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EDWARD J. TIEDEMANN

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MAY 12 1994

Placer County Water Agency

May 10, 1994

Mr. David A. Breninger  
General Manager  
Placer County Water Agency  
P.O. Box 6570  
Auburn, California 95604

Re: PCWA Act

Dear Dave:

Enclosed is an up-to-date version of the Placer County Water Agency Act. You specifically asked me about the Act's provisions governing public works contracts. These provisions formerly were set forth in Section 81-12 of the Act, but that section was repealed in 1984, and reenacted as Section 21321 of the Public Contracts Code. It is set forth at the end of the enclosed version of the PCWA Act.

Sincerely,



EDWARD J. TIEDEMANN

EJT:djc  
Enclosure  
141479.1

## CHAPTER 81. PLACER COUNTY WATER AGENCY ACT

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### Sec.

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- 81-38. Renumbered § 81-25.

*An act to create the Placer County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the district, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the district, providing for the levy and collection of taxes for the payment of general district expenses and for cooperation and contracts with any entity. (Stats.1957, c. 1234, p. 2520.)*

### § 81-1. Creation; name; territory

Section 1. A county water agency is hereby created to be known as the Placer County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Placer. Said agency shall be a "local agency" as defined by Section 54307 of the Government Code. (Stats.1957, c. 1234, p. 2520, § 1, as amended Stats.1959, c. 815, p. 2822, § 1.)

### Cross References

Boundaries of Placer County, see Government Code § 23131.

### Law Review Commentaries

Evolution of forms of water users' organizations in California. Albert T. Henley (1957) 45 C.L.R. 665.

### Library References

Waters and Water Courses C-224.

C.J.S. Waters § 319.

### § 81-2. Definitions

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

- (a) "Agency" is the Placer County Water Agency.
- (b) "County" is the County of Placer of the State of California.

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

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

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water; power generation and transmission facilities; 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: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and deliver water to water users.

(g) "Public agency" means the United States, the state or any district.

(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 provided for in Section 7.1 held in accordance with the provisions of the Uniform District Election Law.

(Amended by Stats.1974, c. 396, p. 980, § 1.)

## § 81-3. Body politic and corporate; general powers; exercise of powers

Sec. 3. The Placer 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 thereof. (Stats.1957, c. 1234, p. 2521, § 3.)

### Library References

Waters and Water Courses § 228.

C.J.S. Waters § 321.

## § 81-3.1 - Perpetual succession

Sec. 3.1. The agency shall have perpetual succession. (Stats.1957, c. 1234, p. 2521, § 3.1.)

### Library References

Waters and Water Courses § 227.

C.J.S. Waters § 320.

## § 81-3.2 Seal

Sec. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure. (Stats.1957, c. 1234, p. 2521, § 3.2, as amended Stats.1959, c. 815, p. 2823, § 3.)

## § 81-3.3 Actions

Sec. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction. (Stats.1957, c. 1234, p. 2521, § 3.3.)

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### § 81-3.4. Eminent domain

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use.

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 Placer shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(Amended by Stats.1975, c. 581, p. 1168, § 9.)

### Law Revision Commission Comment 1975 Amendment

The deleted portions of Section 3.4 [Water C.App. § 81-3.4] are superseded by provisions of the Eminent Domain Law. See Code Civ.Proc. §§ 1230.020 (uniform procedure), 1240.610 et seq. (more necessary public use), 1240.010 (declaration that a use is a public use is unneces-

sary), 1240.110 (right to take any property or any right or interest in property) 1250.210 (identification of plaintiff). See also Code Civ.Proc. §§ 1240.040 and 1245.210 et seq. (resolution of necessity), 1235.170 ("property" defined).

### Historical and Statutory Notes

#### 1975 Legislation.

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

### Library References

Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974).

### § 81-3.5 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 to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11. (Stats.1957, c. 1234, p. 2522, § 3.5.)

### Library References

Waters and Water Courses  $\S$  226 1/2.

C.J.S. Waters  $\S$  321.

### § 81-3.6 Contracts; employment of labor; necessary acts; construction

Sec. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence. (Stats.1957, c. 1234, p. 2522, § 3.6.)

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### Library References

Waters and Water Courses  $\S$  228 1/2.

C.J.S. Waters  $\S$  321.

#### **$\S$ 81-4. Availability of water**

**Sec. 4.** The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes. (Stats.1957, c. 1234, p. 2522,  $\S$  4.)

### Cross References

Appropriation of water, see Water Code  $\S$  1200 et seq.

Beneficial use of water, see Const. art. 14,  $\S$  3; Water Code  $\S\S$  100, 101, 1240.

#### **$\S$ 81-4.1. Construction, operation and maintenance of hydroelectric works; sale of energy; facilities for generation transmission, distribution, sale and lease of electric power**

**Sec. 4.1.** The agency shall have the power to construct, operate, and maintain works to develop hydroelectric energy 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 that energy for a term not to exceed 50 years. The energy may be marketed to any public agency, private entity, person, or the federal or state government. The agency shall also have the power to acquire, operate, lease, and control facilities for the generation, transmission, distribution, sale, and lease of electric power, including sale to municipalities, public utility districts, or persons, all in the same manner as irrigation districts formed under the Irrigation District Law (Division 11 (commencing at Section 20500) of the Water Code).

The powers granted by this section shall not include, and nothing in this act shall be construed to allow, the acquisition of property or facilities already employed in the generation of hydroelectric energy, except by mutual agreement between the agency and the owner and operator of the property or facilities.

The powers granted by this section shall not include, and nothing in this act shall be construed to allow, the retail sale of hydroelectric energy by the agency of any power generated by the Middle Fork Project during the term of the current contract for the sale of the hydroelectric energy from that project.

(Amended by Stats.1982, c. 252, p. 824,  $\S$  1.)

#### **$\S$ 81-4.2 Flood control; water conservation**

**Sec. 4.2.** The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency. (Stats.1957, c. 1234, p. 2522,  $\S$  4.2.)

### Cross References

Beneficial use of water, see Const. art. 14,  $\S$  3; Water Code  $\S\S$  100, 101, 1240.

### Library References

Levees and Flood Control  $\S\S$  5-7.

