

West's Annotated California Codes [Currentness](#)  
Water Code Appendix [\(Refs & Annos\)](#)  
Chapter 99. Kern County Water Agency Act [\(Refs & Annos\)](#)

**§ 99-1. Creation; name; boundaries**

**Section 1.** A district is hereby created to be known as the Kern County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Kern.

**§ 99-2. 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 Kern County Water Agency.
- (b) "County" means the County of Kern of the State of California, and "board of supervisors" means the Board of Supervisors of the County of Kern.
- (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 damsites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission and distribution of water; any replacement, renovation or improvement of the foregoing; and all land, 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, water storage districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state, other than the County of Kern, 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 such district, or for (ii) the underwriting in whole or in part of any or all of such 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 such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency, the state 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.

(j) “Board” means the board of directors of the agency.

(k) “Agency election” means the election held in every even-numbered year, and consolidated with the general election, as defined in [Section 23 of the Elections Code](#), for the election of directors.

(l) “Channel protection work” means work which is done periodically or on a continuing basis to maintain the integrity of any channel owned by the agency or any channel for which the agency has flood control responsibility under this act.

(m) “Maintenance work” means work that is performed periodically or on a continuing basis for the purpose of preserving, maintaining, and keeping any roadway, structure, or other facility belonging to the agency as nearly as possible in its original condition as constructed or subsequently improved. Such work shall not include the replacement of any roadway, structure, or facility whether such replacement is in whole or in part.

(n) “Emergency work” means any work which must be performed without undue delay to protect life and property from impending flood or eminent threat of flood or to preserve or protect an existing water supply.

(o) “Force account” means work which is performed under the direct supervision of the agency through the acquisition of materials on the open market and the use of day labor, or the rental of equipment, or contracted labor, or the employees of the agency, or any combination thereof.

### **§ 99-3. Body politic and corporate; general powers; exercise of powers**

**Sec. 3.** The Kern County 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 such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors.

#### **§ 99-3.1. Perpetual succession**

Sec. 3.1. The agency shall have perpetual succession.

#### **§ 99-3.2. Seal**

Sec. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

#### **§ 99-3.3. 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.

#### **§ 99-3.4. 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 water or property held or used for the development, storage or distribution of water for public use without the consent of the owner of such property, unless provision is made to furnish an equivalent water supply and substitute facilities of equal usefulness for the use of the owner of such property.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the 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 Kern shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

#### **§ 99-3.5. 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](#).

#### **§ 99-3.6. Contracts; employment of labor; necessary acts; construction**

Sec. 3.6. Subject to the limitations provided in this act, 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.

#### **§ 99-3.7. 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.

#### **§ 99-4. 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.

#### **§ 99-4.1. Flood control; water conservation**

Sec. 4.1. The agency shall have the power to control the flood and storm waters within 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 percolating 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.

#### **§ 99-4.2. Drainage and reclamation**

Sec. 4.2. The agency may drain and reclaim lands within the agency either by surface or underground works or both; and may acquire, by appropriation or other lawful means, and divert, store, conserve, transport or dispose of water resulting from such operations for any beneficial purpose or use.

**§ 99-4.3. Storage of water; conservation and reclamation; appropriation; actions; prevention of unlawful exportation; contamination or pollution**

Sec. 4.3. The agency shall have the power (a) to appropriate and acquire water and water rights; (b) to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; (c) to conserve and reclaim water for present and future use within the agency; (d) 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 or the member units thereof; (e) to commence, maintain, intervene in, defend or compromise, in the name of the agency, and to assume the costs and expenses of any action or proceeding:

- (1) 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:
- (2) To prevent interference with or diminution of such waters;
- (3) To prevent the wasteful use of water in the agency;
- (4) To prevent the unlawful exportation of water from the agency;
- (5) To prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in the agency;
- (6) 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.

**§ 99-4.4. 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.

**§ 99-4.5. 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.

**§ 99-4.6. 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 storm water 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; provided, that the existence of such right of access shall not relieve the agency from liability for damage sustained by any property owner by reason of the exercise of said right.

#### **§ 99-4.7. 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 owner whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall co-operate with the agency in forming said intersections and crossings and grant the rights therefor; provided, that nothing herein contained shall be construed to preclude or limit the right of such owner to recover just compensation for any damage or loss sustained by reason of any intersection or crossing that occurs as aforesaid.

#### **§ 99-4.8. 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.

#### **§ 99-4.9. Repealed by Stats.1975, c. 585, p. 1242, § 8**

#### **§ 99-4.10. Appropriation of county funds for agency purposes**

Sec. 4.10. Until such time as funds first can be made available to the agency under the provisions of this act, the board of supervisors of the county may, upon a showing that funds are needed for the purposes of the agency, appropriate money from the general fund of the county for the use of the agency in an amount not in excess of that which the agency could have raised by assessment during any one year pursuant to [Section 14](#) of this act, or so much thereof as may be required.

#### **§ 99-4.11. Reimbursement of county for expenses**

Sec. 4.11. The agency may reimburse the county for any funds made available by the county pursuant to Section 4.10 of this act and for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

#### **§ 99-4.12. Contracts with private water companies**

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

**§ 99-4.13. 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.

**§ 99-4.14. Hydroelectric energy; development; sale**

Sec. 4.14. 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 at wholesale to any public agency or private entity, or both, or the federal or state government.

**§ 99-4.15. Contract for sale of right to use falling water**

Sec. 4.15. 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.

**§ 99-5. Sale, lease or transfer of water or right 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 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 and contracts for the sale of water pursuant to Section 4.12. 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.

**§ 99-5.1. 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 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.
- (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 Section 5.5 by one member unit to another member unit shall be delivered to the latter.

#### **§ 99-5.2. 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 the agency.

#### **§ 99-5.3. 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.

(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.

#### **§ 99-5.4. 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.

#### **§ 99-5.5. Assignment of contract rights to other 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 be required by the agency to guarantee the payments assumed by the assignee member unit.

#### **§ 99-5.6. 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.

#### **§ 99-5.7. Sale or delivery of water to district or company within Antelope Valley-East Kern Water Agency**

Sec. 5.7. Notwithstanding any provision of this act to the contrary, the Kern County Water Agency shall not sell or deliver water to any district or water company lying within a part of the Antelope Valley-East Kern Water Agency for delivery or use within the Antelope Valley-East Kern Water Agency, nor shall the property and inhabitants within the Antelope Valley-East Kern Water Agency be subject to any tax levied by the Kern County Water Agency for the purpose of making payments pursuant to its contract with the State of California made under the provisions of the California Water Resources Development Bond Act.

