

ORDINANCE NO. 2A

AN ORDINANCE PROVIDING FOR CHARGES FOR METER INSTALLATION, WATER SERVICES, RECONNECTION CHARGES, AND ESTABLISHING PLACES FOR POSTING ORDINANCES, NOTICES AND OTHER PAPERS OF THE DISTRICT.

BE IT ORDAINED by the Board of Directors of the Volcano Community Services District as follows:

I

The rules and regulations covering the furnishing of water by the District to consumers shall be as follows:

1. District - VCSD. Any reference herein to "District" or "VCSD" is a reference to the Volcano Community Services District Water District.
2. Board of Directors. Any reference herein to "Board of Directors" or "Board" is a reference to the Board of Directors of the Volcano Community Services District.
3. Staff. Any reference herein to "President," "General Manager," "Secretary," and "Engineer," means the persons holding the respective offices designated by the District.
4. Extension & Main. The word "extension" or "main" used herein shall be construed to mean the pipeline and all necessary appurtenances laid or to be laid along any street, alley or right-of-way, for the distribution or transmission of water and shall not be deemed to include as a part thereof any connection or service pipe as hereafter defined.
5. Assessment. The word "assessment" as used herein shall mean a charge considered necessary by the Board of Directors per each legal parcel of land for the payment of indebtedness, administrative, and operational costs.
6. Connection, Service Pipe, or Service. The word "connection," "service pipe," or "service" as used herein shall mean and include the pipe laid or to be laid for the purpose of conveying water from the water main extending along any street, alley or right-of-way to the location of the meter, together with the fittings and appurtenances

necessary to connect said service pipe to the water main and to such meter.

7. Parcel or Lot. The word "parcel" or "lot" as used herein shall mean any single separately described parcel of land, in one or more ownerships. The definition of a parcel may change according to the characteristics of the re-subdivision of any parcel, which would, in turn, provide as many additional parcels as land was or will be fragmented by its subdivision from an existing parcel of land.

8. Cross Connection. The word "cross-connection" as used herein shall mean any unprotected connection or potential connection between any part of the District water system and any source or system containing water or other substance that may contain pathogenic organisms, biological forms, or chemicals that may be physiologically harmful, esthetically objectionable, economically damaging, or otherwise might impair the quality of the public water supply.

9. Improvement District. Any reference herein to "improvement district" means the areas subject to the lien of special assessment bonds or the liability for the acquisition, construction, or improvement of a water system or portion thereof.

10. Multiple Use Fee. The word "multiple use" herein shall mean when there is an existence of one meter service to more than one single family dwelling unit, commercial enterprise, or other definable unit of use by the Board of Directors on a single parcel of land.

11. Extent of Rules & Regulations. The water systems to which these regulations apply shall embrace the property and places now served with water at the date of the passage of this resolution by the present water distribution systems of the District and such additional property and places within the District to which water systems of the District may hereafter from time to time be extended or wherein new elements of the system are developed.

with plumbing or appliances or any use of water on the customer's premises either as a result of a complaint or otherwise will be made without charge and without assumption of any liability in connection therewith.

17. Extent of District Responsibility Due to Customer's Negligence. The District will not be responsible for any loss or damage caused by any negligence or wrongful act of a customer or his authorized representatives in installing, maintaining, operating or using any or all appliances, facilities or equipment for which water service is supplied. The customer will be held responsible for damage to District meters and other property resulting from the use or operation of appliances and facilities on the customer's premises, including damage caused by steam, hot water, chemicals, etc.

18. Customer's Negligent or Wasteful Use of Water. Where negligent or wasteful use of water exists on a customer's premises, seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five days after giving customer written notice of intent to do so. The District shall immediately discontinue service to any connection if it is running and no one is in attendance. VCSD shall notify the property owner of said action.