C.J.S. Levees and Flood Control  $\S$  13.

#### **$\S$ 81-4.3 Storage of water; conservation and reclamation; appropriation; actions; prevention of unlawful exportation; contamination or pollution**

**Sec. 4.3.** The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water

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into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants; to prevent unlawful exportation of water from said agency; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency. (Stats. 1957, c. 1234, p. 2522, § 4.3.)

### Cross References

Appropriation of water, see Water Code § 1200 et seq.

### Library References

Waters and Water Courses ⇨10, 132. C.J.S. Waters §§ 172, 232, 359, 196, 256.

### § 81-4.4 Acquisition of works, waters and water rights; payments in lieu of taxes

Sec. 4.4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works, 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, and to make payments in lieu of taxes to any or all political subdivisions, including but not limited to school districts, upon works acquired by the agency situate within such political subdivisions. (Stats. 1957, c. 1234, p. 2523, § 4.4, as amended Stats. 1967, c. 117, p. —, § 1, urgency, eff. May 9, 1967.)

### Library References

Waters and Water Courses ⇨190. C.J.S. Waters § 228.

### § 81-4.5 Operation, maintenance, etc., of works

Sec. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency. (Stats. 1957, c. 1234, p. 2523, § 4.5.)

### Library References

Waters and Water Courses ⇨244. C.J.S. Waters § 350.

### § 81-4.6 Investigations

Sec. 4.6. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to water-courses or streams flowing in or into said agency. (Stats. 1957, c. 1234, p. 2523, § 4.6.)

**Library References**

Administrative Law and Procedure  
 343-347.

C.J.S. Public Administrative Bodies and  
 Procedure § 79.

**§ 81-4.7 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, water-course, 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 such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right of way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor. (Stats.1957, c. 1234, p. 2523, § 4.7.)

**Cross References**

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

**Library References**

Waters and Water Courses 242.  
 C.J.S. Waters § 349.

Sovereign Immunity study. Cal.Law Re-  
 vision Comm.(1963) Vol. 5, p. 93.

**§ 81-4.8 Right of way upon public lands**

Sec. 4.8. There is hereby granted to the agency the right of way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands. (Stats. 1957, c. 1234, p. 2524, § 4.8.)

**Cross References**

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

**§ 81-4.9 Relocation of streets, railroads, etc.; proceedings**

**§ 81-4.9. Repealed by Stats.1975, c. 585, p. 1242, § 17**

**Law Revision Commission Comment  
 1975 Repeal**

Section 4.9 [Water C.App. § 81-4.9] is superseded by  
 Section 1240.330 of the Code of Civil Procedure and Section  
 861 of the Public Utilities Code.

**Historical and Statutory Notes**

Operative effect of 1975 repealer, see note under § 40-39.

**Library References**

Recommendations relating to condemnation law and pro-  
 cedure in special districts. 12 Cal.L.Rev.Comm. Re-  
 ports 1101 (1974).



**§ 81-4.10 Reimbursement of county for expenses**

Sec. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency. (Stats.1957, c. 1234, p. 2524, § 4.10.)

**Library References**

Waters and Water Courses  $\Rightarrow$  231.

C.J.S. Waters § 337.

**§ 81-4.11 Contracts for sale of right to use falling water for electric energy purposes**

Sec. 4.11. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years. (Stats.1957, c. 1234, p. 2525, § 4.11, as amended Stats.1959, c. 815, p. 2824, § 6.)

**Library References**

Waters and Water Courses  $\Rightarrow$  228½.

C.J.S. Waters § 321.

**§ 81-4.12 Contracts with private water companies for water service**

Sec. 4.12. The agency shall have power to enter into contracts with any private water company formed and existing exclusively to provide water service within the agency whenever such contract appears to the board to be in the public interest. (Added Stats.1959, c. 815, p. 2824, § 7.)

**Library References**

Waters and Water Courses  $\Rightarrow$  228½.

C.J.S. Waters § 321.

**§ 81-4.13 Indebtedness**

Sec. 4.13. The agency shall have power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein. (Added Stats.1959, c. 815, p. 2824, § 8.)

**§ 81-4.14 Repayment of borrowed money**

Sec. 4.14. 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. (Added Stats.1959, c. 815, p. 2824, § 8.5.)

**§ 81-4.15 Borrowing with repayment from future revenues**

Sec. 4.15. Notwithstanding the provisions of Section 13 of this act and in addition to the other powers provided in this act, the agency by agreement authorized by resolution of the board may incur an indebtedness for the agency or for any zone or participating zones designated in such resolution for acquisition or construction of any works or property, including water or water rights, for any purposes of the agency, to be repaid and liquidated as to both principal and interest only from revenues designated in such agreement which are produced from the collection of rates, tolls or charges for any water or services or facilities furnished, sold or leased by the agency, provided the proposal to incur such indebtedness is first approved at an election at which there is submitted to the qualified voters of the agency, if the indebtedness is to be incurred for the agency, or to the qualified voters of the zone or participating zones, if the indebtedness is to be incurred for a zone or participating zones, the proposition whether such indebtedness shall be incurred. Such election shall be held as nearly as practicable in accordance with the procedures set forth in Section 15 of this act except that the incurring of such indebtedness shall be approved if a majority or more of the votes cast on such proposition are in favor thereof. In the agreement incurring said indebtedness, the agency may pledge to the payment of the amounts to become due thereunder all or any part of the revenue from which such amounts are payable. In connection with such pledge the agreement may contain such covenants, promises, restrictions and provisions as the agency may deem necessary or desirable, including, but not limited to, covenants, promises, restrictions and provisions relating to (a) the operation, maintenance and preservation of the works or property so acquired or constructed, (b) the rates, tolls or charges from which said indebtedness is to be repaid, (c) the incurring of additional indebtedness payable from the revenue pledged, and (d) the establish-

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ment, maintenance and use of reserve funds, maintenance and operation funds, funds for the payment of amounts due under the agreement and other funds for the security of the one to whom the indebtedness is owed. (Added Stats.1965, c. 854, p. 2452, § 1, urgency, eff. July 6, 1965, as amended Stats.1967, c. 117, p. —, § 2, urgency, eff. May 9, 1967.)

