-4.13. Borrowing money; repayment from revenues at future date

Sec. 4.13. When authorized by the board the agency shall have the power to borrow money with repayment to commence at a future date from revenues of the agency.

(Stats.1959, c. 2137, p. 5066, § 4.13.)

§ 95-4.14. Facilities for sewage, waste and storm water; public nuisances

Sec. 4.14. The agency shall have the power to plan, finance, acquire, construct, operate and maintain facilities for the collection, transmission,
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treatment, and disposal of sewage, waste, and storm water. Whenever any area in the agency is provided with a sewer or storm drain system by the agency, the board by ordinance may declare the further maintenance or use of cesspools, septic tanks, or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings which are not more than three hundred (300) feet from such system or any extension thereof to be connected with the system.

(Added by Stats.1972, c. 82, p. 107, § 2. Amended by Stats.1975, c. 63, p. 113, § 3, eff. May 6, 1975.)

Library References

Levees and Flood Control ¶ 9.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 24 et seq.

§ 95-5. Sale, lease or transfer of water or rights to use works to member units; rates and charges

Sec. 5. Any water or rights to the use of the works of the agency for the conservation, control, treatment, purification, salvage, or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. The agency may transfer such water or the use of agency works for use outside the agency upon a finding by the board that the water or works involved will not be needed for use within the agency. The provisions of this section shall not prevent the disposition of electric power or power facilities to other than member units at wholesale.

(Stats.1959, c. 2137, p. 5066, § 5. Amended by Stats.1972, c. 82, p. 107, § 3.)

§ 95-5.1. Contracts with member units

Sec. 5.1. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction or acquisition of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.
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(c) The sale, lease, or other disposition of water, a water supply, water rights, or works or any interests in any thereof for any purpose by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

1. The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

2. There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

3. There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 5.5 by one member unit to another member unit shall be delivered to the latter.

(Stats.1959, c. 2137, p. 5067, § 5.1.)

§ 95–5.2. Suspension of delivery to delinquent member unit

Sec. 5.2. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with agency.

(Stats.1959, c. 2137, p. 5067, § 5.2.)

Library References

Waters and Water Courses 203(13).
WESTLAW Topic No. 405.
C.J.S. Waters § 305.

§ 95–5.3. Liability of member units

Sec. 5.3. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

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(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

c) The amount or pro rata portion of water which shall be delivered to or held in storage for the member unit.

d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit. Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit, having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

(Stats.195, c. 2137, p. 5067, § 5.3.)

§ 95-5.4. Reduction of obligations

Sec. 5.4. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

(c) In determining the amounts to be paid by all member units for water there shall be deducted from the cost of construction and operation of project works all revenues to be obtained from the sale of electric energy, if any, developed and sold by means of the project works.

(Stats.1959, c. 2137, p. 5068, § 5.4.)

§ 95-5.5. Assignment of rights by member units

Sec. 5.5. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment. The total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may
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be required by the agency to guarantee the payments assumed by the assignee member unit.
(Stats.1959, c. 2137, p. 5068, § 5.5.)

§ 95-5.6. Sale of capital asset; disposition of proceeds

Sec. 5.6. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.
(Stats.1959, c. 2137, p. 5069, § 5.6.)

§ 95-6. Cooperation with United States; reclamation

Sec. 6. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.
(Stats.1959, c. 2137, p. 5069, § 6.)

Library References

Waters and Water Courses ☒=222.
WESTLAW Topic No. 405.
C.J.S. Waters § 316.


§ 95-6.1. United States contract fund

Sec. 6.1. All money collected in pursuance of a contract with the United States shall be paid into the agency treasury and held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.
(Stats.1959, c. 2137, p. 5069, § 6.1.)
§ 95-6.2. Cooperation with United States, state, municipalities, etc.; contracts

Sec. 6.2. The agency may cooperate and act in conjunction and contract with the United States, State of California, any county, municipality, district, public or private corporation, or any person: (1) in the purchase and sale of water, (2) in the acquisition of water or a water supply, (3) in the construction, acquisition, financing (including accepting grants or loans from any of the foregoing entities or any person subject to conditions as required by such entity or person), operation and maintenance of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, or for the collection, transmission, treatment, disposal or reuse of sewage, waste, or storm waters, (4) in the use and ownership of such works, and (5) in the sale, lease or other disposition of water or other product of such works or the agency’s operations. The agency also may make and perform any agreement with the United States, the state, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply or other product of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the state empowered by law to appropriate water and deliver water to users may:

(a) Cooperate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate or act in conjunction and contract with such districts, municipalities, and political subdivision.

(b) Carry out the terms of such contracts.

(App. § 95-6.2)
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The order of the board of supervisors shall:

(a) Declare that an election shall be held:

(1) To determine whether the board of supervisors of the county shall be the governing body of the agency, or whether the governing body shall be comprised of an independent body, consisting of five directors elected from the five supervisorial districts within the county;

(2) To elect the members of the governing body if the same is comprised of an independent body.

(b) Declare that the candidates for director upon the independent body of five directors shall be nominated, and that preparations for the election shall be made in the manner provided by Articles 2 (commencing at Section 30745) and 3 (commencing at Section 30770) of Chapter 2 of Part 4 of Division 12 of the Water Code so far as is applicable thereto, except that each candidate must be nominated from, and seek the office of director for, the supervisorial district in which he is a voter.

(c) Fix the date of the election, which shall be not less than 70 days after the date of the order calling the election. The election may be held on the same day as any other state, county or city election, and be consolidated therewith.