19. Distribution of Service Revenues. The District will from time to time establish, impose upon, and collect from the consumer of the water furnished, such charges as will provide and pay the operating expenses of the water system, provide for its repair and replacement, and so far as possible pay the interest on indebtedness incurred for it. All title holders of record of parcels of land as described in the Amador County Records as of July 1, 1967, and all parcels annexed to the District from this date, will be subject to an assessment by VCSD at a rate subject to revision by the Board of Directors. It shall be

due and payable in not more than two installments. Each installment shall be of an equal amount due July 1, delinquent August 15; due January 1, delinquent February 15, of each fiscal year. On transfer of ownership of one undivided parcel, seller will be held liable for assessments due and payable along with any service charges owing. Seller is required to notify VCSD of the transaction, as per instruction on the assessment billing form. On property transactions involving a division of a parcel into two or as many parts as allowed by Amador County ordinances, a full assessment rate will be levied on each of the parcels so derived from a single parcel, applicable, due and payable on the half of the fiscal year next following the date of the transaction. This does not apply to the subdivision of land where VCSD subdivision rules prevail. Delinquency penalties on past due assessments will be levied as follows: If payment is not received within 45 days of the due dates of each fiscal year, a 10% basic penalty will be charged. An additional 1/2 of 1% per month will be charged until payment is made or collected through legal means. Whenever collection must be effected through the courts, all legal fees and court costs will be added. In the event that the amount of any assessment remains unpaid for a period of 45 days next succeeding the due date for such payments, the Board of Directors shall require the discontinuances of the service of water (if water is served to said parcel) and to take whatever or additional action as necessary or required in order to provide a lien upon any such parcel in default, and for the execution of such lien through lawful means, if not promptly paid.

A charge will be made to re-establish any service discontinued for any reason (in advance). If two contiguous parcels having the same legal title of ownership can be reconveyed into a single parcel, and so

recorded in the Amador County records, the VCSD will so recognize and assess, effective in the half of the VCSD fiscal year following the date of County recordation as a single parcel. However, if the single parcel so derived is again divided in any manner, assessments will be levied retroactive to the date it was last recorded as a single parcel.

20. Collection of Delinquent Water Bills. The District shall have and reserves the right to collect any delinquent amount from any prior water service before accepting an application for the re-establishment of that water service. In any instance that water service is discontinued for nonpayment for same, a reconnection charge must be paid in advance.

21. Customer Responsibility of Account Transfers. No sale or lease of the premises shall be construed as relieving any customer from the payment of such charges until said payment has been made and the account transferred by application duly made as hereafter provided upon the books of the District to the new owner or lessee.

22. Final Notice of Discontinuance of Service. ~~All bills for water service are due and payable upon presentation. Any account allowed to become delinquent to the extent of three months accumulated billing is subject to final notice of discontinuance of service. If full payment upon such delinquent account is not received within ten days beyond date of said final notice, service will be discontinued.~~

23. Rules Governing Charges for Meter Installations. Meter installations will be charged for at prices current when meter is installed and according to the size of the meter required. This meter installation when paid for becomes a part of property improvements, such as roads, power lines, etc., but is subject to all other rules of the VCSD. User is responsible for any physical damage resulting from ill-treatment of the meter. District will be responsible for replacing worn parts and maintaining accuracy of the meter. Terms for payment of meter installation: Maximum terms - 3 payments in 90 days. Failure to comply with terms as agreed will result in disconnection of services

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(removal of meter) 15 days after notification by certified mail. A reconnection charge will be assessed to reinstall the meter. A water meter on one parcel may not be used to service another parcel, or in any way to circumvent the obligation to pay minimum water rates by separate parcel owners. Any such attempt shall result in immediate discontinuance of service to all parties until corrective action is taken.

24. Rules Governing Water Service to Users & Water Rates. Water rates are subject to review by the Board of Directors. User will be charged for all water recorded through meter. The District is not liable for breaks in user's plumbing system. User may request water service to be disconnected and no minimum charge for water will be made. No charge will be made for disconnecting, but a charge will be made for reconnecting service. When ordering water to be turned on, user will be responsible to secure all plumbing apparatus in user's plumbing system. The District normally reads meters every month. A variance of seven days will be allowed for each reading around the end of the month. If weather conditions, etc. prevent reading, the user will be billed at the minimum charge for the month or months that the user's meter is not read. When conditions again allow the reading of the meter, the amount of water allowable under the minimum rate for each month required shall be subtracted from the total amount of water used. All water used in excess of that allowable under the minimum charge will be billed in accordance with applicable schedules. The District accepts no liability for leaks on the user's side of the meter. No meters will be installed if assessment payment or payments on parcel to receive water service are owing the District.