#### Library References

Waters and Water Courses §230(1) C.J.S. Waters § 323.  
et seq.

#### § 81-5. Powers of agency

Sec. 5. The agency shall have the power:

(a) To sell, lease or otherwise dispose of water or any rights to the use of the works of the agency; provided, however, that no such sale, lease or disposal shall be made for use outside the agency unless the board determines that the water or works involved will not be needed for use within the agency.

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

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

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

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

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

(g) To provide for a basic penalty of not more than 6 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition to provide for a penalty of not exceeding one-half of 1 percent per month for nonpay-

ment of the charges and basic penalty. The agency may provide for the collection of such penalties. (Stats.1957, c. 1234, p. 2525, § 5, as amended Stats.1959, c. 815, p. 2S24, § 9; Stats.1965, c. 972, p. 2580, § 1.)

#### Library References

Waters and Water Courses §257(1, 2). C.J.S. Waters § 363.

#### § 81-5.1 Contracts with districts; purposes

Sec. 5.1. The agency may enter into contracts with any district for any of the following purposes:

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

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such district or the furnishing or sale by the agency to such district or by such district to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or water storage facilities or any interests in any thereof for any purpose by the agency to any district or by any district to the agency.

(d) The operation of works and the delivery of water by the agency to any district or by any district to the agency.

Such contracts shall be executed in accordance with the laws governing such districts. (Stats.1957, c. 1234, p. 2525, § 5.1, as amended Stats.1959, c. 815, p. 2S24, § 10.)

#### Library References

Waters and Water Courses §254. C.J.S. Waters § 361.

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§ 81-5.2 Suspension of delivery of water to delinquent district

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 to any district during the period in which said district is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency. (Formerly § 81-5.3, Stats.1957, c. 1234, p. 2526, § 5.3. Renumbered § 81-5.2, and amended Stats. 1959, c. 815, p. 2825, § 11.)

§ 81-5.3 Renumbered § 81-5.2 and amended. Stats.1959, c. 815, p. 2825, § 11

§ 81-5.3. Standby or availability charge

Sec. 5.3. The agency may fix a water service standby or immediate availability charge to be applied on an area, or frontage, or parcel basis, or a combination thereof, to such areas within the agency to which water service is made available for any purpose by the agency, whether the water service is actually used or not, provided, that such charge may not be levied against unimproved property permanently dedicated to public transportation. The agency may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such agency. The agency may not, however, fix a charge in excess of ten dollars (\$10) per acre per year or in excess of five dollars (\$5) per year for a parcel of less than one acre.

The agency may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The agency may collect the standby or availability charge as a part of the annual general county tax bill provided the agency furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such cases, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes.

If the agency collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

(Added by Stats.1971, c. 120, p. 163, § 1, eff. June 4, 1971.)

Library References

Waters and Water Courses ⇐183½

C.J.S. Waters § 243.

§§ 81-5.4 to 81-5.7 Repealed. Stats.1959, c. 815, p. 2834, § 29

Historical Note

The repealed sections, derived from Stats.1957, c. 1234, p. 2526, §§ 5.4-5.7, related to rights and liabilities of member units.

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### § 81-6. Cooperation with United States; reclamation

Sec. 6. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902,<sup>1</sup> and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code,<sup>2</sup> not inconsistent with the provisions of this act. (Stats.1957, c. 1234, p. 2527, § 6.)

<sup>1</sup> 43 U.S.C.A. § 373 et seq.

<sup>2</sup> Water Code § 21175.

### Library References

Waters and Water Courses § 222.

C.J.S. Waters § 316.

### § 81-6.1. 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 to the credit of the agency and shall be held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

(Amended by Stats.1969, c. 358, p. 874, § 1, eff. July 3, 1969.)

### § 81-6.2 Cooperation with United States, state, municipalities, districts, etc.; contracts

Sec. 6.2. The agency may cooperate 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 and sale 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 the generation of electric energy, 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, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

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

(b) Carry out the terms of such contracts. (Stats.1957, c. 1234, p. 2528, § 6.2.)

### Library References

Waters and Water Courses § 228½.

C.J.S. Waters § 321.

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Library References

Waters and Water Courses §227.

C.J.S. Waters § 320.

§ 81-7. Directors; compensation; appointment.

Sec. 7. (a) The board of supervisors of the county shall be ex officio the board of directors of the agency until succeeded by an appointed board as provided for in this section. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses.

(b) On or before January 15, 1975, the board of supervisors of the county shall by resolution do both of the following:

(1) Appoint a board of five directors for the agency, each of whom shall be a voter from a different supervisorial district in the county.

(2) Fix the time and date upon which the newly appointed directors shall take office, which time and date shall not be later than twelve o'clock noon, February 1, 1975. After such time and date the board of supervisors shall cease to be ex officio the board of directors of the agency.

(Amended by Stats.1969, c. 358, p. 874, § 1.5, eff. July 3, 1969; Stats.1970, c. 56, p. 72, § 1; Stats.1974, c. 396, p. 980, § 2.)

Cross References

Public officers and employees, interest in contracts, see Government Code § 1090 et seq.

Library References

Officers §110.

C.J.S. Officers § 116.

§ 81-7.1. Directors; qualifications; tenure; vacancies

Sec. 7.1. Except for the directors first appointed pursuant to Section 7, the governing body of the agency shall be a board of five directors, each of whom shall be a voter of, and nominated and elected from, a supervisorial district of the county.

The directors first appointed from supervisorial districts 3, 4, and 5 shall hold office until their successors take office following their election at the agency election held in 1975, and the directors first appointed from supervisorial districts 1 and 2 shall hold office until their successors take office following their election at the next succeeding agency election, which shall be in 1977.

Excepting directors appointed, each director shall be elected at an agency election and shall serve a term of four years. The provisions of the Uniform District Election Law shall govern all agency elections for directors.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled within 30 days after the vacancy occurs by appointment by the remaining directors of a person who is eligible to be elected for the vacancy. If the remaining directors fail to fill any

vacancy within such 30-day period, the vacancy shall be filled by appointment by the board of supervisors of a person who is eligible to be elected for the vacancy.

(Added by Stats.1974, c. 396, p. 981, § 3.)