The county clerk shall thereupon publish notice of the election once a week for two weeks in a newspaper of general circulation published within the county, setting forth the contents of the order of the board of supervisors calling the election. Except as otherwise provided in this section, the election shall be held and conducted and the results ascertained, determined and declared in all respects as nearly as practicable in conformity with the general election laws of the State.

The vote shall be canvassed by the board of supervisors at the next regular meeting which is five or more days after the election. If a majority of the voters of the agency vote in favor of the board of supervisors being the governing body of the agency, then the board of supervisors shall be declared to be ex officio the board of directors of the agency, and Section 7.1 of this act shall have no further application. If a majority of the voters in the agency vote in favor of an independent body of five directors being the governing body of the agency, that result shall be so declared; each candidate who has received the highest number of votes within his supervisorial district shall be declared elected thereto, a certificate of election shall be thereupon made and delivered to each person so elected by the county clerk, and Section 7.1 of this act shall be fully applicable to the agency.

(Stats. 1959, c. 2137, p. 5070, § 7.)

§ 95-7.1. Board of directors; members; election; vacancies

Sec. 7.1. The governing body of the agency shall be a board of five directors, each of whom shall be a voter of, and nominated and elected from, a supervisorial district of the county.
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The directors representing Amador County supervisorial districts 1, 4, and 5, who were elected at the direct primary election on June 5, 1990, shall hold office until their successors take office pursuant to Section 23556 of the Elections Code as a result of the 1994 general agency election. The directors representing supervisorial districts 2 and 3, who were elected at the direct primary election on June 2, 1992, shall hold office until their successors take office pursuant to Section 23556 of the Elections Code as a result of the 1996 general agency election. Except as otherwise provided in this section, general agency elections shall be conducted pursuant to the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code. The provisions of the Elections Code relating to the qualification of electors, so far as they may be applicable, shall govern all agency elections. Notwithstanding any other provision of law, agency elections shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled pursuant to Section 1780 of the Government Code.

(Stats.1959, c. 2137, p. 5071, § 7.1. Amended by Stats.1993, c. 1195 (S.B.405), § 31.3.)

Historical and Statutory Notes

Short title, legislative findings and declarations for Stats.1993, c. 1195 (S.B.405), see Historical and Statutory Notes under Government Code § 4201.

§ 95-7.2. Organization of board; ordinances; quorum; rules; compensation of directors

Sec. 7.2. Within 30 days after the election prescribed in Section 7 and thereafter within 30 days after those who are elected at the succeeding elections take office, the directors shall meet and organize as a board. The board shall:

Elect one of its members president; provide for the time and place of holding its regular meetings; and provide for the manner of calling special meetings. The board shall act only by ordinance, resolution, or motion and the enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Amador Water Agency as follows:". All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board shall constitute a quorum for the transaction of business, and the board may transact any business of the agency at its organization meeting.

The board shall establish rules for its proceedings and all legislative sessions of the board shall be public.

The board may authorize each director to receive compensation not exceeding one hundred dollars ($100) per day for each day's attendance at meetings of the board, or committee thereof, or for each day's services rendered as a director by request of the board, not exceeding a total of six days in any
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§ 95-7.3. Initiative and referendum

Sec. 7.3. The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

(Stats.1959, c. 2137, p. 5072, § 7.3.)

Cross References

Initiative and referendum, see Elections Code § 9100 et seq.

§ 95-8. Officers and employees; compensation

Sec. 8. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

(Stats.1959, c. 2137, p. 5072, § 8.)

§ 95-8.1. County officers and employees as officers and employees of agency; performance of duties

Sec. 8.1. All officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, except that the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

(Stats.1959, c. 2137, p. 5072, § 8.1.)

Library References

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§ 95-9. Blank


Historical and Statutory Notes

The repealed section, added by Stats.1959, c. 2137, § 9.1, related to conflict of interest.

§§ 95-9.2 to 95-9.4. Repealed by Stats.1963, c. 1685, p. 3308, §§ 6 to 8

Historical and Statutory Notes

The repealed sections, added by Stats.1959, c. 2137, p. 5072, §§ 9.2 to 9.4, related to liability of directors, officers, agents or employees.

Liability of public employees, see, now, Government Code § 820 et seq.

§ 95-10. Claims against agency; law governing; preparation; presentation; audit

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.


Historical and Statutory Notes

Former: § 95-10, added by Stats.1959, c. 2137, p. 5072, § 10, relating to the same subject matter, was repealed by Stats.1961, c. 2011, § 21.

Library References


§ 95-11. Title to property

Sec. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

(Stats.1959, c. 2137, p. 5073, § 11.)
§ 95-12. Repealed by Stats.1984, c. 1128, § 155

Historical and Statutory Notes
The repealed section, added by Stats.1959, c. 2137, § 12, related to requirements for contracts.

§ 95-12.1. Repealed by Stats.1988, c. 539, § 8

Historical and Statutory Notes
The repealed section, added by Stats.1959, c. 2137, § 12.1, amended by Stats.1975, c. 63, § 5, related to an engineering study for improvements.

§ 95-12.2. Repealed by Stats.1988, c. 539, § 9

Historical and Statutory Notes
The repealed section, added by Stats.1959, c. 63, § 5.5, related to written protests by qualified electors.

§ 95-12.3. Repealed by Stats.1988, c. 539, § 10

Historical and Statutory Notes
The repealed section, added by Stats.1975, c. 63, § 5.7, related to withdrawal of protests.

§ 95-12.4. Repealed by Stats.1988, c. 539, § 11

Historical and Statutory Notes
The repealed section, added by Stats.1975, c. 63, § 5.9, related to sufficiency of protests.