25. Rules Relating to Installation and Maintenance of Double Check Valves. Backflow prevention devices (double check valves) will be installed in all instances as specified and required by Section 7604, Chapter 5, Title 17, of the California Administrative Code. ✓

This requires the installation of backflow prevention devices on the service connections to all premises having: (a) Access to any auxiliary water supply; (b) Any substance handled in such fashion as to permit its entry into the public water system by back siphonage or pressure differential; (c) Any toxic or hazardous material, liquid, or substance dangerous to health that might possibly be introduced into the public water system.

26. Responsibility for Installation, Inspection & Maintenance. ✓

Backflow prevention devices required herein shall be installed, inspected and maintained by the District or its authorized representative at the expense of the customer or applicant. Charges for this service shall be in accordance with these regulations. The only exception to the foregoing will be when the District permits the customer or applicant to install the backflow prevention device furnished by the District. All double check valves must be installed with unions on each side for easy removal for inspection and must be housed for easy access. Tests and inspection by authorized District personnel shall be made of each installed backflow prevention device at least once a year, or more often where successive inspection indicate repeated failure, or where it has been determined that the hazard justifies and requires more frequent tests and inspections. A summary of all test results shall be maintained by the District and shall be available for inspection by the Public Health agencies of the County and the State.

27. Discontinuance of Service. The District may discontinue service of water to any premises and may physically disconnect the customer's piping from the public water system if a backflow prevention device required by this regulation is not installed, tested, and maintained, and if any defect or damage is found in an installed backflow prevention device, or if it is found that the customer has not

provided reasonable care to protect the backflow prevention device from damage, or if a backflow prevention device has been removed or by-passed, or if unprotected cross-connections exist on the premises; and services will not be restored until such conditions or defects are corrected. ✓

28. Prevention of Flow from One Service Connection Through Another. If a premise is supplied by more than one water service connection from the public water system, a backflow prevention device must be installed at each water service connection to prevent the backflow of water from one service connection through another.

29. Inspection Fees. There will be no monthly service charge for inspection of backflow prevention devices. The cost of the yearly inspection will be borne by the District under maintenance expenses.

30. Offenses Subject to Court Action. Every person who shall without lawful authority take or obtain water from any ditch, main service pipe, storage facility, or fire hydrant of the District, or injure, damage, obstruct, or remove any part of the water system, or who shall turn any water onto any premises without such authority, shall be guilty of a misdemeanor, and upon conviction thereof in court of competent jurisdiction, shall be punishable by a fine not to exceed \$100.00 or by imprisonment in the County Jail of the County of Amador not to exceed 30 days, or both such fine and imprisonment in the discretion of the Court.

31. Non-Liability of District for Damages Beyond Meter. The District will make all service line extensions, connections, and installations according to approved methods, but will not be liable or responsible for any injury or damage caused by water after it has passed through the customer's meter. ✓

32. District Right to Amend or Repeal. The rules and regulations herein set forth may be amended, repealed, or modified; increased or decreased by resolution adopted by the Directors of the District. No person shall gain any right by virtue of these rules and regulations or acts done pursuant thereto to the continuation of any policy or practice prescribed herein. All rules and regulations, ordinance and parts of ordinances of the District in conflict with this ordinance and any rule or regulation of the District, to the extent of such conflict only, and no further, are hereby repealed.

33. Rates. The water and use rates of the District shall be fixed from time to time by resolution of the Board of Directors of the District.

34. Billings. All charges of water supplied shall be billed to the owner of the premises to which said water is supplied and shall be payable at the office of the manager of the District or such other place as the directors of the District shall, by reason, fix and determine.

II

The Board of Directors establishes the following three public places in the District for the posting of ordinances, resolutions, notices and other papers as time to time may be required by the Board of Directors or the laws of the State of California:

1. Armory Hall.
2. United States Post Office.
3. ^{County} ~~San Joaquin~~ Store Bulletin Board.

Adopted this ____ day of _____, 1977, by the following vote:

AYES:

NOES:

ABSENT:

Signed and approved by me this ____ day of _____, 1977.