Historical and Statutory Notes

1970 Legislation.

Former section 81-7.1 was repealed by Stats.1970, c. 447, p. 896, § 38.

**§ 81-7.2. Directors; chairman; meetings; procedure**

**Sec. 7.2.** Within 30 days after the directors first appointed pursuant to Section 7 take office, 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 from its members a chairman, who shall preside at all meetings of the board, and in case of the chairman's absence or inability to act, the members present shall, by an order entered in their records, select one of their number to act as temporary chairman.

(b) Provide for the time and place of holding its regular meeting.

(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 Placer County Water Agency as follows:"

All ordinances shall be signed by the chairman and attested by the secretary or clerk, and 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 no act of the board shall be valid and binding unless a majority of all members concur therein. 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.

(Added by Stats.1974, c. 396, p. 981, § 4.)

**§ 81-7.3. Electrical energy; contracts for sale; expenditures; public hearings**

**Sec. 7.3.** No contract for the sale of electrical energy shall be executed, nor shall any revenues received pursuant to any contract for the sale of electrical energy entered into after January 1, 1975, be spent, unless previously approved by the board of supervisors of the county. 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. Such 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.

(Added by Stats.1974, c. 396, p. 982, § 5.)

**§ 81-7.4. Directors; compensation; expenses**

**Sec. 7.4.** Each member of the board of directors shall be entitled to receive from the agency such compensation for performing the duties of director as may be fixed from time to time by the board; provided, that such compensation shall not exceed the maximum compensation permitted by law for directors of irrigation districts. In addition thereto, directors may be paid their actual and necessary expenses when acting under the orders of the board.

(Added by Stats.1974, c. 396, p. 982, § 6.)

**§ 81-8. County officers and employees as officers and employees of agency; performance of duties**

**Sec. 8.** All officers of the county, and their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency. (Stats.1957, c. 1234, p. 2529, § 8.)

**§ 81-8.1. Employment of additional personnel**

Sec. 8.1. The board may appoint and employ a secretary and such other officers, agents, superintendents, engineers, attorneys and employees for the board or agency as in its judgment may be deemed necessary, including, if it deems it advisable, a clerk, superintendent of work, treasurer, and auditor, and define their powers and duties, fix their compensation and fix the amount of bond required of each such employee or officer and pay the premium of each such bond. Such officers, agents and employees so appointed shall hold their respective offices and positions during the pleasure of the board. The board shall have the power to combine any two or more offices in its discretion.

(Amended by Stats.1969, c. 358, p. 874, § 2, eff. July 3, 1969; Stats.1974, c. 630, p. 1479, § 1.)

**§ 81-9. Ordinances, resolutions and other legislative acts; Initiative and referendum**

Sec. 9. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties. (Stats.1957, c. 1234, p. 2530, § 9.)

**Cross References**

County ordinances, see Government Code § 25120 et seq.  
Initiative and referendum, see Elections Code § 3700 et seq.

**Library References**

Administrative Law and Procedure C.J.S. Public Administrative Bodies and  
§ 121-124. Procedure § 19.

**§ 81-10. Claims against agency**

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid in the same manner and with the same effect as are similar claims against the county. (Stats.1957, c. 1234, p. 2530, § 10, as amended Stats.1959, c. 815, p. 2525, § 13; Stats.1964, 1st Ex. Sess., c. 123, p. 387, § 1, urgency, eff. May 28, 1964.)

**Historical Note**

Section 2 of Stats.1964, 1st Ex.Sess., c. 123, p. 388, provided:

"(a) This act applies to all causes of action heretofore or hereafter accruing.

"(b) Nothing in this act revives or reinstates any cause of action that, on the effective date of this act, is barred either by failure to comply with any applicable statute, charter or ordinance requiring the presentation of a claim or by failure to commence an action thereon within the period prescribed by an applicable statute of limitations.

"(c) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon has not been presented prior to the effective

date of this act, a claim shall be presented in compliance with this act, and for the purposes of this act such cause of action shall be deemed to have accrued on the effective date of this act.

"(d) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon was presented prior to the effective date of this act, the provisions of this act so far as applicable shall apply to such claim; and, if such claim has not been acted upon by the board prior to the effective date of this act, such claim shall be deemed to have been presented on the effective date of this act."

**Cross References**

Claims against counties, see Government Code § 29700 et seq.

**Library References**

Claims, actions and judgments against public entities and public employees:

recommendation. Cal.Law Revision Comm.(1963) Vol. 4, p. 1007 et seq.

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### § 81-11. Property

Sec. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties. (Stats.1957, c. 1234, p. 2530, § 11.)

#### Cross References

Sale of county property, see Government Code §§ 23004, 25354 et seq.

#### Library References

Waters and Water Courses ⇨228½. C.J.S. Waters § 321.

§ 81-12. Contracts; bids; performance bonds; emergency work; work by force account; materials and supplies \* (see footnote below)

§ 81-12. Repealed by Stats.1984, c. 1128, § 141

#### Historical and Statutory Notes

Prior to repeal, § 81-12 was amended by Stats.1969, c. 358, p. 875, § 3.

Sec. now, Pub. Con. C. § 21321.

### § 81-13. 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 or liabilities incurred pursuant to the provisions of this act authorizing the issuance of revenue bonds pursuant to Section 16, the levying of special assessments, the execution of contracts with the United States and the state, nor the incurring of any indebtedness or liability authorized by a vote of the electors of any zone or improvement district of the agency at an election held for such purpose. (Amended by Stats.1971, c. 120, p. 164, § 1.5, eff. June 4, 1971.)

§ 81-13.1 Repealed. Stats.1959, c. 815, p. 2834, § 29

#### Historical Note

The repealed section, derived from Stats.1957, c. 1234, p. 2531, § 13.1, related to bonded debt limit.

#### Cross References

Local spending and taxing limits, see Const. art. 11, § 20.

### § 81-14. Taxation

Sec. 14. The agency may levy taxes to accomplish the purposes of this act, but only to the extent specifically authorized by this act. (Stats.1957, c. 1234, p. 2531, § 14, as amended Stats.1959, c. 815, p. 2826, § 15.)

#### Library References

Waters and Water Courses ⇨231. C.J.S. Waters § 323.