§ 95-13. Debt limit

Sec. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts and liabilities incurred pursuant to the provisions of this act authorizing (a) the issuance of bonds, (b) the levying of special assessments, or (c) the execution of contracts with the United States, the state, or the county, or any member unit (including but not limited to contracts to borrow money from the Amador County Water Development Sinking Fund and contracts to acquire works or facilities from member units).


Cross References
Appropriation limits, see Const. Art. 13B, § 1 et seq.
§ 95-14. Ad valorem tax; purposes; limitation

Sec. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency unless the board by resolution declares its intention to increase the maximum rate, either for a specified term of years or for an unlimited duration, and declares that a public hearing will be held thereon at a specified day, hour and place where all interested persons may appear and be heard. The resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. At any time before or during the public hearing, any holder of title, to real property in the agency may file a written protest against the increase with the secretary of the board. Unless a majority in number of the holders of title to the real property in the agency who are also holders in title to a majority of the real property in the agency according to assessed valuation as shown by the last equalized assessment roll have filed such a protest prior to the conclusion of the hearing, the board may thereafter submit the proposed increase at any countywide election, called for any other purpose and the proposed increase shall become effective if at such countywide election a majority of those voting vote in favor thereof.

The foregoing limitations shall be exclusive of any tax levied pursuant to Sections 14.1, 14.26, 15, or 15.9 of this act, and exclusive of any special assessment levied pursuant to Section 16 of this act.


§ 95-14.1. Special ad valorem tax; delinquent member units

Sec. 14.1. The agency may levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent, and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

(Stats.1959, c. 2137, p. 5076, § 14.1.)
§ 95-14.2. Improvement districts; projects; purposes

Sec. 14.2. Improvement districts containing contiguous or noncontiguous territory within the agency may be formed as hereinafter provided to undertake projects to carry out any of the objects or purposes of this act of special benefit to the area of such improvement district, including, without limitation, projects to acquire, construct, operate, maintain, extend, repair or improve any works of improvement of special benefit to such improvement district. Except as otherwise specifically provided in this act, the powers, procedures and funds of the agency may be used in the board's discretion for the benefit of an improvement district and the project for which it was created.

(Added by Stats.1975, c. 63, p. 115, § 8, eff. May 6, 1975.)

Library References

Waters and Water Courses ¶224.
WESTLAW Topic No. 405.
C.J.S. Waters §§ 318, 338.

§ 95-14.3. Formation of district; resolution; contents

Sec. 14.3. Proceedings for the formation of an improvement district shall be instituted by a resolution of the board, which shall contain the following:

(a) A description of the boundaries of the improvement district proposed to be formed.

(b) A brief general description of the project to be undertaken for the benefit of such improvement district.

(c) A finding that the project will be a special benefit to such improvement district.

(d) A statement of the board's intention to undertake the project.

(e) An estimate of the cost of the project.

(f) The method by which the project is proposed to be financed.

(g) The proposed maximum amount of any tax which may be levied in any year for improvement district purposes other than payment of the principal and interest on bonds.

(h) The time and place for a hearing by the board on the formation of the proposed improvement district, on the boundaries thereof, on the project proposed to be undertaken therein and on the method by which the project is proposed to be financed, which shall be not less than 15 nor more than 60 days after the date of adoption of the resolution initiating the formation proceedings.

(Added by Stats.1975, c. 63, p. 116, § 9, eff. May 6, 1975.)

§ 95-14.4. Hearing; publication of notice

Sec. 14.4. Notice of the time and place of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation within the proposed improvement district, but if there is no such newspaper, then one within the agency. The notice shall contain a copy of the resolution and a designation of a public place within the agency where a copy
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of a map of the proposed improvement district may be seen by any interested persons. Also, the clerk or secretary of the agency shall give notice of the hearing by mailing a copy of such notice to all landowners owning land within the proposed improvement district as shown by the last equalized assessment roll of the county; provided, that the failure of the clerk to mail the notice to any landowner shall not affect the validity of any proceedings taken under this act.

(Added by Stats.1975, c. 63, p. 115, § 10, eff. May 6, 1975.)

§ 95-14.5. Hearing; objections

Sec. 14.5. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing and shall consider all written and oral objections of any matters set forth in the resolution. Any person interested may appear at the hearing and present any matters material to the subject thereof.

(Added by Stats.1975, c. 63, p. 117, § 11, eff. May 6, 1975.)

§ 95-14.6. Written protests; termination of proceedings; limitations

Sec. 14.6. If prior to the conclusion of the hearing written protests against the formation of the proposed improvement district and the proposed project signed by 50 percent or more of the qualified electors residing within the proposed improvement district are filed with the board, further proceedings relating to the proposed improvement district and the proposed project shall be terminated and no proceedings for the formation of any improvement district to undertake the proposed project shall be instituted for a period of not less than six months following the date of the conclusion of the hearing.

(Added by Stats.1975, c. 63, p. 117, § 12, eff. May 6, 1975.)

§ 95-14.7. Written protests; qualified electors

Sec. 14.7. Written protests provided for in Section 14.6 may be made only by persons who are qualified electors residing within the proposed improvement district. Each protest shall include the elector's place of residence, giving street and number or a designation sufficient to enable the location to be readily ascertained, and shall include the date the elector signed the protest.

(Added by Stats.1975, c. 63, p. 117, § 13, eff. May 6, 1975.)

§ 95-14.8. Withdrawal of protests

Sec. 14.8. Any qualified elector who has made a written protest which has been filed with the board pursuant to Section 14.6 shall have his protest withdrawn upon filing a written request therefor with the board prior to the conclusion of the hearing.