#### **§ 99-6. 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 ir-

rigation 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.

#### **§ 99-6.1. 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.

#### **§ 99-6.2. Cooperation with United States, state, municipalities, etc.; contracts**

Sec. 6.2. The agency may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person, in the purchase, sale, or exchange of water, in the acquisition of water or a water supply, in the construction 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 for the use, operation and management and ownership of such works. 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 of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, water storage 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) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to co-operate or act in conjunction and contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

#### **§ 99-6.3. Election to authorize entry into certain contracts with state; exceptions; payments or delinquencies**

Sec. 6.3. (a) Except as provided in subdivision (f), a proposal to enter into a contract with the state shall be authorized at an election if the contract is for any or all of the following purposes:

(1) Repayment of construction money.

(2) Repayment of the cost of acquiring any property.

(3) Issuance of bonds.

(b) Proceedings at the election shall be held insofar as applicable in the manner provided in the case of the ordinary issuance of agency bonds.

(c) Notice of the election shall include, in addition to the information required in the case of ordinary bond elections a statement of the maximum amount of money to be payable to the state for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if

any, to be conveyed by the agency pursuant to contract.

(d) The ballots at the election shall include a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract--Yes" and "Contract--No" or "Contract and bonds--Yes" and "Contract and bonds--No" whichever may be applicable.

(e) A majority vote at an election is sufficient to authorize the execution of the contract.

(f) An election is not required pursuant to subdivision (a) to authorize contracts for loans from the state pursuant to any voter-approved, water-related bond issue or for contracts with the state, except for the issuance of bonds, if payments by the agency under the contract are to be made from revenues derived from the operation of projects, from contracts with beneficiaries of projects, from grants or gifts, or from returns on investments. Contracts with the state for the issuance of bonds require an election pursuant to subdivision (a).

(g) Payments or delinquencies under contracts with the state excepted by subdivision (f) from the operation of subdivision (a) shall not be payable from tax revenues of the agency.

**§ 99-7. Election to determine whether agency should begin to function and to select directors**

Sec. 7. The board of supervisors, within 30 days after the effective date of this act, shall call and give notice of an election to be held in the agency for the purpose of determining whether it shall begin to function and exercise its powers and for the selection of persons who shall serve as directors of the agency if it shall begin to function and exercise its powers.

The election shall be held not less than 75 days, nor more than 90 days, after the effective date of this act. The candidates for director shall be nominated, and the preparations for the election shall be made, in the manner provided by Articles 2 (commencing with [Section 30745](#)) and 3 (commencing with [Section 30770](#)) of Chapter 3 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 for, the division in which he is a voter.

Notice of the election shall be published in a newspaper of general circulation circulated within the territory of the agency. Such notice shall be published at least twice, with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the date of the election.

The notice of the election shall contain:

(a) The date of the election;

(b) The name of the agency;

(c) The proposition to be voted on, as follows: "Shall the Kern County Water Agency begin to function and exercise its powers in accordance with the provisions of the Kern County Water Agency Act?"; and

(d) A statement that the first elective directors will be elected at that election, and said directors will take office if a majority of the voters vote that the agency shall begin to function and exercise its powers.

There shall be printed on the ballot, together with the names of the candidates for director from each of the respective divisions, the following question:

“Shall the Kern County Water Agency begin to function and exercise its powers in accordance with the provisions of the Kern County Water Agency Act?” Following this question, there shall be the words “yes” and “no” on separate lines, with a voting square at the right of each, in which the voters shall indicate by stamping a cross (+) is vote for or against the proposition.

If a majority of the voters voting on the proposition vote in its favor, the board of supervisors shall canvass the returns for directors and those seven persons receiving the highest number of votes in each of their respective divisions shall be declared elected. The agency shall begin to function and shall exercise its powers, and the board of supervisors within 15 days after said election, shall by resolution enter on its minutes a declaration that the agency has begun to function and exercise its powers.

The County Clerk of Kern County, immediately after the entering of the resolution in the minutes of the board of supervisors as above provided, shall cause to be filed in the office of the Recorder of Kern County and with the Secretary of State, a certified copy of said resolution. Thereupon, the organization of the agency shall be complete.

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

The validity of the organization of the agency shall not be contested in any proceeding commenced more than 90 days after the date that the organization of the agency is complete.

If less than a majority of the votes cast at the election is in favor of the proposition that the agency should begin to function and exercise its powers, the board of supervisors shall declare the proceedings terminated; but a petition requesting that the agency transact business and exercise its powers, signed by not less than 5,000 qualified electors residing within the territory of the agency, may be filed with the board of supervisors not later than 90 days prior to the 1962 general election, and requesting that the board of supervisors call a special election, to be consolidated with said general election, for the purpose of submitting to the voters within the territory of the agency the proposition of whether the agency should begin to function and exercise its powers and for the election of the first directors of the agency. If such petition is filed the board of supervisors shall call and hold such election, and the provisions of this section with respect to the calling and holding of such an election shall be applicable.

#### **§ 99-7.1. Board of directors; membership; divisions; boundary adjustments; terms; vacancies**

Sec. 7.1. The governing body of the agency shall be a board of seven directors, with one director being a voter of and nominated and elected from each of seven divisions established by ordinance of the agency. Following each decennial federal census, and using the census as a basis, the board shall adjust the boundaries of any or all of the divisions of the agency so that the divisions shall be as nearly equal in population as may be. In establishing the boundaries of the divisions, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the divisions. The boundaries of the divisions shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. At any time between the decennial adjustments of district boundaries, the board may adjust the boundaries of the divisions on the basis of a census taken pursuant to [Section 26203 of the Government Code](#), or on the basis of population estimates prepared by the State Department of Finance or the Kern County Planning Department or the Kern County Planning Commission.

The term of office of any director who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the division from which he was elected. At the first election following adjustment of the boundaries of any divisions, a director shall be elected for each division under the readjusted division plan that has the same division number as a division whose incumbent's term is due to expire. A change in the boundaries of a division shall not be made within 90 days prior to the final date of voter registration for an election

of directors or between the direct primary election and the general election.