Former §81-12 has been replaced by Pub. Contract Code § 21321. Text of Art. 97 of Pub. Contract Code containing § 21321 is attached at the end of PCWA Act.



**§ 81-14.1 Ad valorem tax; purposes; limitation**

**Sec. 14.1.** If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency for such purposes, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents (\$0.10) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied in any zone or participating zone pursuant to Section 15.

Such taxes shall be levied and collected with and not separately from taxes for county purposes, and the revenue derived from said agency taxes shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for said lawful purposes of the agency. (Stats.1957, c. 1234, p. 2531, § 14.1, as amended Stats.1959, c. 815, p. 2826, § 16.)

**Cross References**

Collection of county taxes, see Revenue and Taxation Code § 2501 et seq.  
Levy of county taxes, see Government Code § 29100 et seq.; Revenue and Taxation Code § 2151 et seq.

**§ 81-14.2 Taxation; law applicable**

**Sec. 14.2.** The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are 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 upon them by this act. (Formerly § 81-14.3, Stats.1957, c. 1234, p. 2532, § 14.3. Renumbered § 81-14.2, and amended Stats.1959, c. 815, p. 2826, § 17.)

**Historical Note**

Former section 81-14.2, derived from Stats.1957, c. 1234, p. 2532, § 14.2, relating to levy of special ad valorem tax, was repealed by Stats.1959, c. 815, p. 2834, § 29.

**Cross References**

County property taxes,  
Assessment, see Revenue and Taxation Code § 201 et seq.  
Collection, see Revenue and Taxation Code § 2501 et seq.  
Equalization, see Revenue and Taxation Code § 1601 et seq.  
Levy, see Government Code § 29100 et seq.; Revenue and Taxation Code § 2151 et seq.  
Redemption, see Revenue and Taxation Code § 4101 et seq.  
Sale of property for delinquency, see Revenue and Taxation Code § 3351 et seq.

**§ 81-14.3 Renumbered § 81-14.2 and amended.** Stats.1959, c. 815, p. 2826, § 17

**§ 81-14.3. Collection of taxes; net amount paid to agency**

**Sec. 14.3.** The taxes levied pursuant to Section 14.1 shall be collected at the time and in the manner of county taxes and paid into the county treasury. The net amount of the taxes, after deduction of the county's compensation for the services of its treasurer, assessor and tax collector, shall be paid to the agency treasurer by warrant of the county auditor.

(Added by Stats.1969, c. 858, p. 876, § 4, eff. July 3, 1969.)

**§ 81-14.4. Revolving fund; creation; bond; expenditures and reimbursement**

**Sec. 14.4.** (a) The board may establish a revolving fund for the use of any officer or employee of the agency by adopting a resolution setting forth the necessity for the fund, the officer or employee for which the fund is available, and the amount of the fund. Certified copies of the resolution shall be transmitted to the agency auditor and agency treasurer.

(b) Before any money is withdrawn from the agency treasury to be placed in the revolving fund, the officer or employee for whose use the fund is created shall file with the secretary of the board a bond executed by himself as principal and by an admitted surety insurer, in an amount equal to that of the revolving fund. The bond shall be conditioned upon the faithful administration of the fund and upon the willingness and ability of the principal to account for and pay over the fund upon demand of the board at any time.

(c) Upon the filing of the required bond the agency auditor shall draw his warrant in favor of the officer or employee for whose benefit the revolving fund is created, and the agency treasurer shall pay the warrant.

(d) The officer or employee may be authorized to use the fund for making change when necessary in carrying on his official work.

(e) The officer or employee shall not be authorized to expend any portion of the revolving fund except for services or material which are a legal charge against the agency.

(f) Any expenditure in excess of one dollar (\$1) shall not be made unless a receipt is obtained which sets forth the date, the purpose of the expenditure, and the amount expended.

(g) Demand shall be made upon the agency for reimbursement of the fund in the same manner that other demands are made and shall be supported by receipts. All sums received in satisfaction of the demand shall be returned to the revolving fund.

(h) Upon demand of the agency auditor or board, the officer or employee entrusted with the fund shall give an account of the fund.

(i) The board may at any time increase, reduce, or discontinue any revolving fund established by its order. If the revolving fund is ordered reduced, the officer or employee using it shall immediately return to the agency treasurer the amount necessary to reduce the fund as ordered by the board. If the fund is discontinued the officer or employee shall immediately refund it to the agency treasurer. A reasonable time shall be allowed the officer or employee to reimburse himself by demand on the agency for expenditures legally made from the fund.

(Added by Stats.1969, c. 358, p. 876, § 5, eff. July 3, 1969.)

#### § 81-15. Establishment of zones; institution of projects; taxation; bonds

**Sec. 15. (a) Establishment of zones.** The board by resolution shall establish such zones within the agency as in the judgment of said board are necessary to equitably apportion the benefits of the agency to the lands within the respective zones. Such zones may be established within the agency without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. The lands comprising a zone need not be contiguous. All zones shall be established only with respect to projects for the benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in this section.

**(b) Institution of projects; resolution; notice; hearing.** The board may institute projects for the financing, acquisition, constructing, maintaining, operating, extending, repairing or otherwise improving any work of benefit to single zones or two or more zones. In cases of projects for the benefit of two or more zones, such zones shall become, and shall be referred to as, participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone or participating zones and fixing a time and place for public hearing of said resolution. The resolution shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in two public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the resolution and the map or maps of the proposed project may be seen by any interested person; said resolution and map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

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(c) **Objections; protests.** At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests have been filed against the proposed project signed by owners of real property within the zone or participating zone the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property of such zone, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

(d) **Levy and collection of taxes.** The board shall have power, in any year.

(1) To levy taxes upon all taxable property in each or any of said zones according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, acquiring, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes and shall not exceed fifty cents (\$0.50) on each one hundred dollars (\$100) of assessed valuation, exclusive of any tax levied pursuant to subdivision (f), hereof.

(2) Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said agency taxes shall be paid into the county treasury to the credit of the agency and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any works located in any other zone, except in the case of projects for the benefit of participating zones or for projects authorized or established outside such zone or zones, but for the benefit thereof.