(Added by Stats.1975, c. 63, p. 117, § 14, urgency, eff. May 6, 1975.)
§ 95–14.9. Submission of protests and description of boundaries to county clerk; report

Sec. 14.9. The board shall submit all written protests filed with the board pursuant to Section 14.6 which have not been withdrawn pursuant to Section 14.8 prior to the conclusion of the hearing, together with a description of the boundaries and a map of the proposed improvement district, to the county clerk. The county clerk shall expeditiously determine and report to the board what number of qualified electors residing within the proposed improvement district have filed valid written protests and what percent such number of qualified electors is of the total number of qualified electors within the proposed improvement district.

(Added by Stats.1975, c. 63, § 15, eff. May 6, 1975.)

§ 95–14.10. Authority of board

Sec. 14.10. The board shall have power to change the boundaries of the proposed improvement district, the project to be undertaken, the estimate of the cost of the project, the method by which the project is to be financed, the proposed maximum amount of any tax or any two or more of such matters; provided, however, that the board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by such improvement and shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein.

(Added by Stats.1975, c. 63, § 16, eff. May 6, 1975.)

§ 95–14.11. Proposed changes by board; hearing

Sec. 14.11. If the board proposes to change the boundaries of the proposed improvement district by adding territory thereto, the project, the estimate of cost, or the method by which the project is to be financed or to increase the proposed maximum amount of any tax, it shall state the proposed change and the time and place for a hearing thereon in a resolution and give notice of such hearing as provided in Section 14.4. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall continue with the hearing. At the hearing any person interested may appear and present any matters material to the changes stated in the notice.

(Added by Stats.1975, c. 63, § 17, eff. May 6, 1975.)

§ 95–14.12. Declaration of district formation; resolution

Sec. 14.12. At the conclusion of the hearing, if proceedings relating to the proposed improvement district have not been terminated in the manner set forth in Section 14.6, the board may, after excluding any land which it finds will not be benefited by the proposed project and if it finds and determines that the project is feasible, economically sound and for the best interests of the agency and the proposed improvement district, declare, by resolution, that the proposed improvement district is formed.

(Added by Stats.1975, c. 63, § 18, eff. May 6, 1975.)
§ 95–14.13. Resolution; contents

Sec. 14.13. The resolution declaring an improvement district to be formed shall contain the following:

(a) A description of the boundaries thereof and the name of the improvement district, which shall thereupon constitute and be known as "Improvement District No. ______ of the Amador Water Agency."

(b) A brief description of the project which may be undertaken for the benefit of the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal and of interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount set forth in the resolution adopted pursuant to Section 14.3 or 14.11. No tax may be levied unless the maximum amount thereof has been established by the voters within the improvement district to the extent required by Section 2263.2 of the Revenue and Taxation Code or other applicable law.

After adoption of the resolution, a certified copy thereof together with a map of the improvement district shall be filed with the county assessor, the county tax collector and the State Board of Equalization.


§ 95–14.14. Boundaries; inclusion of additional lands

Sec. 14.14. The boundaries of an improvement district determined and established by the board in the resolution declaring the improvement district to be formed may be the whole or part of the proposed improvement district described in the resolution adopted pursuant to Section 14.3 or Section 14.11 and may include additional lands, the owners of which have, by written petition filed with the board, requested be included within the improvement district. The territory of an improvement district need not be contiguous, may include either or both incorporated and unincorporated areas, may include lands within any member units and lands within any other improvement district, but shall be entirely within the agency.

(Added by Stats.1975, c. 63, p. 119, § 20, eff. May 6, 1975.)

§ 95–14.15. Annexation or detachment of territory; resolution; contents; terms and conditions

Sec. 14.15. Territory within the agency may be annexed to an improvement district, whether or not contiguous thereto, and territory within an improvement district may be detached therefrom pursuant to the procedure hereinafter set forth. Annexation of territory to an improvement district or detachment of territory therefrom shall be initiated by a resolution of the board which shall contain at least all of the following:

(a) A description of the territory proposed to be annexed or detached.
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(b) A statement that the area to be annexed to or detached from the improvement district will be benefited by such annexation or detachment.

(c) Any proposed terms and conditions of annexation, including but not limited to (1) payment of a fixed or determinable amount of money, either in a lump sum or in installments for the use or right of use of all or any part of the existing property or rights of the improvement district, and (2) the levying or fixing and collection of special, extraordinary or additional taxes or assessments, or special, extraordinary or additional service charges, rentals or rates, or both, for the purpose of providing for any such payment required pursuant to this subdivision.

(d) The time and place for a hearing by the board on the proposed annexation or detachment, which shall not be less than 15 nor more than 60 days after the date of adoption of the resolution initiating the proceedings.

(e) Any additional matters which the board may determine are necessary or convenient to the proceedings.

(Added by Stats.1975, c. 63, p. 119, § 21, eff. May 6, 1975.)

§ 95-14.16. Resolution; publication; annexation or detachment

Sec. 14.16. The resolution shall be published and notice of the hearing on the proposed annexation or detachment shall be given in the manner required by Section 14.4, except that in applying such section the words “improvement district” shall mean the territory proposed to be annexed or detached.

(Added by Stats.1975, c. 63, p. 120, § 22, eff. May 6, 1975.)

§ 95-14.17. Hearing; annexation or detachment

Sec. 14.17. The hearing on the proposed annexation or detachment shall be held in the manner required by Section 14.5.

(Added by Stats.1975, c. 63, p. 120, § 23, eff. May 6, 1975.)