Each director shall be elected at the agency election and serve a term of four years. The elections of directors shall be held at the time of the general election and shall be consolidated therewith. Candidates shall declare their candidacy not less than 88 days and not more than 113 days before the general election. Each candidate for director who receives the highest number of votes within his division at the agency election shall be elected, and shall take office at the same time provided by the Government Code for county officers.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled by appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

**§ 99-7.1-1. Sole nominee or absence of nominees; appointment in lieu of election**

Sec. 7.1-1. Notwithstanding any other provisions of this act to the contrary, if by 5 p.m. on the 75th day prior to the day fixed for the agency election only one person has been nominated for any office of director to be filled at that election, or no one has been nominated for such office, and if a petition has not been presented to the board signed by 5 percent of the voters in the division eligible to vote for such office requesting that the agency election be held in such division, the board shall, at a regular or special meeting held prior to the day fixed for the election, appoint to such office the person, if any, who has been nominated and no election shall be held for such office. If no person has been nominated for any such office, the board shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at an agency election for such office.

**§ 99-7.2. Organization of board; ordinances; quorum; rules; public meetings**

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:

- (a) Elect one of its members president;
- (b) Provide for the time and place of holding its regular meeting; and
- (c) 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 Kern County 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.

**§ 99-7.3. Necessity of board approval; public hearings**

Sec. 7.3. Unless previously approved by the board of supervisors, no tax or assessment shall be levied hereunder, no

zone of benefit shall be created pursuant to Section 14.2 hereof, and no expenditure of funds unless previously approved in the form of a budget by the board of supervisors shall be made. The board of supervisors may, in connection with any of the foregoing, conduct public hearings. Such hearings shall be declared by a resolution specifying the purpose and the day, hour, and place where all interested persons may appear and be heard. This resolution shall be published in the agency pursuant to [Section 6063 of the Government Code](#) in a newspaper of general circulation in the agency. The hearing may be adjourned from time to time at the discretion of the board of supervisors and at its conclusion the board of supervisors shall declare its decision.

**§ 99-7.4. Compensation of board members**

Sec. 7.4. Each member of the board of directors shall be entitled to receive compensation not to exceed one hundred dollars (\$100) for each meeting attended, not exceeding four meetings per month, plus actual, necessary, and reasonable traveling expenses. Each member of the board of supervisors, when acting pursuant to Section 7.3, shall be entitled to receive from the agency the sum of twenty-five dollars (\$25) for each meeting attended, plus actual, necessary, and reasonable traveling expenses.

**§ 99-7.5. Directors; additional compensation**

Sec. 7.5. If allowed by the board, a director shall also receive for performing duties for the agency other than attending board meetings:

- (a) Not to exceed fifty dollars (\$50) for each day.
- (b) Traveling and other expenses incurred by him in his employment.

**§ 99-7.6. Budget; hearing; notice**

Sec. 7.6. The board of directors shall not approve an agency budget or submit it to the board of supervisors for approval unless the board has first conducted a public hearing.

The board shall publish a notice of the hearing pursuant to [Section 6066 of the Government Code](#).

**§ 99-8. Employment of county surveyor and county counsel; compensation; county officers and employees as officers and employees of agency**

Sec. 8. 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. The board may employ the county counsel as the attorney for the agency and may provide compensation for his services in addition to his salary as county counsel which shall be payable from the funds of the agency. All other 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, unless otherwise provided by the board, the same duties for the agency as performed for the county.

**§ 99-8.1. Officers and employees; compensation**

Sec. 8.1. 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.

**§ 99-9. Repealed by Stats.1970, c. 447, p. 896, § 28**

**§§ 99-9.1 to 99-9.3. Repealed by Stats.1963, c. 1685, p. 3308, §§ 16 to 18**

**§§ 99-9.1 to 99-9.3. Repealed by Stats.1963, c. 1685, p. 3308, §§ 16 to 18**

**§ 99-10. Claims against agency; law governing**

Sec. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation shall be 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.

**§ 99-11. 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.

**§ 99-12. Repealed by Stats.1984, c. 1128, § 159**

**§ 99-12.1. Improvements; engineering study; report; hearing**

Sec. 12.1. (a) Except as otherwise provided in subdivision (b), no works or improvements shall be undertaken by the agency, including proceedings pursuant to either Section 16 or Section 14.4 of this act, unless an investigation and report has been made and a hearing has been held thereon as provided in either this section or Section 14.6.

The board shall make or cause to be made an engineering study and report upon the proposed works or improvements, together with estimates of the cost thereof. The board may, after reviewing the report and estimates of cost, thereafter adopt a resolution declaring its intention to proceed with the proposed works or improvements, briefly describing the same and describing the area which will be benefited thereby, whether all or part of the agency or any one or more of the member units therein. The resolution shall further declare that a public hearing will be held thereon at a specified day, hour and place, where all persons interested may appear and be heard.

The resolution shall be published in a newspaper of general circulation within the area to be benefited by the proposed work or improvement once a week for two weeks, and the last day of publication shall be not less than seven days before the day fixed for the public hearing.

At any time before or during the public hearing, any holder of title to real property in the area to be benefited may file a written protest thereto with the secretary of the board. If before the conclusion of said hearing written protests have been filed by a majority in number of the holders of title to the real property in the area benefited and who are also the holders in title to a majority of the real property in the said area according to assessed valuation as shown by the last equalized assessment roll, then the board shall not proceed further with the proposed work or improvement until proceedings are commenced and completed hereunder without such protest; provided, that such proceedings shall not be commenced for a period of six months after the date of any such majority protest.

(b) The provisions of subdivision (a) shall not apply to (1) channel protection work, maintenance work, or emergency work or (2) to any work or improvement for which a specific appropriation is contained in the agency's budget and for which no special tax or assessment to pay the cost thereof shall be levied.

**§ 99-13. 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 the issuance of bonds, the levying of special assessments, or the execution of contracts with the United States or the state, or the issuance of negotiable promissory notes.

**§ 99-13.5. Negotiable promissory notes; interest rate; maturity; amount; terms and conditions**

Sec. 13.5. The agency may issue negotiable promissory notes to pay the cost of any work or improvement for the benefit of any member unit, as determined in any agreement between the agency and the member unit, or for the benefit of any improvement district or to refund any such notes. Such notes shall bear interest at a rate not exceeding 7 percent per annum, their maturity shall not be later than five years from the date thereof, and the total aggregate amount of such notes issued for each member unit or improvement district outstanding at any one time shall not exceed the lesser of either three million dollars (\$3,000,000) or 2 percent of the assessed valuation of the taxable property in the member unit or improvement district. All such notes shall be issued pursuant to a resolution of the board of directors of the agency which resolution shall, subject to the provisions hereof, prescribe the terms and conditions of such notes. Such notes and the interest thereon shall be payable from taxes or assessments levied on all taxable property within each improvement district or member unit for which such notes were issued or from revenues received from the member unit pursuant to any contract providing for the issuance of the notes. The board of directors is hereby authorized and directed to levy and collect taxes upon all property within the improvement district or member unit on whose behalf such notes are issued without limitation of rate or amount for the payment of the principal of and interest on such notes. Such taxes shall be in addition to any other taxes levied for all other agency purposes and shall be levied in the same manner and at the same time as all other agency taxes are levied and shall be used for no purpose other than payment of such principal and interest. No member unit or improvement district nor the property therein nor other lands within the agency shall be liable for the notes issued for the benefit of any other member unit or improvement district, nor shall any moneys derived from taxation or assessments in any of the several member units or improvement districts be used to pay the principal or interest of notes issued for any other member unit or improvement district.