(e) **Bonded indebtedness; resolution declaring amounts necessary.** Whenever the board determines that a bonded indebtedness should be incurred by pay the cost of any work in any zone or participating zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Placer

County within five (5) days after its adoption. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(f) **Special bond election; submission of question.** After the filing for record of the resolution specified in subdivision (e) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(g) **Resolution calling bond election.** The board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in the resolution referred to in subdivision (e) of this section. The resolution calling the bond election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution referred to in subdivision (e) of this section. The resolution calling such special bond election shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness. Said resolution shall also fix the date on which such special election shall be held and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election said board shall in said resolution calling said bond election establish a special bond election precinct or precincts within the boundaries of each zone and participating zones and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct. Said resolution shall also designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

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(h) **Applicability of general election laws.** In all particulars not recited in said resolution calling said bond election, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

(i) **Preparation of map; posting.** The board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed work and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(j) **Publication or posting of resolution calling bond election.** Said resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone 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 such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in two public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

(k) **Validity of bonds; defects or irregularities.** Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds of the votes cast in the zone or in each of the participating zones are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings may be issued and sold as in this act provided.

(l) **Form of bonds.** The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

(m) **Series bonds; maturity.** 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 dates from those of any other series. The maturity dates of each series shall comply with this section. The board may fix a date not more than two (2) years from the date of issuance for the earliest maturity of each issue or series of bonds. The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

(n) **Denomination of bonds; interest; coupons; signatures.** The bonds shall be issued in such denomination 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 percent (6%) per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers 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 officers had remained in office until the delivery of the bonds.

(o) **Notice inviting bids; publication.** Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the agency inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

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(p) **Payment of bonds; annual tax; liability of zones.** Any bonds issued under the provisions of this section, and the interest thereon, shall be paid by revenues derived from an annual tax upon all taxable property in the zone or participating zones sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury of said Placer County to the credit of the zone of payment, and thereafter paid to the agency treasurer pursuant to Section 14.3 and be used for the payment of the principal and interest on said bonds, and for no other purpose. It is hereby declared that for the purposes of any tax levied pursuant to this subdivision (p), the property so taxed within a given zone is equally benefited.

(Amended by Stats.1969, c. 358, p. 877, § 6, eff. July 3, 1969.)

**§§ 81-15.1 to 81-15.4. Repealed. Stats.1959, c. 815, p. 2834, § 29**

**Historical Note**

The repealed sections, derived from Stats. 1957, c. 1234, pp. 2533-2535, §§ 15.1-15.4, related to bonds. See, now, § 81-15.

**§ 81-15.1. Annexation to or detachment of territory from zone**

Sec. 15.1. (a) Territory may be annexed to a zone or territory within an existing zone may be detached therefrom under the procedure set forth in this section.

(b) Whenever any territory is annexed to a zone, the annexed territory shall be subject to all the liabilities and entitled to all the benefits of that zone.

(c) Whenever any territory is detached from a zone, except as otherwise provided for herein, the territory detached, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing within such zone shall cease to be subject to the jurisdiction of such zone and shall have none of the rights or duties of the remaining territory or voters of such zone upon and after the effective date of the detachment.

No inhabitant, property owner, taxpayer, consumer, or user within territory detached from a zone shall be entitled (i) to all or any part or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected) or any property, real or personal, of such zone or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of the detachment.

Territory detached from a zone shall continue to be liable for the payment of principal, interest and any other amounts which shall become due on account of any bonds, including revenue bonds, or other contracts or obligations of the zone within which the detached territory shall have been situated, as shall be outstanding on the effective date of detachment and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment.

(d) The board shall adopt a resolution initiating proceedings for annexation or detachment, which resolution shall contain all the following:

- (1) The exterior boundaries of the territory proposed for annexation or detachment.
- (2) A statement of the reasons for the proposed annexation or detachment.
- (3) Fix a time, date, and place of hearing on the proposed annexation or detachment.
- (4) State that any interested person desiring to make written protest against such annexation or detachment shall do so by written communication, containing the signature and street address of the protestant, filed with the clerk of the agency not later than the hour set for the hearing.
- (e) The clerk of the agency shall give notice of the hearing by mailing a copy of such notice to all landowners owning land within the territory proposed to be annexed or detached, and by publishing notice thereof in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published in the agency.

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(f) A majority protest shall be deemed to exist, and the proposed annexation or detachment shall be abandoned, if the agency shall find that written protests filed and not withdrawn prior to the conclusion of the hearing represent more than 50 percent of the assessed value of the land and improvements within the territory proposed to be annexed or detached.

(g) At the hearing, all interested persons shall be given the opportunity to present evidence and testimony for or against the proposed annexation or detachment. Any person who shall have filed a written protest may withdraw the written protest at any time prior to the conclusion of the hearing.

If a majority protest shall not have been filed, the board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution making one of the following determinations:

(1) Disapproving the proposed annexation or detachment.

(2) Approving the proposed annexation or detachment.

(3) Approving the annexation or detachment, but excluding any lands which the board finds will not be benefited by such annexation or detachment.

(h) If the board approves the proposed annexation or detachment, or approves it but excludes any lands, a certified copy of the resolution of the board, together with a map or plat of the new boundaries of the zone, shall be filed with the agencies designated in, and as required by, Sections 54900, 54901, and 54902 of the Government Code. Upon such filing, the annexation or detachment of the territory to the zone shall be effective.

(Added by Stats.1974, c. 630, p. 1479, § 2.)

### Library References

Municipal Corporations § 27 et seq.  
C.J.S. Municipal Corporations § 41.

### § 81-15.2. Zone advisory council

Sec. 15.2. The board may by resolution create an advisory council for any zone to assist and advise the board on all matters pertaining to that zone. Each such council shall consist of not more than five members appointed by and serving at the pleasure of the board. Each council member shall be either a resident of or the owner of property in the zone for which the council is appointed. Council members shall receive such sum as is fixed by the board, up to a maximum of twenty-five dollars (\$25), for each meeting of the council attended by the member, not exceeding two meetings per month, plus actual, necessary and reasonable traveling expenses. The compensation set for the various advisory councils need not be the same, but in no event may it exceed the maximum provided for in this section.

(Added by Stats.1974, c. 630, p. 1480, § 3.)