§ 95-14.18. Written protests; termination of proceedings; limitations; withdrawal; sufficiency

Sec. 14.18. If prior to the conclusion of the hearing written protests against the proposed annexation or detachment signed by 50 percent or more of the qualified electors residing within the territory proposed to be annexed or detached are filed with the board, further proceedings relating to the proposed annexation or detachment shall be terminated and no proceedings for the annexation or detachment of the same territory shall be instituted for a period of not less than six months following the date of the conclusion of the hearing. Such written protests may be withdrawn by the same method as provided in Section 14.8 with respect to the formation of an improvement district. The sufficiency of written protests shall be determined by the same methods as provided in Section 14.9, for the examination of petitions protesting the formation of an improvement district.

(Added by Stats.1975, c. 63, p. 120, § 24, eff. May 6, 1975.)
§ 95-14.19. Authority to change boundaries; restrictions
Sec. 14.19. The board shall have the power to change the boundaries of territory proposed to be annexed or detached from an improvement district, but shall not add any territory which, in its judgment, will not be benefited by the proposed annexation or detachment, nor shall it subtract any territory which it finds would be benefited by the proposed annexation or detachment.
(Added by Stats.1975, c. 63, p. 120, § 25, eff. May 6, 1975.)

§ 95-14.20. Proposed additions by board; notice
Sec. 14.20. If the board proposes to change the boundaries of the territory proposed to be annexed or detached by adding territory thereto, it shall give notice thereof in the manner provided in Section 14.16. Owners of land within the affected territory shall be given an opportunity to appear before the board pursuant to Section 14.17 and to register any protests.
(Added by Stats.1975, c. 63, p. 120, § 26, eff. May 6, 1975.)

§ 95-14.21. Resolution ordering annexation or detachment; terms and conditions; election
Sec. 14.21. At the conclusion of the hearing, the board may, by resolution, order the annexation to or detachment from the improvement district of such territory as it determines will be benefited thereby and shall include in the order any terms and conditions of annexation; provided, that the resolution shall not include terms and conditions of annexation respecting matters not set forth in the resolution initiating the annexation.

The board may order such annexation or detachment either without election or subject to confirmation by the voters within the territory to be annexed or detached upon the question of such annexation or detachment. However, the board shall not order such annexation or detachment without election unless the board finds that written protests filed and not withdrawn represent less than 25 percent of the number of qualified electors residing in such territory.

Any such election ordered by the board shall be conducted in the same manner prescribed by Article 6 (commencing with Section 2285) of Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code for tax rate limit elections.
(Added by Stats.1975, c. 63, p. 120, § 27, eff. May 6, 1975.)

§ 95-14.22. Assent by owners to annexation or detachment; order
Sec. 14.22. If all the owners of land within the territory proposed to be annexed or detached have given their written assent to such annexation or detachment and any terms and conditions thereof, the board may, by resolution, order such an annexation or detachment without notice and hearing by the board.
(Added by Stats.1975, c. 63, p. 121, § 28, eff. May 6, 1975.)
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§ 95-14.23. Filing of copy and map

Sec. 14.23. After the adoption of a resolution ordering such annexation or detachment, a certified copy thereof with a map of the territory thus annexed or detached shall be filed with the county assessor, the county tax collector, and the State Board of Equalization.

(Added by Stats.1975, c. 63, § 29, eff. May 6, 1975.)


Sec. 14.24. Whenever any territory is annexed to an improvement district, the annexed territory shall be subject to all the liabilities and entitled to all the benefits of that improvement district, except as otherwise provided in the order of annexation.

Whenever any territory is detached from an improvement district, except as otherwise provided for herein, the territory detached, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing within such improvement district shall cease to be subject to the jurisdiction thereof and shall have none of the rights or duties of the remaining territory or voters thereof on and after the effective date of the detachment. No inhabitant, property owner, taxpayer, consumer, or user within territory detached from an improvement district shall be entitled (1) to all or any part or to any payment on account of the moneys or funds, including cash on hand and moneys due but uncollected, or any property, real or personal, or such improvement district or (2) to any refund by reason of any taxes, assessments, service charges, rentals, or rates collected prior to the effective date of the detachment.

Territory detached from an improvement district shall continue to be liable for the payment of principal, interest, and any other amounts which shall become due on account of any bonds, including revenue bonds, or other indebtedness contracts or obligations of the improvement district within which the detached territory was formerly located, as shall be outstanding on the effective date of detachment and such territory shall be subject to the levying or fixing and collection of any (1) taxes or assessments, or (2) service charges, rentals or rates, or (3) a combination thereof, as may be necessary to provide for such payment.

(Added by Stats.1975, c. 63, § 30, eff. May 6, 1975.)

§ 95-14.25. Bonds; authorization, issuance and sale; law governing

Sec. 14.25. After the formation of an improvement district, if any portion of the cost of a project proposed therefor is to be financed by the issuance of bonds by the agency on behalf of the improvement district, proceedings may be taken by the board for the authorization, issuance, and sale of bonds of the agency on behalf of the improvement district pursuant to Sections 15, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 16 and 17 of this act.

(Added by Stats.1975, c. 63, p. 122, § 31, eff. May 6, 1975.)
§ 95-14.26. Authority to levy and collect taxes

Sec. 14.26. Subject to any provision of law requiring establishment of the maximum-amount of any tax by election, and subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the board shall have the power in any year to cause taxes to be levied and collected in any improvement district to finance any project of such improvement district or to pay the principal of and interest on bonds issued by the agency on behalf of such improvement district for the purpose of financing any project in such improvement district, and to pay the costs of administration, maintenance, and operation of any works or facilities of or for said improvement district.

(Added by Stats.1975, c. 63, p. 122, § 32, eff. May 6, 1975.)

§ 95-14.27. Procedure; levy and collection of taxes

Sec. 14.27. The procedure for levying and collecting taxes in any improvement district shall be the same as that provided for in this act for the levying and collecting of agency taxes.