**§ 99-14. Ad valorem tax; delinquent member units**

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, except as hereinafter provided, 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 five cents (\$0.05) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in the agency; provided, that with respect to the Antelope Valley-East Kern Water Agency situated in Kern and Los Angeles Counties and to the Devils Den Water District situated in Kern and Kings Counties, as long as each such entity continues to have substantially the same powers as are now vested in it by law and has a valid contract with the State of California for a water supply from the State Water Resources Development System, the agency shall not levy any tax pursuant to this section upon any property which (a) is within the boundaries of such entity at the time of such levy and (b) is situated within the boundaries of such entity as they existed on January 1, 1969.

The foregoing limitations shall be exclusive of any tax levied pursuant to Sections 14.1, 14.2, 14.13, 15, 15.9, 16 and 17 of this act.

#### **§ 99-14.1. Special ad valorem tax; delinquent member units**

The agency may levy a special ad valorem tax based on the last equalized county assessment roll on all the property taxable or subject to assessment by 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.

#### **§ 99-14.2. Establishment of zones of benefit**

Sec. 14.2. For the purpose of making payments pursuant to contracts entered into by the agency with the United States or the State, in accordance with the provisions of this act, the agency, in addition to the revenues and taxes otherwise provided for in this act, may make assessments apportioned in accordance with the benefits and, for this purpose, may establish zones of benefit which reflect the degree of benefit resulting to each zone from such contract or contracts. In the ascertainment of the benefits derived through such contract or contracts, and in establishing zones of benefit, there shall be taken into account the following:

- (a) Improvement in the underground water supply.
- (b) The contribution to the underground water supply by water made available independently of the agency.
- (c) The adequacy of the water supply made available independently of the agency.
- (d) The prospective need for a water supply.
- (e) Extractions from the underground water supply in excess of contributions.
- (f) The economic impact resulting from the water supply made available under such contract or contracts; provided, that areas not receiving a surface water supply or an improvement in the underground water supply by reason of such contract or contracts shall not be assessed pursuant to this subsection (f) of Section 14.2.

No assessment shall be levied under this Section 14.2 unless the board by resolution declares that it intends to do so and that a public hearing will be held thereon at a specified day, hour and place where all interested persons may appear and be heard. This resolution shall be published in the agency pursuant to [Section 6063 of the Government Code](#) in a newspaper of general circulation in the agency. The hearing may be adjourned from time to time at the discretion of the board and at its conclusion the board shall declare the zones of benefit established, if any, and the assessment, if any, to be levied hereunder. Assessments made within zones of benefit pursuant to this Section 14.2 shall be levied on all taxable property within such zone of benefit on an ad valorem basis.

#### **§ 99-14.3. Formation of improvement districts; purposes**

Sec. 14.3. Improvement districts may be formed to undertake projects to investigate, study, analyze, appraise, finance, acquire, and carry out any of the objects or purposes of this act of special benefit to such improvement dis-

tricts, including, without limitation, projects to construct, operate, maintain, extend, repair or improve any works or improvement of special benefit to such improvement districts.

**§ 99-14.4. Formation resolution; contents**

Sec. 14.4. 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 within 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. To the extent that the project is to be financed by taxes levied in such improvement district, for purposes other than the payment of the principal of and interest on bonds, the proposed maximum amount of such tax which may be levied in any year. Also, if the board intends to finance any part of the project by ground water charges as provided for in Sections 14.20 through 14.37, inclusive, a statement of such intention, and the proposed maximum ground water charge for each class of water which may be levied in any year;
- (g) 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.

**§ 99-14.5. Notice of hearing; publication; contents**

Sec. 14.5. Notice of the time and place of the hearing shall be published pursuant to [Section 6063 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 of a map of the proposed improvement district may be seen by any interested persons.

**§ 99-14.6. Conduct of hearing; matters considered**

Sec. 14.6. 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 to any matters set forth in the resolution. Any person may appear at the hearing and present any matters material to the subject thereof.

**§ 99-14.7. Majority protests; waiting period**

Sec. 14.7. If prior to the conclusion of the hearing written protests against the formation of the proposed improvement district and the proposed project signed by a majority in number of the holders of title to taxable property within the proposed improvement district and who are also the holders of title to not less than 51 percent of the area thereof 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.

**§ 99-14.8. Prima facie evidence of ownership; undivided interests**

Sec. 14.8. In all matters referred to in Section 14.7, the last equalized assessment roll of the county shall be prima facie evidence as to the ownership of taxable property, the names and numbers of the persons who are holders of title, or assessable rights therein, and as to the assessed valuation of taxable property within the proposed improvement district. Holders of title to undivided interests in taxable property may sign such protests and undivided interests shall be counted as though they were separate interests. If the assessment rolls fail to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined, shall have, for purposes of protests referred to in Section 14.7, equal shares therein. No person, entity, or group of multiple owners, owning two or more properties or interests, shall qualify more than once as a holder of title.

**§ 99-14.9. Petition for exclusion of lands**

Sec. 14.9. The board shall exclude from the proposed improvement district all the lands of any district, not lying wholly within any other district within the agency that is also a city, unless prior to the conclusion of the hearing such district files with the secretary of the board a resolution adopted by a majority vote of the governing body of said district consenting to the inclusion of the lands within said district in the proposed improvement district.

**§ 99-14.10. Findings of board; resolution of declaration**

Sec. 14.10. 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 14.7 the board may, after excluding any land which it finds will not be benefited by the proposed project and any land required to be excluded pursuant to Section 14.9 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.

**§ 99-14.11. Contents of resolution**

Sec. 14.11. The resolution declaring an improvement district to be formed shall contain:

- (a) A description of the boundaries thereof and the name of such improvement district which shall thereupon constitute and be known as "Improvement District No. \_\_\_\_\_ of Kern County Water Agency."
- (b) A brief description of the project which may be undertaken within 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 estimated in the resolution adopted pursuant to Section 14.4.
- (d) If the levying of ground water charges is to be authorized in the improvement district pursuant to Sections 14.20 through 14.37, inclusive, a statement to that effect, and the maximum ground water charge for each class of water which may be levied in any year, which maximum charges shall not exceed the maximums proposed in the resolution adopted pursuant to Section 14.4.