PRESIDENT

ATTEST:

SECRETARY

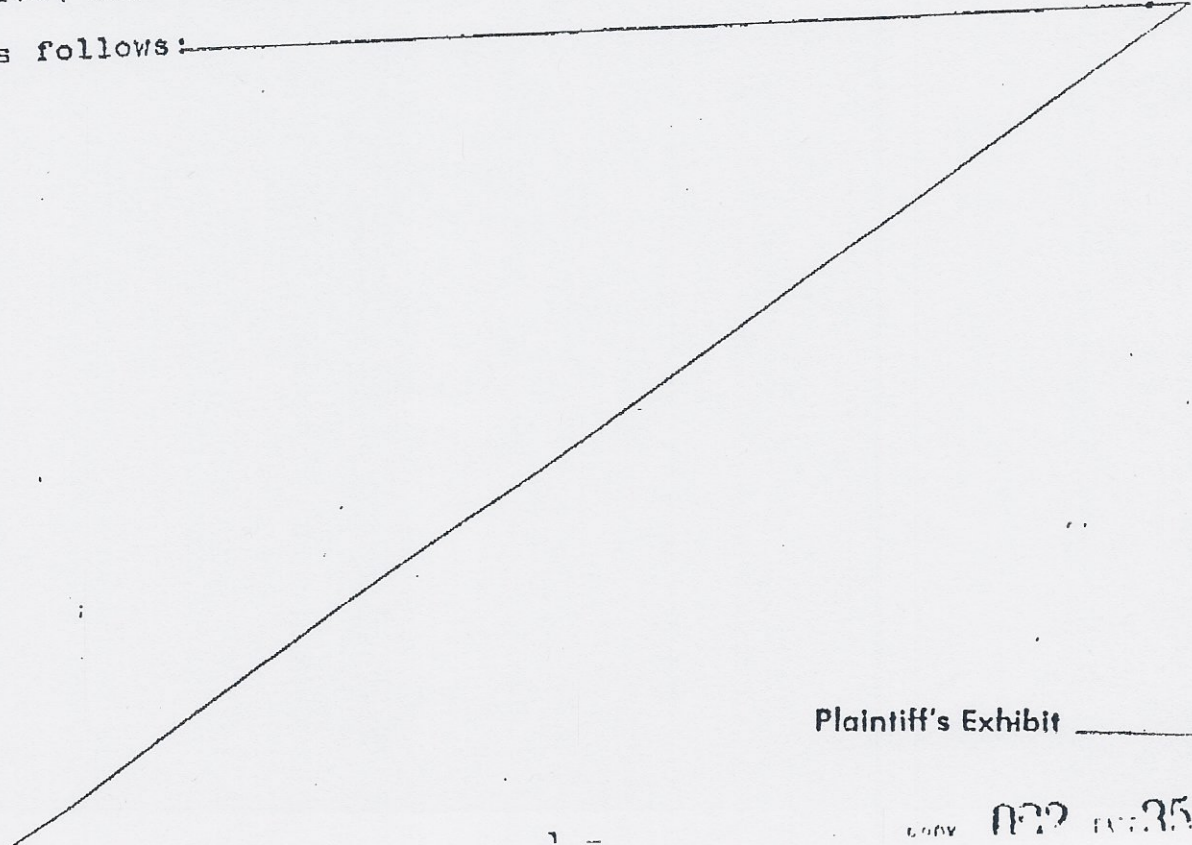
WHEREAS, by election duly held and canvassed on the 31st day of May, 1966, a majority of the votes cast therein were in favor of the formation of the Volcano Community Services District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Amador County that the Volcano Community Services District was duly organized under the Community Services District law of the Government Code of the State of California; and

BE IT FURTHER RESOLVED that the purposes for which the said Volcano Community Services District were formed are as follows:

- a. For the provision of street lighting;
- b. For the provision of recreation;
- c. For the provision of fire protection;
- d. For the provision of domestic supply of water.

BE IT FURTHER RESOLVED that the boundaries of the said District, all of which are included within the County of Amador, are as follows:



Plaintiff's Exhibit _____

DESCRIPTION OF PROPOSED VOLCANO

COMMUNITY SERVICES DISTRICT

All that portion of the West ½ of the Southwest ¼ of Section 23, Township 7 North, Range 12 East, M.D.B. & M., situated in the County of Amador, State of California, and more particularly described as follows:

Beginning at the Northeast corner of the Townsite of Volcano, said corner being also the Northeast corner of Lot 5, Block 12, Townsite of Volcano, as said Lot and Block are shown and so designated on the official map of the Townsite of Volcano, filed in the office of the Recorder of Amador County.