(Added by Stats.1975, c. 63, p. 122, § 33, eff. May 6, 1975.)

§ 95-14.28. Expenditure of taxes collected; purpose

Sec. 14.28. All the taxes collected pursuant to Section 14.26 of this act for the payment of bond principal and interest shall be expended only for such purpose. All the other taxes collected pursuant to such section shall be expended only for the improvement district for which levied, except that any surplus of such tax proceeds which remain after the termination of the improvement district for which levied shall be transferred to the bond interest and redemption fund of such improvement district, if any, otherwise to the agency's general fund.

(Added by Stats.1975, c. 63, p. 122, § 34, eff. May 6, 1975.)

§ 95-14.29. Properties equally benefited

Sec. 14.29. For the purpose of any tax levied pursuant to Section 14.26 of this act the properties within any improvement district shall be deemed to be equally benefited.

(Added by Stats.1975, c. 63, p. 122, § 35, eff. May 6, 1975.)

§ 95-15. Bonds; preliminary procedure; special bond election; irregularities; favorable vote

Sec. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in an agreement between the agency and the member unit, or for the benefit of any improvement district, it may determine and declare by resolution the amount of bonds necessary to be issued in each such member unit or improvement district affected for such work of
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improvement. The board shall cause a copy of the resolution duly certified by the clerk or secretary to be filed for record in the office of the Recorder of Amador County if the improvement is for the benefit of an improvement district and with the governing board of such member unit if the improvement is for the benefit of any member unit.

(b) After such resolution has been filed, the board shall call a special bond election in each said member unit or improvement district to submit to the qualified electors of each such member unit or improvement district the question of whether or not bonds shall be issued in the amount and for the purposes stated in the resolution.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit or improvement district, the proposition of incurring a bonded debt in the member unit or member units or improvement district in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the copy of the resolution on file with the office of the Recorder of Amador County or with the governing body of the member unit. The ordinance may specify that no bonds authorized at the election will be sold until contracts have been executed with member units within the area to be benefited by the improvement which will provide for payments by such member units to the agency sufficient to pay all or a specified portion of the principal and interest on any such bonds issued. If such a provision is included in the ordinance, no bonds authorized at the election shall be issued until such contracts have been executed. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed eight percent (8%) per annum. For the purposes of the election, the board shall establish special election precincts within the boundaries of each member unit or the improvement district and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the state except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the office of the agency, and in the office of the governing body of the member unit affected if said bonds are for an improvement for the
benefit of any member unit, for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in the improvement district or member unit or member units affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in the improvement district and in each said affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (2/3) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such improvement district or member unit for the amount stated in the proceedings shall be issued and sold as provided in this act.


Cross References
Publication in newspapers, see Government Code § 6000 et seq.

§ 95–15.1. Form; time and place of payment; series bonds; denominations; signatures

Sec. 15.1. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the improvement district or member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semiannually, at the discretion of the board, at a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board 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. The maturity of each series shall comply with this section. The board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of eight percent (8%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be
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signed by the president of the board, and countersigned by the secretary of said agency and the seal of said agency shall be affixed thereto by the secretary of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

(Stats.1959, c. 2137, p. 5077, § 15.1. Amended by Stats.1975, c. 63, p. 124, § 37, eff. May 6, 1975.)

§ 95-15.2. Call of bonds

Sec. 15.2. Such bonds may be callable upon such terms, conditions, and upon such notice as the agency may determine, and upon the payment of such premium as may be fixed by the agency in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

(Stats.1959, c. 2137, p. 5078, § 15.2.)

§ 95-15.3. Sale of bonds; terms and conditions

Sec. 15.3. Such bonds may be sold at either public or private sale. The agency may fix terms and conditions for the sale or other disposition of any authorized issue of bonds.

(Stats.1959, c. 2137, p. 5078, § 15.3.)

§ 95-15.4. Costs and expenses of issuance and sale

Sec. 15.4. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

(Stats.1959, c. 2137, p. 5078, § 15.4.)

§ 95-15.5. Replacement of lost, destroyed or mutilated bonds or coupons

Sec. 15.5. The agency may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

(Stats.1959, c. 2137, p. 5078, § 15.5.)
§ 95-15.6. Exemption from taxation

Sec. 15.6. Such bonds and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes. (Stats.1959, c. 2137, p. 5078, § 15.6.)

Library References
Taxation @ 218.
WESTLAW Topic No. 371.
C.J.S. Taxation § 260.

§ 95-15.7. Bonds; legal investments

Sec. 15.7. Bonds issued and sold pursuant to Section 15 of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited. (Stats.1959, c. 2137, p. 5078, § 15.7.)

Library References
Trusts @ 217.3(3).
WESTLAW Topic No. 390.
C.J.S. Trusts § 325.

§ 95-15.8. Proceeds of bond sales

Sec. 15.8. The board may issue and sell the bonds of such improvement district or member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the agency to the credit of the respective improvement district or member units thereof, for the uses and purposes of the improvement district or member unit or member units voting said bonds; and the proper record of such transactions shall be placed upon the books of the agency, and said respective improvement district or member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election. (Stats.1959, c. 2137, p. 5078, § 15.8. Amended by Stats.1975, c. 63, p. 125, § 38, eff. May 6, 1975.)