**§ 99-14.12. Boundaries; inclusion of additional lands**

Sec. 14.12. Except as limited by Section 14.9, 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 a part of the proposed improvement district described in the resolution adopted pursuant to Section 14.4 and may include such additional lands, the owners of which have, by written petition filed with the board, requested to be included within the improvement district. Also, except as limited by Section 14.9, the territory of an improvement district need not be contiguous, may include either or both incorporated and unincorporated lands, may include lands within any member units and lands within any other improvement district, but must be entirely within the agency.

**§ 99-14.12a. Resolution; effective date**

Sec. 14.12a. Except as provided in Section 14.12b, the resolution declaring the improvement district to be formed shall become effective 30 days after its adoption.

**§ 99-14.12b. Protest against adoption of resolution; petition; reconsideration by board; election**

Sec. 14.12b. If a petition protesting against the adoption of the resolution declaring the improvement district to be formed is presented to the board prior to the effective date of the resolution, the resolution shall be suspended and the board shall reconsider it. The petition shall be signed by not less than 10 percent of the registered voters within the proposed improvement district on the date of adoption of the resolution. If the board does not repeal the resolution against which a petition is filed, the board shall submit the resolution to the voters within such improvement district at a regular election or a special election for the purpose. The resolution shall not become effective unless and until a majority of the voters voting at such election vote in favor thereof.

The board shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to [Section 6066 of the Government Code](#) prior to the date of the proposed election, in at least one newspaper of general circulation within the proposed improvement district, but if there is no such newspaper, then one within the agency. Such resolution shall also be posted in three public places in the proposed improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

The provisions of this section shall not apply in either of the following situations:

- (1) The board of directors, by five-sevenths vote, finds and declares, in the resolution declaring the improvement district formed, that the proposed project consists of emergency work necessary in order to protect life or property from impending flood damage, in which event the resolution declaring the improvement district formed shall become effective immediately upon its adoption.
- (2) The resolution declaring the improvement district formed states that all or a portion of the proposed project is to be financed by general obligation bonds to be authorized pursuant to [Section 15](#) of this act.

**§ 99-14.12c. Inclusion of additional lands**

Sec. 14.12c. After the formation of an improvement district, additional lands may be included therein upon the written petition of the owners thereof and a resolution of the board.

**§ 99-14.13. Proceedings for authorization, issuance and sale of bonds**

Sec. 14.13. After the formation of an improvement district if any portion of the cost of the 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.

**§ 99-14.14. Levy and collection of taxes; purposes**

Sec. 14.14. 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.

**§ 99-14.15. Levy and collection procedure**

Sec. 14.15. 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.

**§ 99-14.16. Tax collections; expenditures; transfer of surplus funds**

Sec. 14.16. All the taxes collected pursuant to Section 14.14 of this act shall be expended only for the payment of bond principal and interest or only for the improvement district projects for which levied, except that any surplus tax proceeds levied otherwise than for payment of bond principal and interest which remain after the completion of any improvement district project 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.

**§ 99-14.17. Equal benefits**

Sec. 14.17. For the purpose of any tax levied under Section 14.14 of this act the properties within any improvement district shall be deemed to be equally benefited.

**§ 99-14.18. Improvement district; annual assessment; rights-of-way; written report; collection**

Sec. 14.18. (a) Subject to the provisions of Section 14.19, the board may, by resolution adopted after notice and public hearing, determine and propose for adoption an annual assessment on real property within an improvement district sufficient to cover the cost of any work or improvement or purpose for which the improvement district was formed or to pay for the cost of the maintenance, operation, and administration of such work, improvement, or purpose, except that the board shall not impose an assessment upon a federal or state governmental agency or another local agency.

(b) The benefit assessment shall be imposed against parcels of real property on the basis of the estimated benefits to be derived by the property from the work or improvement or purpose for which the assessment is levied or the

maintenance, operation, and administration of such work, improvement, or purpose.

(c) Whenever a railroad, gas, water, or electric utility right-of-way or electric line right-of-way is included within an area proposed to be assessed, the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the assessment only if, and to the extent that, it is found that it will benefit from the service, and the railroad, gas, water, or electric utility right-of-way or electric line right-of-way shall be subject to the same penalties, and the same procedure and sale, in the event of delinquencies, as other parcels in the assessment area. In determining whether or not the railroad, gas, water, or electric utility right-of-way or electric line right-of-way benefits from the services provided, its use as a right-of-way for a railroad, gas, water, or electric utility shall be presumed to be permanent.

(d) For the first fiscal year in which a benefit assessment is proposed to be imposed pursuant to this section, the board shall cause a written report to be prepared and filed with the clerk of the agency which shall contain all of the following information:

(1) A description of the service proposed to be financed through the revenue derived from the assessment.

(2) A description of each lot or parcel of property proposed to be subject to the benefit assessment. The assessor's parcel number shall be a sufficient description of the parcel.

(3) The amount of the proposed assessment for each parcel.

(4) The basis and schedule of the assessment.

(e) The clerk shall cause notice of the filing of the report and of a time, date, and place of hearing thereon to be published pursuant to Section 6066 and posted in at least three public places within the jurisdiction of the agency.

(f) At the hearing, the board shall hear and consider all protests. At the conclusion of the hearing, the board may adopt, revise, change, reduce, or modify the proposed assessment. The board shall make a determination upon the assessment as described in the report or as determined at the hearing, and shall, by resolution, determine the proposed assessment.

(g) The proposition shall be submitted to the eligible voters within the improvement district and shall take effect upon approval of two-thirds of the voters voting on the proposition.

(h) The board may annually thereafter determine the cost of the service which is financed by the assessment and, by resolution, determine and impose the assessment.

(i) The board may provide for the collection of the assessment in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by or on behalf of the agency, except that, if for the first year the assessment is levied the real property on which the assessment is levied has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of county taxes would become delinquent, the confirmed assessment shall not result in a lien against the real property but shall be transferred to the unsecured roll.

(j) If the assessments are collected by the county, the county may deduct its reasonable costs incurred for the service before remittal of the balance to the agency's treasury.

