

WATER CODE—APPENDIX

App. § 118-136

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

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

(Stats.1977, c. 527, p. 1681, § 133.)

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

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

(Stats.1977, c. 527, p. 1681, § 134.)

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

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

(Stats.1977, c. 527, p. 1682, § 135.)

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

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

(Stats.1977, c. 527, p. 1682, § 136.)

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CHAPTER 1. BOARD OF DIRECTORS

Section
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118-206. Compensation of members; expenses.

App. § 118-201

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

Sec. 201. All powers, privileges, and duties vested in or imposed on the district shall, except as otherwise provided, be performed by and through the board of directors.

(Stats.1977, c. 527, p. 1682, § 201.)

§ 118-202. Membership of board

Sec. 202. The board shall consist of seven members selected in accordance with this chapter.

(Stats.1977, c. 527, p. 1682, § 202.)

§ 118-203. Election of members

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

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

Historical and Statutory Notes

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

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

Sec. 204. Each elected member of the board shall be a voter of the district.

(Stats.1977, c. 527, p. 1682, § 204.)

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

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

(Stats.1977, c. 527, p. 1682, § 205.)

§ 118-206. Compensation of members; expenses

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

(Stats.1977, c. 527, p. 1683, § 206.)

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

Section

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

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

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

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

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

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

(Stats.1977, c. 527, p. 1683, § 221.)

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

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

(Stats.1977, c. 527, p. 1683, § 222.)

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

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

(Stats.1977, c. 527, p. 1683, § 223.)

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

Sec. 224. Any actions taken by the board and any proceedings taken by the district in connection therewith, prior to the adoption of the resolution changing the method of voting, shall not be affected by such resolution.

(Stats.1977, c. 527, p. 1683, § 224.)

CHAPTER 3. PROCEEDINGS

Section

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- 118-252. Duties of chairman and vice chairman; temporary chairman; oaths.
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- 118-255. Appointment of officers and employees; duties; compensation.
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- 118-264. Pensions.
- 118-265. Depositories; securing of funds; rules for payment of warrants.

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

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

(Stats.1977, c. 527, p. 1683, § 251.)

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

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

(Stats.1977, c. 527, p. 1684, § 252.)

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

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

(Stats.1977, c. 527, p. 1684, § 253.)

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

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

(Stats.1977, c. 527, p. 1684, § 254.)

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

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

(Stats.1977, c. 527, p. 1684, § 255.)

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

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

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

§ 118-257. Effect of informality of proceedings

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

(Stats.1977, c. 527, p. 1684, § 257.)

§ 118-258. Delegation of powers

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

(Stats.1977, c. 527, p. 1684, § 258.)

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

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

(Stats.1977, c. 527, p. 1684, § 259.)

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

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

(Stats.1977, c. 527, p. 1684, § 260.)

§ 118-261. Official bonds of officers and employees

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

(Stats.1977, c. 527, p. 1685, § 261.)

§ 118-262. Personnel system

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

(Stats.1977, c. 527, p. 1685, § 262.)

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

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

(Stats.1977, c. 527, p. 1685, § 263.)

§ 118-264. Pensions

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

(Stats.1977, c. 527, p. 1685, § 264.)

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

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

(Stats.1977, c. 527, p. 1685, § 265.)

CHAPTER 4. PROHIBITION

Section

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

118-282. Violation as misdemeanor.

118-283. Interests not prohibited.

118-284. Chapter provisions supplementary to other law.

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

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

(Stats.1977, c. 527, p. 1685, § 281.)

§ 118-282. Violation as misdemeanor

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

(Stats.1977, c. 527, p. 1685, § 282.)

§ 118-283. Interests not prohibited

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

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

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

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

(Stats.1977, c. 527, p. 1685, § 283.)

§ 118-284. Chapter provisions supplementary to other law

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

(Stats.1977, c. 527, p. 1686, § 284.)

PART 4. POWERS AND PURPOSES

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CHAPTER 1. POWERS GENERALLY

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118-304. Contracts; maintenance of offices and positions.
118-305. Borrowing money; issuance of bonds.
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118-307. Issuance and refunding of bonds as authorized by law; procedure; retirement of indebtedness.
118-308. Rules and regulations.
118-309. Maintenance of facilities.
118-310. Reimbursement of county for expenditure of certain funds.
118-311. Plants for the generation of hydroelectric power; construction and operation; leases; use and sale of power.

§ 118-301. Exercise of powers

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

(Stats.1977, c. 527, p. 1686, § 301.)

§ 118-302. Perpetual succession

Sec. 302. The district shall have perpetual succession.

(Stats.1977, c. 527, p. 1686, § 302.)