Thence, from said point of beginning, along the East boundary of said Townsite, South 1160 feet, more or less to its point of intersection with the Northeasterly extension of the Southeast line of Lot 7, Block 8

Thence, along the Southeast line of Lot 7, Block 8, South 31°15' West 180 feet more or less to its point of intersection with the Northerly extension of the East line of Lot 2, Block 5;

Thence South 32°45' East 90.0 feet more or less to the most Easterly corner of Lot 2, Block 5;

Thence South 36°45' West 106.0 feet;

Thence South 50°00' West 178.83 feet to the Southwest corner of Lot 1, Block 5;

Thence, along the West line of Lot 1 Block 5, North 30°30' West 23 feet more or less to its point of intersection with the Easterly extension of the South line of Block 4;

Thence, along the South line of Block 4, South 60°15' West 180 feet more or less to its point of intersection with the Northerly extension of the East line of Lot 11, Block 2;

Thence, South 23°30' East 78 feet more or less to the Southeast corner of Lot 11, Block 2;

Thence South 43°45' West 238.0 feet;

Thence South 64°00' West 75.0 feet;

Thence South 76°00' West 112.5 feet to the Southwest corner of Lot 8, Block 2;

Thence Westerly 40 feet more or less to the Southeast corner of Lot 2, Block 1;

Thence North 83°15' West 84.0 feet to the Southwest corner of Lot 2, Block 1;

Thence Westerly 35 feet, more or less to the Southeast corner of Lot 3, Block 1;

Description of proposed Volcano Community Services District - (continue

Thence North 80°15' West 40.0 feet to the Southwest corner of Lot 3, Block 1;

Thence North 09°45' West 110.67 feet;

Thence North 16°30' West 32.0 feet;

Thence North 18°00' West 33.67 feet;

Thence North 16°45' West 31.0 feet to the Northwest corner of Lot 7, Block 1;

Thence Northerly 15 feet more or less to the Southwest corner of Lot 8, Block 1;

Thence North 23°00' West 100.25 feet to the Northwest corner of Lot 11, Block 1;

Thence North 30°30' West 118.25 feet to the Northwest corner of Lot 16, Block 1;

Thence South 55°30' West 19.6 feet to the Southwest corner of Lot 17, Block 1;

Thence North 29°30' West 56.5 feet;

Thence North 02°30' West 80.0 feet;

Thence North 34°00' West 100.0 feet to the Northwest corner of Lot 19, Block 1;

Thence North 55°45' East 52.0 feet;

Thence North 32°00' West 53.0 feet to the Northeast corner of Lot 21, Block 1;

Thence North 46°30' West along the Northeasterly line of Lot 22, Block 1 to its point of intersection with the Westerly extension of the Southeasterly line of Lot 1, Block 13;

Thence North 47°30' East 162 feet more or less;

Thence North 36°45' East 306 feet more or less to the most Westerly corner of Lot 7, Block 13;

Thence North 20°00' East 30.0 feet;

Thence North 76°00' West 40.0 feet to the most Westerly corner of Lot 8, Block 13;

Thence North 21°15' East 166.5 feet;

Thence North 02°15' East 192.0 feet to the most Northerly corner

Plaintiff's Exhibit _____

BE IT FURTHER RESOLVED that the Amador County Clerk shall, immediately after the entering of this Resolution in the Minutes of the Board of Supervisors, cause to be recorded in the Office of the County Recorder of the County of Amador and file with the Secretary of State a certified copy of this Resolution.

The foregoing Resolution was duly passed and adopted by the Board of Supervisors of Amador County at a regular meeting held on June 8th, 1966, by the following vote:

AYES: SUPERVISORS,

NOES:

ABSENT:

Myron D. Zucchi
Chairman, Board of Supervisors
of Amador County, California.

ATTEST:

Leotta M. Huberty
LEOTTA M. HUBERTY, County Clerk and
Ex-officio Clerk of the Board of
Supervisors of Amador County,
California.

By _____
Deputy

I, LEOTTA M. HUBERTY, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Amador, a political subdivision of the State of California, hereby certify the foregoing to be a full, true and correct copy of a Resolution passed by the Board of Supervisors of the County of Amador on the 8th day of June, 1966.

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

Leotta M. Huberty, County Clerk
Ex-officio Clerk of the Board of
Supervisors, County of Amador, State
of California.

WITNESSE: JAN 17 1988

CATHERINE J. GIANNINI, Clerk of the
Board of Supervisors, Amador County,
California.