**§ 99-14.19. Improvement district formed prior to Feb. 17, 1982; assessment; amendment of resolution**

Sec. 14.19. (a) For an improvement district formed prior to the effective date of Section 14.18, the board shall not impose a benefit assessment on real property within the improvement district unless the board first adopts an amendment to the resolution pursuant to which the improvement district was formed authorizing the board to impose such benefit assessments. No such amendment shall be adopted by the board until after the board has held a public hearing. The hearing shall be held and notice thereof shall be given substantially in accordance with the provisions of Sections 14.5 and 14.6. If, prior to the conclusion of the hearing, the board receives a majority protest to the proposed resolution substantially in accordance with the provisions of Sections 14.7 and 14.8, the proceedings shall be terminated and no further proceedings shall be instituted for that purpose for a period of one year.

(b) For an improvement district formed after the effective date of Section 14.18, the board shall not impose a benefit assessment on real property within the improvement district unless the board has been authorized to impose such benefit, assessment by both the resolution initiating the formation of the improvement district as required by Section 14.4 and the resolution forming the improvement district.

#### **§ 99-14.20. Ground water charges; authority to levy and collect**

Sec. 14.20. The board shall have the power, in addition to the powers enumerated elsewhere in this act, to levy and collect ground water charges for the production of water from the ground water supplies within any improvement district which will benefit from the recharge of underground water supplies or the distribution of imported water in such improvement district; provided, that the levying of such charges has been authorized in such improvement district in the resolution adopted pursuant to Section 14.11 declaring the formation of such district; provided further, that no ground water charges shall be levied or collected in that portion of Kern County east of the following described line:

Beginning at the intersection of the West boundary of Rancho La Liebre and the South line of Kern County; thence Northeasterly along the boundary of Rancho La Liebre to the point where said boundary intersects the West line of [Section 1](#), T9N, R17W, SBB&M; thence North along the West line of said [Section 1](#) to a point on the South line of Section 36, T10N, R17W, SBB&M; thence East to the Southeast corner of said Section 36, T10N, R17W, SBB&M; thence Northerly to a point on the West line of [Section 19](#), T11N, R16W, said point being where the West line of said [Section 19](#), T11N, R16W, SBB&M intersects a point on the Southerly and Easterly boundary of Rancho El Tejon; thence Southeasterly along the line of Rancho El Tejon to Corner No. 9 of Rancho El Tejon, said corner being in the West one-half of said [Section 19](#); thence Northeasterly along the East line of Rancho El Tejon to Corner No. 10 of said Rancho, said point also being in the West one-half of said [Section 19](#), T11N, R16W, SBB&M; thence Northwesterly along the line of Rancho El Tejon to Corner No. 11 of said Rancho El Tejon, said point which falls in the Southeast one-quarter of [Section 3](#), T11N, R17W, SBB&M; thence continuing Northwesterly along the line of Rancho El Tejon to Corner No. 12 of said Rancho El Tejon, which point also falls on the West line of Section 28, T12N, R17W, SBB&M; thence North along the West line of said Section 28, T12N, R17W, SBB&M, to a point on the South line of Section 36, T32S, R30E, MDB&M; thence East to the Southeast corner of said Section 36, T32S, R30E, MDB&M; thence North to a point on the East line of [Section 24](#), T31S, R30E, MDB&M where the East line of said [Section 24](#) intersects the boundary line of Rancho El Tejon; thence Northeasterly along the boundary of Rancho El Tejon to Corner No. 15 of Rancho El Tejon, said point also being in Section 34, T30S, R31E, MDB&M; thence Northwesterly along the boundary line of Rancho El Tejon passing through Corner No. 16 of said Rancho El Tejon to Corner No. 17 of said Rancho El Tejon, said point also being the Southeast corner of [Section 1](#), T30S, R30E, MDB&M; thence Northerly to the Northeast corner of [Section 1](#), T29S, R30E, MDB&M; thence Easterly to the Southeast corner of Section 36, T28S, R30E, MDB&M; thence Northerly to the Northeast corner of [Section 1](#), T28S, R30E, MDB&M; thence Westerly to the Southwest corner of Section 31, T27S, R28E, MDB&M; thence Northerly to the Northwest corner of [Section 6](#), T25S, R28E, MDB&M; also being a point on the North line of Kern County.

#### **§ 99-14.21. Ground water charges; definitions**

As used in connection with the groundwater charge, the following words shall have the following respective meanings:

“Person,” “owner” or “operator” means federal, state, and local public agencies, private corporations, firms, partnerships, limited liability companies, individuals or groups of individuals, whether legally organized or not; “owner” or “operator” also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

“Groundwater” means all water beneath the earth's surface, whether or not flowing through known and definite channels.

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

“Water-producing facility” means any device or method, mechanical or otherwise, for the production of water from the groundwater supplies within the improvement district.

“Water year” means July 1 of one calendar year to June 30 of the following calendar year.

“Agricultural water” means water first used on lands in the production of plant crops or livestock for market.

**§ 99-14.22. Resolution of intention to establish ground water charges; contents; publication**

Sec. 14.22. Prior to the establishment of any ground water charge in an improvement district, the board shall adopt a resolution stating its intention to do so, designating the improvement district in which it is proposed that such charges be levied, and requiring the registration of all water-producing facilities located within such improvement district as provided in Section 14.24 of this act. Said resolution shall be published once a week for three successive weeks in a newspaper of general circulation published in the agency.

**§ 99-14.23. Ground water charges; declaration of policy; scope; use of proceeds**

Sec. 14.23. Ground water charges levied pursuant to this act are declared to be in furtherance of agency activities in the protection and augmentation of the water supplies of the improvement district which are necessary for the public health, welfare and safety of the people of this state. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within said improvement district for the benefit of all who rely directly or indirectly upon the ground water supplies and water imported into such improvement district.

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

(a) To pay the costs of acquiring, constructing, maintaining and operating facilities which will import water into the agency which will benefit such improvement district including payments made under any contract between the

agency and the State of California, the United States of America, or any public, private or municipal utility.

(b) To pay the costs of purchasing water for importation into the agency which will benefit such improvement district, including payments made under any contract with the State of California, the United States of America, or any public, private or municipal utility; provided, that the costs of cloud seeding and weather modification activities shall not be deemed to be costs of purchasing water for importation.

(c) To pay the costs of acquiring, constructing, maintaining and operating facilities which will provide for ground water recharge or which will measure ground water extractions.

(d) To pay any administrative costs and the principal or interest of any bonded indebtedness or other obligations incurred by the agency on behalf of such improvement district or districts for any of the purposes set forth in subdivisions (a), (b) and (c) of this section.