### § 81-15.5. Formation of improvement districts; powers and duties of board

Sec. 15.5. Improvement districts may be formed in the agency for any authorized purpose of the agency in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the agency as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts. Assessments in an improvement district in the agency shall be levied, collected and enforced at the same time and as nearly in the same manner as practicable as annual taxes of the county, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

(Added by Stats.1971, c. 120, p. 164, § 2, eff. June 4, 1971.)

### Library References

Waters and Water Courses § 183½.  
C.J.S. Waters § 243.

**§ 81-15.6. Works or improvements under Improvement Act of 1911 or Municipal Improvement Act of 1913**

Sec. 15.6. 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 such improvement acts have the following meaning:

- (a) "Municipality" or "city" means the agency;
- (b) "City council" or "legislative body" means the board of directors of the agency;
- (c) "City treasurer" or "treasurer" means the officer of the agency who has charge of and makes payment of the agency funds;
- (d) "Mayor" means the chairman of the agency;
- (e) "Clerk" means the secretary of the agency;
- (f) "Council chambers" means the place where the regular meetings of the board of directors are held;
- (g) "Superintendent of streets," or "street superintendent" and "city engineer" mean the general manager of the agency, or any other person appointed to perform such duties;
- (h) "Tax collector" means the county tax collector;
- (i) "Right-of-way" means any parcel of land through which a right-of-way has been granted to the agency for any purpose;
- (j) All other words and terms relating to municipal officers and matters refer to the corresponding officers of the agency and matters under this act.

(Added by Stats.1971, c. 120, p. 165, § 3, eff. June 4, 1971.)

**Library References**

Waters and Water Courses ⇐ 183½.  
C.J.S. Waters § 243.  
Words and Phrases (Perm.Ed.)

**§ 81-16. Revenue bonds**

Sec. 16. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941; provided, however, that, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy; and provided, further, that notwithstanding the provisions of Section 54400 of the Government Code, the board may determine and provide, in any resolution for the issuance of revenue bonds, for maturity dates of the revenue bonds not exceeding 50 years from their date of issuance.

If the interest and principal of the revenue bonds and all charges to protect or secure them have been paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the agency, payments in lieu of taxes to any or all political subdivisions, including but not limited to school districts, upon works of the agency situate within such political subdivisions in the County of Placer, and the purchase or obtaining of additional water supplies. (Stats.1957, c. 1234, p. 2535, § 16, as amended Stats.1959, c. 815, p. 2531, § 19; Stats.1961, c. 301, p. 1336, § 1, effective May 8, 1961; Stats.1967, c. 117,



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### § 81-17. Legal investments

Sec. 17. All revenue bonds issued by the agency may be certified as legal investments, pursuant to the District Securities Law, Division 10 (commencing with Section 20000) of the Water Code, in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

(Amended by Stats.1971, c. 214, p. 324, § 196.)

### § 81-18. Action to test validity of bonds, tax levy or contract

Sec. 18. An action to determine the validity of bonds, levy of a special assessment 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. (Formerly § 81-30, Stats.1957, c. 1234, p. 2542, § 30. Renumbered § 81-18, and amended Stats.1959, c. 815, p. 2832, § 21, as amended Stats.1961, c. 1040, p. 2724, § 1.)

#### Historical Note

Former section 81-18, derived from to revenue bonds, was repealed by Stats. Stats.1957, c. 1234, p. 2436, § 18, relating 1959, c. 815, p. 2834, § 29.

### § 81-19. Effect upon districts within limits of agency

Sec. 19. 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 district, now or hereafter established in or partially within the limits of the agency for the

purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Placer County Water Agency, the existence of more than one district, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development. (Formerly § 81-32, Stats.1957, c. 1234, p. 2543, § 32. Renumbered § 81-19, and amended Stats.1959, c. 815, p. 2832, § 22.)

#### Historical Note

Former section 81-19, derived from revenue bonds, was repealed by Stats.1959. Stats.1957, c. 1234, p. 2536, § 19, relating to c. 815, p. 2834, § 29.

§§ 81-19.1 to 81-19.21 Repealed. Stats.1959, c. 815, p. 2834, § 29

#### Historical Note

The repealed sections, derived from Stats. related to indenture agreements, designation of trustees and series bonds. 1957, c. 1234, pp. 2536-2539, §§ 19.1-19.21.

### § 81-20. Vested rights

Sec. 20. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation or district in or to any water or the use thereof. (Formerly § 81-33, Stats.1957, c. 1234, p. 2543, § 33. Renumbered § 81-20, and amended, Stats.1959, c. 815, p. 2833, § 23.)

#### Historical Note

Former section 81-20, derived from to coupon bonds and registered bonds, was Stats.1957, c. 1234, p. 2539, § 20, relating repealed by Stats.1959, c. 815, p. 2834, § 29.

§§ 81-20.1 to 81-20.8 Repealed. Stats.1959, c. 815, p. 2834, § 29

#### Historical Note

The repealed sections, derived from Stats.1957, c. 1234, pp. 2539, 2540, §§ 20.1-20.8, related to bonds. Sec. now, § 81-15.



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### § 81-21. Action to test validity of existence of agency

Sec. 21. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Placer, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California. (Formerly § 81-34, Stats.1957, c. 1234, p. 2543, § 34. Renumbered § 81-21, and amended Stats.1959, c. 815, p. 2833, § 24.)

#### Historical Note

Former section 81-21, derived from to tax exemption of bonds, was repealed Stats.1957, c. 1234, p. 2540, § 21, relating by Stats.1959, c. 815, p. 2834, § 29.

#### Cross References

Publication in newspapers, see Government Code § 6000 et seq.  
Summons, service by publication, see Code of Civil Procedure, §§ 412, 413, 416.

§ 81-21.1 Repealed. Stats.1959, c. 815, p. 2834, § 29

#### Historical Note

The repealed section, derived from Stats.1957, c. 1234, p. 2540, § 21.1, related to bonds as legal investments.

### § 81-22. Dissolution

Sec. 22. 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. (Formerly § 81-35, Stats.1957, c. 1234, p. 2544, § 35. Renumbered § 81-22, and amended Stats.1959, c. 815, p. 2833, § 25.)