Catherine J. Giannini

Plaintiff's Exhibit _____

WHEREAS, by election duly held and canvassed on the 31st day of May, 1966, a majority of the votes cast therein were in favor of the formation of the Volcano Community Services District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Amador County that the Volcano Community Services District was duly organized under the Community Services District law of the Government Code of the State of California; and

BE IT FURTHER RESOLVED that the purposes for which the said Volcano Community Services District were formed are as follows:

- a. For the provision of street lighting;
- b. For the provision of recreation;
- c. For the provision of fire protection;
- d. For the provision of domestic supply of water.

BE IT FURTHER RESOLVED that the boundaries of the said District, all of which are included within the County of Amador, are as follows:

RECORDED AT REQUEST OF

County of Amador

at 40 *117* M

JUN 16 1966

155 Official Records P 194
Amador County, California

Anthony Sutton
Co. Recorder

Mone

CHAPTER 1.5

Power Generation

[Title 6, Districts—Division 3, Community Services Districts—Part 5, Purposes and Powers—Chapter 1.5, Power Generation; Chapter added by Stats 1981 ch 117 § 1.]

§ 61605. McCloud Community Services District

§ 61606. Hydroelectric power plants

§ 61607. Restrictions on operation of plant and sale of power

Cross References:

Definitions: §§ 61010 et seq.

§ 61605. McCloud Community Services District

The provisions of this chapter shall apply only to the McCloud Community Services District.

Added Stats 1981 ch 117 § 1.

§ 61606. Hydroelectric power plants

Notwithstanding Sections 61600 and 61601, the district may construct, maintain, and operate one or more plants, which plants are constructed after January 1, 1982, for the generation of hydroelectric power. The plant or plants so constructed shall be operated in a manner consistent with the district's storage, transmission, and distribution of irrigation and domestic water. Construction of the plant or plants may be financed by the issuance of revenue bonds as otherwise provided in this division.

Added Stats 1981 ch 117 § 1; Amended Stats 1983 ch 101 § 84.

Amendments:

1983 Amendment: Routine code maintenance.

§ 61607. Restrictions on operation of plant and sale of power

The hydroelectric plant or plants constructed pursuant to Section 61606 may be leased for operation to, or the power generated may be sold only to, a public utility or public agency engaged in the distribution, use, or sale of electricity.

Added Stats 1981 ch 117 § 1.

CHAPTER 2

Powers

[Title 6, Districts—Division 3, Community Services Districts—Part 5, Purposes and Powers—Chapter 2, Powers; added by Stats 1955 ch 1746 § 3.]

§ 61610. Acquisition of property; Payment of cost of removal

§ 61611. Use of property

§ 61612. Right to sue; Liability to suit

§ 61613. Incurring or assuming indebtedness

§ 61613.1. Issuance and sale of bonds

§ 61613.2. Hamilton Branch Community Services District borrowing

§ 61614. Refund or retirement of indebtedness

§ 61615. Taxation

§ 61616. Contracts

§ 61617. Perpetual succession

§ 61618. Seal

§ 61619. Employments

§ 61620. [Repealed]

§ 61621. Rates or charges

§ 61621.2. Collection on tax roll of rates, charges, or delinquencies

§ 61621.3. Alternative to collection procedure; Recordation of certificate as lien

§ 61621.4. Reimbursement of county for expenses incurred

§ 61621.5. Regulations as to use of facilities and property

§ 61622. Other powers

§ 61623. Contracts for water system supply

§ 61623.1. Clear Creek Community Services District

§ 61623.4. Fire protection district

§ 61623.5. Removal of fire hazard

§ 61624. [No section of this number]

§ 61625. Works across public property

§ 61626. Contracts for works and improvements

§ 61626.5. [Repealed]

§ 61626.6. Assumption of obligation on acquisition of private utility

§ 61626.7. Duplication of services

§ 61610

COMMUNITY SERVICES DISTRICTS

Cross References:
Definitions: §§ 61010 et seq.

§ 61610. Acquisition of property; Payment of cost of removal

A district may acquire real or personal property of every kind within or without the district by grant, purchase, gift, devise, lease, or eminent domain. The district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location.

Added Stats 1955 ch 1746 § 3; Amended Stats 1975 ch 582 § 1, operative July 1, 1976.
Prior Law: Former § 60610, as added by Stats 1951 ch 1711 § 1 p 4005.

Amendments:

1975 Amendment: (1) Deleted "take or" before "acquire"; (2) deleted "condemnation pursuant to" before "eminent domain"; and (3) substituted "The" for "proceedings in accordance with Title 7, Part 3 of the Code of Civil Procedure, provided the".