#### **§ 99-14.24. Registration of water-producing facilities; equipment with water-measuring devices**

Sec. 14.24. Within six months after the last date of publication of the resolution provided for in Section 14.22 stating the board's intent to establish a ground water charge in an improvement district, all water-producing facilities located within the boundaries of such improvement district shall be registered with the agency by the owner or operator thereof on forms provided by the agency and, if required by the board, equipped with a water-measuring device satisfactory to the agency installed by the agency or at the agency's option by the operator thereof. Any new water-producing facility, constructed or reestablished, or any abandoned water-producing facility, which is reactivated, after such date, shall be registered with the agency, and if required by the board, equipped with a water-measuring device satisfactory to the agency within 30 days after the completion or reestablishment thereof.

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

In addition to other information which the agency may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

#### **§ 99-14.25. Engineering report; contents**

Sec. 14.25. After adoption of the resolution provided for in Section 14.22, the agency engineer shall annually prepare a report which shall include, among other matters which the agency may desire, information on the availability of surface and ground water in the improvement district, the quantity of water needed for surface delivery and for replenishment of the ground water supplies within the improvement district for the ensuing water year, the amount of water which the agency is obligated to purchase for use in the improvement district during the ensuing water year and an estimate of the amount of ground water to be extracted within the improvement district during the ensuing water year.

#### **§ 99-14.26. Notice of receipt of report and of public hearing; publication; conduct of hearing; findings and determinations by board**

Sec. 14.26. The annual engineering report required by Section 14.25 for a given year shall be delivered to the secretary of the board in writing on or before February 1st of the succeeding year. Said secretary shall publish, pursuant

to [Section 6061 of the Government Code](#), a notice of the receipt of such report and of the public hearing to be held on the third Monday of March, in a newspaper of general circulation printed and published within the agency, at least 10 days prior to the date at which the public hearing regarding said engineering report shall be held. Said notice, among other information which the agency may provide therein, shall designate the place where such hearing shall be held and contain an invitation to all operators of water-producing facilities within the improvement district to call at the offices of the agency to examine said engineering report.

There shall be held by the board on the third Monday of March of each year a public hearing at which time any operator of a water-producing facility within the improvement district, or any person interested in the condition of the groundwater supplies or the surface water supplies of the improvement district, may in person, or by representative, appear and submit evidence concerning the groundwater conditions and the surface water supplies within the improvement district. Appearances also may be made supporting or protesting said written engineering report. The board shall, before the levy of the groundwater charge, find and determine the estimated amount of agricultural water to be withdrawn from the groundwater supplies of the improvement district for the ensuing water year; the amount of water other than agricultural water to be drawn from the groundwater supplies of the improvement district for the ensuing water year; the estimated amount of water necessary for surface distribution in the improvement district for the ensuing water year; and the amount of water the district is obligated by contract to purchase. Said findings and determinations by the board shall be conclusive and binding upon all persons and parties.

**§ 99-14.27. Levy and assessment of ground water charge; computation; additional tax; clerical errors**

Sec. 14.27. Within 30 days from the close of said hearing, the board shall determine whether or not a ground water charge should be levied in such improvement district or districts. If the board determines that a ground water charge or charges should be so levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such improvement district or districts during the ensuing water year. The charges shall be computed at a fixed and uniform rate per acre-foot for agricultural water and at a fixed and uniform rate per acre-foot for all water other than agricultural water; provided, that the ground water charge for one class of water shall not exceed twice that for any other class of water; provided, further, that with respect to small water-producing facilities which have a discharge opening not greater than a size specified by the board and which do not provide water for an area in excess of that specified by the board, for administrative convenience the board may provide for either a flat annual charge or for no charge in lieu of a charge computed at such fixed and uniform rates. Different rates may be established for different improvement districts; provided, however, that in each improvement district the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

Any ground water charge levied pursuant to this section shall be in addition to any other taxes or assessments, if any, levied within the agency or any improvement district or districts thereof.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the ground water charge.

**§ 99-14.28. Notice of rates**

Sec. 14.28. The agency, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the improvement district or districts in which such charge or charges are levied as disclosed by the records of the agency, which notice shall state the rate for each class of water of the ground water charge applicable to said water-producing facility for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the

agency.

**§ 99-14.29. Semi-annual statement of owners or operators; time for payment of charge; computation; abandonment of facility; penalties and interest; computation of water production**

Sec. 14.29. After the adoption of the resolution provided for in Section 14.22 for an improvement district in which a ground water charge may be levied, each owner or operator of a water-producing facility within said improvement district, until such time as said water-producing facility has been permanently abandoned, shall file with the agency, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, the method or basis of the computation of such water production, and the amount of the ground water charge based on such computation. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is due and payable to the agency on or before the last day upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the agency. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the agency shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

Should any owner or operator of a water-producing facility fail to register each water-producing facility, or fail to file the water-production statements as required by this act, the agency shall, in addition to charging interest as provided herein, assess a penalty charge against such owner or operator in an amount of ten percent (10%) of the amount found by said agency to be due, except in those cases where payment in the proper amount has been made within the time required by this act and the failure to register the water-producing facility or to file the water-production statement within the time required by this act resulted, in the opinion of the board, from excusable and justifiable circumstances, in which case the board may reduce the penalty to an amount of not less than one percent (1%) of said amount found to be due.

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

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

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

**§ 99-14.30. Amendment of statement; correction of records**

Sec. 14.30. Upon good cause shown, an amended statement of water production may be filed or a correction of the

records may be made at any time prior to the final date for filing the next semiannual water production statement; provided that if pursuant to Section 14.33, the owner or operator has been notified of a determination by the agency that the production of water from the water-producing facility is in excess of that disclosed by the sworn statement covering such water-producing facility, and such owner or operator fails to protest such determination in the manner and in the time set forth in Section 14.33, he shall be precluded from later filing an amended water production statement for that period for such water-producing facility.

**§ 99-14.31. Agency record**

Sec. 14.31. The agency shall prepare each year for each improvement district in which a ground water charge is levied a record called "The Record of Water Production and Ground Water Charges, Improvement District No. \_\_\_\_\_" in which shall be entered a general description of the property upon which each water-producing facility is located, an identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

**§ 99-14.32. Injunctive relief; service of process; undertaking or bond**

Sec. 14.32. The superior court of the county in which the agency lies may issue a temporary restraining order upon the filing by the agency with said court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the agency or that such defendant is delinquent in the payment of a ground water charge. Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

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

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

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

**§ 99-14.33. Investigation of water production; report; fixing of amount of production by agency; notice; protest; hearing; notice**

Sec. 14.33. If the agency has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, the agency may cause an investigation and report to be made concerning the production of water from each such water-producing facility. The owner or operator of each such water-producing facility shall furnish to the agency from time to time, as may be required by the agency, the records, notices or bills, or duplicates thereof, respecting the amount of electric power used in operating such facility, as received by such owner or operator from the utility or entity which furnishes such electric power. The agency may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum

production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate.