#### Historical Note

Former section 81-22, derived from to funding or refunding revenue bonds, was Stats.1957, c. 1234, p. 2541, § 22, relating repealed by Stats.1959, c. 815, p. 2834, § 29.

### § 81-23. Legislative finding and declaration

Sec. 23. The Legislature hereby finds that water problems in the county require county-wide water conservation, flood control and development of water resources; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the agency; that these problems are not general or statewide; that the county for many years has made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and water conservation 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. (Formerly § 81-36, Stats.1957, c. 1234, p. 2544, § 36. Renumbered § 81-23, and amended Stats.1959, c. 815, p. 2833, § 26.)

# PLACER COUNTY WATER AGENCY ACT

## Historical Note

Former section 81-23 derived from Stats. 1957, c. 1234, p. 2541, § 23, relating to funding or refunding revenue bonds, was repealed by Stats. 1959, c. 815, p. 2834, § 29.

### § 81-24. Partial invalidity

Sec. 24. 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. (Formerly § 81-37, Stats. 1957, c. 1234, p. 2544, § 37. Renumbered § 81-24, and amended Stats. 1959, c. 815, p. 2834, § 27.)

## Historical Note

Former section 81-24, derived from Stats. 1957, c. 1234, p. 2541, § 24 relating to negotiability of bonds, was repealed by Stats. 1959, c. 815, p. 2834, § 29.

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### § 81-25. Short title

Sec. 25. This act may be designated and referred to as "the Placer County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes. (Formerly § 81-38, Stats. 1957, c. 1234, p. 2544, § 38. Renumbered § 81-25, and amended Stats. 1959, c. 815, p. 2834, § 28.)

## Historical Note

Former section 81-25, derived from Stats. 1957, c. 1234, p. 2541, § 25, relating to resolution of board declaring purpose for use of bond proceeds and maximum amount of bonds, was repealed by Stats. 1959, c. 815, p. 2834, § 29.

§§ 81-26 to 81-29. Repealed. Stats. 1959, c. 815, p. 2834, § 29

## Historical Note

The repealed sections, derived from Stats. 1957, c. 1234, pp. 2541, 2542, §§ 26-29, related to insurance against loss of revenues; indenture agreement provisions relating to deposit and disbursement of funds; investment of moneys; surplus moneys; and actions to test validity of bonds.

§ 81-30. Renumbered § 81-18 and amended. Stats. 1959, c. 815, p. 2832, § 21

§ 81-31. Blank

§ 81-32. Renumbered § 81-19 and amended. Stats. 1959, c. 815, p. 2832, § 22

§ 81-33. Renumbered § 81-20 and amended. Stats. 1959, c. 815, p. 2833, § 23

§ 81-34. Renumbered § 81-21 and amended. Stats. 1959, c. 815, p. 2833, § 24

§ 81-35. Renumbered § 81-22 and amended. Stats. 1959, c. 815, p. 2833, § 25

§ 81-36. Renumbered § 81-23 and amended. Stats. 1959, c. 815, p. 2833, § 26

§ 81-37. Renumbered § 81-24 and amended. Stats. 1959, c. 815, p. 2834, § 27

§ 81-38. Renumbered § 81-25 and amended. Stats. 1959, c. 815, p. 2834, § 28

## Article 97

### PLACER COUNTY WATER AGENCY

#### Section

21320. Application of article.

21321. Contracts; bids; performance bonds; emergency work; work by force account; materials and supplies.

*Article 97 was added by Stats.1984, c. 1128, § 69.*

#### § 21320. Application of article

The provisions of this article shall apply to contracts by the Placer County Water Agency, as provided for in Chapter 1234 of the Statutes of 1957<sup>1</sup>.

(Added by Stats.1984, c. 1128, § 69.)

<sup>1</sup> Water C.App. 81-1 et seq.

#### § 21321. Contracts; bids; performance bonds; emergency work; work by force account; materials and supplies

All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars (\$5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three insertions in a daily newspaper of general circulation or by two insertions in a weekly newspaper, of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code<sup>1</sup>. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars (\$5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. In the event that no proposals are received, or if only one responsive proposal is received, the board may negotiate a contract for construction or performance of the work or improvement or substantially similar work or improvement; provided, that if only one responsive proposal is received such contract must be negotiated with the bidder. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account. Sections 4300 to 4305, inclusive, of the Government Code<sup>2</sup> shall not apply to the agency's Middle Fork American River Project. The provisions of this section shall

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apply to all proposals or contracts whether or not received or entered into prior to the effective date of the amendment of this provision made at the 1963 Regular Session of the Legislature<sup>3</sup>.

(Added by Stats.1984, c. 1128, § 69.)

<sup>1</sup> Repealed; see, now, Civil Code § 3247 et seq.

<sup>2</sup> Repealed; see, now, Civil Code §§ 3247, 3248.

<sup>3</sup> The reference is probably to the 1963 amendment of Water Code Appendix former § 81-12 by Stats.1963, c. 236, p. 976, § 1.

Historical Note

Derivation: Water C.App. former 2530, § 12, amended by Stats.1963, c. 236, § 81-12, enacted by Stats.1957, c. 1234, p. p. 976, § 1; Stats.1969, c. 358, p. 875, § 3.

Cross References

Newspaper of general circulation, see Government Code § 6000.

Library References

Levees and Flood Control 16.

C.J.S. Levees and Flood Control § 8.

§ 21322

PUBLIC CONTRACT CODE

§ 21322. Contracts; advertisement exception; emergency work

Notwithstanding the provisions of Section 21321, contracts may be let for work without advertising in cases of significant emergency as determined by the board. Cases of significant emergency include, but are not limited to:

- (1) States of emergency as specified in Section 8558 of the Government Code.
- (2) When emergency repair or replacement is necessary to permit the continued operation or service of the agency.
- (3) When the emergency work is necessary to avoid danger to life or property.

Any action taken under this section must be authorized by a unanimous vote of the board member present. Additionally, the board must find, based on substantial evidence set forth in the minutes of its meeting, that the emergency work is necessary for the stated reasons.

(Added by Stats.1993, c. 687 (A.B.1225), § 1, eff. Oct. 4, 1993.)