Law Revision Commission Comments:

1975—Section 61610 is amended to delete unnecessary language. See Code Civ. Proc. § 1230.020 (uniform procedure).

Cross References:

Eminent domain: CCP §§ 1230.010 et seq.

Collateral References:

Am Jur 2d Eminent Domain § 19.

Law Review Articles:

This section as one of several statutes affecting inverse condemnation liability. 19 Stan LR 742.

NOTES OF DECISIONS

In proceeding by community services district to acquire by eminent domain easement for pipeline purposes and ownership in fee of land for tank site, where easement, as described in original complaint, consisted of strip of land 12 feet in width and approximately 180 feet in length and, at outset of trial, district's counsel obtained leave of court to amend complaint by increasing width of easement from 12 to 30 feet, but no resolution passed by board of directors of district determining that such increase in width was required was offered in evidence or filed and, though there might have been sufficient evidence to justify finding that condemnation of tank property and 12-foot strip was authorized for purposes indicated, judgment for district was not so separated, but included value of fee and 30-foot easement, but judgment should be reversed in absence of any voluntary settlement by parties. East Niles Community Services Dist. v Pearson (1961) 190 CA2d 134, 11 Cal Rptr 600.

§ 61611. Use of property

A district may hold, use, enjoy, lease or dispose of any of its property.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60611, as added by Stats 1951 ch 1711 § 1 p 4005.

PURPOSES AND POWERS

§ 61613.1

§ 61612. Right to sue; Liability to suit

A district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60612, as added by Stats 1951 ch 1711 § 1 p 4005.

Collateral References:

Am Jur 2d Municipal Corporations, Counties, and Other Political Subdivisions §§ 847, 849.

Law Review Articles:

Availability of declaratory judgments against and by districts. 30 CLR 682.

§ 61613. Incurring or assuming indebtedness

A district may borrow money and incur or assume indebtedness and it may issue bonds or other evidences of such indebtedness; provided, however, that no district shall incur any funded indebtedness, except bonds issued pursuant to Section 61613.1, which shall in the aggregate exceed 20 percent of the assessed valuation of all real and personal property situated within the district. The limitation of this section applies only to indebtedness which is to be paid by an ad valorem tax on real property.

Added Stats 1955 ch 1746 § 3; Amended Stats 1963 ch 1230 § 1, operative July 1, 1963; Amended Stats 1975 ch 582 § 1, operative July 1, 1976.
Prior Law: Former § 60613, as added by Stats 1951 ch 1711 § 1 p 4005, as amended by Stats 1953 ch 482 § 7 p 1726.

Amendments:

1963 Amendment: Deleted "revenue" before "bonds issued".

Cross References:

Issuance and sale of revenue and general obligation bonds: § 61613.1.

Short term borrowing: §§ 61742 et seq.

Collateral References:

Am Jur 2d Public Securities and Obligations §§ 50, 56, 75 et seq.

§ 61613.1. Issuance and sale of bonds

Notwithstanding any other provision of this division, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of this code and general obligation bonds pursuant to Chapter 4 (commencing with Section 61650), Part 5, Division 2, Title 6 of this code if the payment of the principal thereof and the interest thereon is additionally secured by a pledge of all or any part of the revenues of the enterprise as provided in Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code. Notwith-

standing any other provision of law, such bonds may bear interest at a rate to be determined by the board in its discretion, but not to exceed 10 percent per year. Such bonds shall be issued to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 61600 for which such district has been formed or which it shall have adopted pursuant to Section 61601. "Enterprise," as used in this section, means a revenue-producing utility authorized by subdivision (a), (b), or (c) of Section 61600, system, plant, works, or undertaking used for or useful in carrying out any one or more of the utility services specified in subdivision (a), (b), or (c) of Section 61600. Bonds issued and sold pursuant to this section shall not constitute "funded indebtedness" of the district, as that term is used in Section 61613 and the limitations of Section 61613, shall not apply to bonds issued pursuant to this section. In this section and so long as any of such bonds shall remain outstanding, a district may exercise, in addition to the powers conferred by this section, any or all of the powers of local agencies provided for in Article 4 (commencing with Section 53500) of Chapter 3 and Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5, Added Stats 1955 ch 1746 § 3, Amended Stats 1963 ch 1230 § 2; Stats 1980 ch 19 § 4, Prior Law: Former § 60613.1, as added by Stats 1953 ch 482 § 8 p 1726.