§ 95-15.9. Payment of bonds; interest

Sec. 15.9. Any bonds issued pursuant to Section 15 of this act, and the interest thereon, shall be paid by (1) revenue received from member units pursuant to any contracts which may be required with such member units by the ordinance adopted pursuant to subdivision (c) of Section 15 of this act and (2) from revenue derived from any taxes levied pursuant to Section 14.1 of this act to raise the amount of delinquencies, if any, of such member units on such contracts, to the extent that such revenues are available. To the extent that such revenues are or are estimated by the board to be insufficient to pay such
bonds and interest, or if no such contracts with member units are required by such ordinance, then any bonds issued pursuant to Section 15 of this act, and the interest thereon, may, in the board's discretion, be paid in whole or part from any other money available to the board and not specifically prohibited from being used for such purpose. To the extent that additional money is still needed to pay such bonds and interest, the same shall be paid by revenue derived from an annual tax or assessment levied upon all taxable property within each improvement district or member unit for which such bonds were issued. No member unit or improvement district nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit or improvement district for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units or improvement districts be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other improvement district or member unit.

(Stats.1959, c. 2137, p. 5079, § 15.9. Amended by Stats.1975, c. 63, p. 125, § 39, eff. May 6, 1975.)

§ 95-16. Order for work or improvement; procedure; definitions

Sec. 16. Whenever in the opinion of the board the public interest or convenience may require, it may order any work or improvement which it is authorized to undertake to be done in accordance with the procedure and in pursuance of the provisions of either the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code.

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

(a) "Municipality" or "city" refers to the agency;

(b) "City council" or "legislative body" refers to the board of directors of the agency;

(c) "City treasurer" or "treasurer" refers to the officer of the agency who has charge of and makes payments of the agency funds;

(d) "Mayor" refers to the president of the agency;

(e) "Clerk" refers to the secretary of the agency;

(f) "Council chambers" refers to the place where the regular meetings of the board of directors are held;

(g) "Superintendent of streets," or "street superintendent" and "city engineer" refer to the engineer of the agency;

(h) "Right of way" refers to any parcel of land through which a right of way has been granted to the agency for any purpose;

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

(Stats.1959, c. 2137, p. 5079, § 16.)
§ 95-16.5. Improvement districts; manner of government; rights, powers, duties, and responsibilities of board; assessments

Sec. 16.5. Improvement districts may be formed in the agency for any authorized purpose of the agency in the same manner as improvement districts are formed in irrigation districts. When formed, the improvement districts shall be governed in the same manner as improvement districts in irrigation districts. The board shall have the same rights, powers, duties, and responsibilities with respect to the formation and government of improvement districts in the agency as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts. Assessments in an improvement district in the agency shall be levied, collected, and enforced at the same time and as nearly in the same manner as practicable as annual taxes of the county, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

(Added by Stats.1988, c. 539, § 12.)

§ 95-17. Revenue bonds

Sec. 17. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred, and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code and for such purpose the agency shall be considered a "local agency" as defined by Section 54307 of said code; provided, however, that notwithstanding the provisions of Section 54310 of the Government Code, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include systems, plants, works or undertakings for the generation, production, transmission, and sale of hydroelectric energy. Any election for the issuance of revenue bonds for an improvement district of the agency shall be limited to the area of such improvement district, and the proceeds from the sale of such revenue bonds shall be expended only for the benefit of such improvement district.

(Stats.1959, c. 2137, p. 5079, § 17. Amended by Stats.1975, c. 63, p. 126, § 40, eff. May 6, 1975.)

§ 95-18. Revenue bonds: legal investments

Sec. 18. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000) of Division 10 of the Water Code).

§ 95-19. Improvements; conformity with report, plans and specifications; additional bonds; defeat of bond proposal; waiting period before new election

Sec. 19. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and maps theretofore adopted unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to the best interest of the agency by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work of improvement, and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized and the proceeds of the sale thereof have been expended as authorized in this act and the board shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election for incurring indebtedness and issuing bonds under this act for the same purpose.

(Stats.1959, c. 2137, p. 5080, § 19.)

§ 95-20. Effect of repeal or amendment of act upon obligations of outstanding bonds or indebtedness

Sec. 20. The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

(Stats.1959, c. 2137, p. 5080, § 20.)

§ 95-21. Statement of creation of and boundaries of agency; filing; assessment and collection of taxes

Sec. 21. On or before the first day of February next succeeding the effective date of this act, the board shall cause to be filed a statement of the creation of and the boundaries of the agency with the county assessor and with the State
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Board of Equalization in the manner provided by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. Thereafter, all assessments shall be made for the agency by the State Board of Equalization and the county assessor, and all taxes shall be collected for the district by the county tax collector in the manner provided in this act.

The board shall, at the time of fixing the general tax levy, levy annually such taxes as are authorized by this act, and immediately thereafter transmit to the county auditor a statement of the rate or rates of taxes fixed by the board. (Stats.1959, c. 2137, p. 5081, § 21.)

§ 95–21.1. Collection with county taxes; alternative procedure

Sec. 21.1. The agency’s taxes so levied shall be collected with and not separately from taxes for county purposes. When collected the agency taxes shall be paid to the treasurer of the agency, under the general requirements and penalties provided by law for the settlement of other taxes. The agency may adopt the alternative procedure of tax collection and apportionment established by Chapter 3 (commencing at Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code and any amendments thereof, provided, however, that the agency may thereafter abandon said alternative procedure at the end of any fiscal year of the agency. (Stats.1959, c. 2137, p. 5081, § 21.1.)

Library References

Waters and Water Courses ¶ 198.
WESTLAW Topic No. 405.
C.J.S. Waters §§ 229, 262.

§ 95–21.2. Tax lien

Sec. 21.2. All taxes levied under this act are a lien on the property on which they are levied. The provisions of law of this State, prescribing the priority, time, and manner of assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed by the provisions of this act. (Stats.1959, c. 2137, p. 5081, § 21.2.)