After such determination has been made by the agency, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the agency's records. Any such determination made by the agency shall be conclusive on all persons having an interest in such water-producing facility, and the ground water charge, interest and penalties thereon, shall be paid forthwith, unless such person files with the board within 10 days after the mailing of such notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. If the water-production statement was filed and the amount disclosed thereon was paid within the time required by this act, and the board finds that the failure to report the amount of water actually produced resulted from excusable or justifiable circumstances, the board may waive the charge of interest on the amount found to be due. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall have 20 days from the date of mailing to pay the ground water charge, interest or penalties provided by the provisions of this act.

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

#### **§ 99-14.34. Suit for collection of charges; penalties and interest**

Sec. 14.34. The agency may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the agency for the collection of any delinquent ground water charge. The court having jurisdiction of said suit may, in addition to allowing recovery of costs to said agency as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Section 14.29. Should the agency, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the agency shall not be required to provide a bond or undertaking as is otherwise provided for in Chapter 4 (commencing with Section 537), Title 7, Part 2, of the Code of Civil Procedure.

#### **§ 99-14.35. Production without registration and affixing water-measuring device; punishment**

Sec. 14.35. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless such water-producing facility has been registered with the agency within the time required by the provisions of this act and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

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

#### **§ 99-14.36. Other criminal acts; punishment**

Sec. 14.36. Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water-producing facility as required by this act, so as to cause said water-measuring device to improperly or inaccurately measure and

record said water production, or any person who willfully does not file with the agency a water-production statement as prescribed and within the time required by this act, or any person who willfully removes or breaks a seal attached to an abandoned water-producing facility, or any person who with intent to evade any provision or requirement of this act files with the agency any false or fraudulent water-production statement is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

**§ 99-14.37. Enforcement; additional powers**

Sec. 14.37. In implementing the enforcement of the provisions of this act relating to ground water charges, the agency shall have the power, in addition to the powers enumerated elsewhere in this act:

- (a) To install and maintain water-measuring devices, and other devices which will aid in determining accurate water production, on water-producing facilities not owned by the agency.
- (b) To affix seals to water-producing facilities which the owner or operator thereof has declared to be abandoned, or are in fact permanently abandoned.
- (c) To enter onto any land for the purposes enumerated in this section and for the purpose of making investigations relating to water production.

**§ 99-15. 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 any 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 improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed for record in the office of the Recorder of Kern 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 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 county of the resolution on file with the office of the Recorder of Kern County or with the governing body of the member unit. The ordinance may state 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 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 six and one-half percent (6 1/2 %) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit or 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 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 the office of the governing body of the member unit affected, if such 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 bond 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 three-fifths (  $3/5$  ) 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.

**§ 99-15.1. 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 six and one-half percent (  $6\frac{1}{2}\%$  ) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman 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.

#### **§ 99-15.2. 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.

#### **§ 99-15.3. 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.

#### **§ 99-15.4. 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.

#### **§ 99-15.5. 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.

#### **§ 99-15.6. 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.

#### **§ 99-15.7. 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.

#### **§ 99-15.8. 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.

#### **§ 99-15.9. Payment of bonds; interest**

Sec. 15.9. Any bonds issued pursuant to [Section 15](#) of this act, and the interest thereon, shall be paid from revenue received from member units pursuant to any contracts which may be required with such member units by the or-

dinance passed pursuant to [subdivision \(c\) of Section 15](#), and from revenue derived from any taxes levied pursuant to Section 14.1 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 said ordinance, then any bonds issued pursuant to [Section 15](#) of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied upon all taxable property, exclusive of mineral rights, within each improvement district or member unit for which such bonds were issued. No member unit 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 assessments in any of the several member units or improvement districts be used in payment of principal and interest or otherwise of the share of the bonded indebtedness chargeable to any other improvement district or member unit.

#### **§ 99-16. 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 payment 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.

#### **§ 99-17. 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 au-

thorized 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.

The board may issue revenue bonds under the Revenue Bond Law of 1941 on behalf of any portion of the agency created as an improvement district pursuant to this act and any election for the issuance of such revenue bonds shall be limited to the area of such improvement district.

**[§ 99-18. Revenue bonds; legal investments](#)**

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

**[§ 99-19. 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.

**[§ 99-20. 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.

**[§ 99-21. 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 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.

**§ 99-21.1. 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.

**§ 99-21.2. 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.

**§ 99-21.3. Levy of fees or charges on land served or water delivered; limitations**

21.3. Notwithstanding any other provisions of law, the board may levy fees or charges on land served within its territory and on water delivered in the same manner as currently permitted for California water districts pursuant to Article 4 (commencing with [Section 35470](#)) of Chapter 2 of Part 5 of Division 13 of the Water Code. Those fees or charges may be imposed only after a public hearing, noticed by publication in a newspaper of general circulation within the agency territory for two consecutive weeks pursuant to [Section 6066 of the Government Code](#). The amount of revenues generated by fees or charges levied pursuant to this section shall be limited to an amount sufficient to replace those property tax revenues lost pursuant to statutory enactments.

**§ 99-22. Repealed**

**§ 99-22.1. Action to test validity of bonds or contract; operative effect of section**

Sec. 22.1. 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.

This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1412 takes effect; at which time [Section 22](#) of this act is repealed.

**§ 99-23. 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 estab-

lished 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 Kern County 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.

#### **§ 99-24. 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.

#### **§ 99-25. Repealed**

##### **§ 99-25.1. Action to test legality of existence of agency; operative effect of section**

Sec. 25.1. An action to determine the legality of existence of the agency may be brought pursuant to Chapter 9 (commencing with [Section 860](#)) of Title 10 of Part 2 of the Code of Civil Procedure. If such action is brought by the agency, the State of California shall be a defendant, and consent therefor is given. Service of summons therein shall be made on the Attorney General who shall appear in such action on behalf of the State in the same manner as with appearances in civil actions.

This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1412 takes effect; at which time [Section 25](#) of this act is repealed.

#### **§ 99-26. 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.

#### **§ 99-27. Legislative findings and declaration**

Sec. 27. The Legislature hereby finds that water problems in the county require countywide water conservation, flood control and development of water resources; that these problems are not general or statewide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private and public engineers; that irrigation districts, county water districts, water storage 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.

#### **§ 99-28. 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.

**§ 99-29. Short title**

Sec. 29. This act may be designated and referred to as “the Kern County Water Agency Act,” and any reference thereto by such designation shall be sufficient for all purposes.

END OF DOCUMENT