§ 95–22. Action to test validity of bonds or contract

Sec. 22. An action to determine the validity of bonds or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made. (Stats.1959, c. 2137, p. 5081, § 22. Amended by Stats.1961, c. 1483, p. 3334, § 1.)
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Cross References
Pleading, see Code of Civil Procedure § 420 et seq.
Publication in newspapers, see Government Code § 6000 et seq.
Service of summons by publication, see Code of Civil Procedure § 415.50.

Library References
Declaratory Judgment $=211.
WESTLAW Topic No. 118A.
C.I.S. Declaratory Judgment § 78.

§ 95-23. Effect of establishment of agency or act upon municipalities, districts or other agencies

Sec. 23. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Amador Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.


§ 95-24. Vested rights

Sec. 24. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

(Stats.1959, c. 2137, p. 5082, § 24.)

§ 95-25. Action to test legality of existence of agency

Sec. 25. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Amador, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear
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as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

(Stats.1959, c. 2137, p. 5082, § 25.)

Cross References

Publication in newspapers, see Government Code § 6000 et seq.

Service of summons by publication, see Code of Civil Procedure § 415.50.

§ 95-26. Dissolution

Sec. 26. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing at Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

(Stats.1959, c. 2137, p. 5083, § 26.)

Library References

Waters and Water Courses §1833.

WESTLAW Topic No. 405.

C.J.S. Waters § 243.

§ 95-27. Legislative findings and declaration

Sec. 27. The Legislature hereby finds that water problems in the county require county-wide water conservation, flood control and development of water resources; that these problems are not general or state-wide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that irrigation districts, county water districts, municipalities, and California water districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

(Stats.1959, c. 2137, p. 5083, § 27.)
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§ 95-28. Partial Invalidity

Sec. 28. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

(Stats. 1959, c. 2137, p. 5083, § 28.)

Library References

Statutes @64(2).
WESTLAW Topic No. 361.
C.J.S. Statutes § 96 et seq

§ 95-29. Short title

Sec. 29. This act may be designated and referred to as "the Amador Water Agency Act," and any reference thereto by this designation shall be sufficient for all purposes.

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98, to improve water supplies to meet municipal, agricultural, and environmental water needs and minimize the need to import water from other hydrologic regions. The report shall include, but is not limited to, regional and local water projects that, use technologies for desalting brackish groundwater and ocean water, reclaiming water for use within the community generating the water to be reclaimed, the construction of improved potable water treatment facilities so that water from sources determined to be unsuitable can be used, and the construction of dual water systems and line lines, particularly in connection with new developments and when replacing water piping in developed or redeveloped areas. (Added by Stats. 2001, c. 320 (S.B.672), § 2. Amended by Stats.2003, c. 664 (A.B.3034), § 224.)

Part 2
APPROPRIATION OF WATER BY DEPARTMENT OF WATER RESOURCES

Section
10500. Applications; filing; formalities; priority; diligence.

10504. Transfer of applications to state water resources control board; release and assignment of priority; assignee defined.

10504.01. Incomplete applications; procedure; consolidation of petitions.

10504.02. Completed applications; procedure; law governing.

10504.1. Public hearing.

10504.5. Submission of changes and amendments for approval.

10505. Restrictions on release of assignment.

10505.5. Territorial restrictions on use.

10506. Assistance of state officers and agencies.

§ 10500. Applications; filing; formalities; priority; diligence

The department shall make, and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan, looking toward the development, utilization, or conservation of the water resources of the state.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 (commencing with Section 1200) of Division 2 of this code and the rules and regulations of the State Water Resources Control Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. The statutory requirements of Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504. (Added by Stats.1943, c. 370, p. 1896. Amended 222


§ 10504. Transfer of applications to state water resources control board; release and assignment of priority; assignee defined.

All applications made and filed pursuant to Section 10500 shall be transferred to the State Water Resources Control Board and held by the board for the purposes of this part. The board may release from priority or assign any portion of any application filed under this part when the release or assignment is for the purpose of development not in conflict with such general or coordinated plan or with water quality objectives established pursuant to law. The assignee of any such application whether heretofore or hereafter assigned, is subject to all the requirements of diligence as provided in Part 2 (commencing with Section 1200) of Division 2 of this code. “Assignee” as used herein includes, but is not limited to, state agencies, commissions and departments, and the United States of America or any of its departments or agencies. (Added by Stats.1943, c. 370, p. 1896. Amended by Stats.1951, c. 425, p. 1438, § 3, operative Dec. 1, 1951; Stats.1957, c. 1932, p. 3405, § 255; Stats.1959, c. 1005, p. 3026, § 1; Stats.1959, c. 2101, p. 4871, § 1; Stats.1965, c. 989, p. 2616, § 7; Stats.1967, c. 284, p. 1447, § 136.2, operative Dec. 1, 1967.)

§ 10504.01. Incomplete applications; procedure; consolidation of petitions.

Each petition for assignment of all or a portion of an application filed pursuant to this part, which application has not been completed in accordance with law and the regulations of the board, shall include as a part thereof a proposed completed application consistent with the requested assignment, and describing petitioner’s proposed project. As soon as practicable after the receipt of such petition the board shall issue and deliver a notice of the petition and proposed completed application in accordance with Article 1 (commencing with Section 1300), Chapter 3, Part 2, Division 2 of this code and also deliver a copy of the notice to the department and to the board of supervisors of each county in which the water originates and in which the water is to be used. Further procedure with respect to each such petition shall be in accordance with Chapters 3 (commencing with Section 1300), 4 (commencing with Section 1330) and 5 (commencing with Section 1340), Part 2, Division 2 of this code relating to notice, protests, hearing, and action on applications for permits to appropriate water. The hearing shall be for the purpose of determining whether the application should be assigned pursuant to Sections