Amendments:

1963 Amendment: (1) Added "and general obligation bonds pursuant to Chapter 4 (commencing with Section 61650), Part 5, Division 2, Title 6 of this code if the payment of the principal thereof and the interest thereon is additionally secured by a pledge of all or any part of the revenues of the enterprise as provided in Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code. Such bonds shall be issued"; (2) added "utility authorized by subdivisions (a), (b), or (c) of Section 61600"; (3) substituted "utility services" for "purposes" before "specified in Section 61600"; (4) added "subdivisions (a), (b), or (c)" at the end of third sentence; (5) deleted "Revenue" at the beginning of the fourth sentence; (6) deleted "revenue" after "61613 shall not apply to" and after "issue and sale of"; and (7) added "and Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5".

1980 Amendment: (1) Added "(commencing with Section 54300)" in the first sentence; (2) added the second sentence; (3) amended the fourth sentence by (a) adding the comma after "Enterprise" and "this section"; (b) substituting "subdivision" for "subdivisions" after "authorized by"; and (c) substituting "subdivision (a), (b), or (c) of Section 61600" for "Section 61600, subdivisions (a), (b), or (c)" at the end of the sentence; (4) added the commas after "of the district" and after "of Section 61613" in the fifth sentence; and (5) substituted "Article 4 (commencing with Section 53500) of Chapter 3 and Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5" for "said Chapter 6, Part 1, Division 2, Title 5 and Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of this code" at the end of the section.

Cross References:

Incurring or assuming indebtedness: § 61613.
Revenues as security for revenue bonds: § 61621.

Provisions of Chapter 4 (§§ 61650-61687) not applicable to issues or sales under this section: § 61687.

Collateral References:

Cal Jur 3d Public Securities and Obligations § 5.
Am Jur 2d Public Securities and Obligations §§ 50, 75 et seq., 85.

§ 61613.2. Hamilton Branch Community Services District borrowing

Notwithstanding any other provision, the Hamilton Branch Community Services District may borrow money to be used for the payment of current expenses, capital expenditures, and the discharge of any obligation or indebtedness of a district in a total amount which does not exceed 85 percent of the anticipated revenues to be received by the district during the 4-year period of the special tax measure approved by two-thirds of the qualified electors of the district in a special election held for that purpose on March 8, 1983. The note or notes issued by the district pursuant to a resolution adopted by the board of directors of the district authorizing the issuance thereof shall be made payable not later than the last day of the fourth consecutive fiscal year in which taxes are collected by the district pursuant to the terms of the special tax measure. The note or notes may bear interest not to exceed 10 percent per annum payable as provided therein. The interest may be represented by coupons attached to the note. The total amount of the interest to be paid shall not be included in the calculation of 85 percent of the anticipated tax revenues during the four-year period.

Added Stats 1983 ch 481 § 1.

§ 61614. Refund or retirement of indebtedness

A district may refund or retire any indebtedness that may exist against or be assumed by the district.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60614, as added by Stats 1951 ch 1711 § 1 p 4005.

Cross References:

Short-term borrowing for refunding of outstanding warrants: § 61743.

Collateral References:

Am Jur Public Securities and Obligations §§ 257 et seq., 261 et seq.

§ 61615. Taxation

A district may levy and cause to be collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60615, as added by Stats 1951 ch 1711 § 1 p 4005.

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Collateral References:
Am Jur 2d State and Local Taxation § 86.

§ 61616. Contracts

A district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60616, as added by Stats 1951 ch 1711 § 1 p 4005.

Collateral References:
Am Jur 2d Municipal Corporations, Counties, and Other Political Subdivisions § 493.

§ 61617. Perpetual succession

A district has perpetual succession.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60617, as added by Stats 1951 ch 1711 § 1 p 4005.

§ 61618. Seal

A district may adopt a seal and alter it at pleasure.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60618, as added by Stats 1951 ch 1711 § 1 p 4005.

Collateral References:
Am Jur 2d Seals § 6.

§ 61619. Employments

A district may employ labor and professional services.

Added Stats 1955 ch 1746 § 3.

Prior Law: Former § 60619, as added by Stats 1951 ch 1711 § 1 p 4005.

§ 61620. [Added by Stats 1955 ch 1746 § 3 and repealed by Stats 1983 ch 256 § 15.]

See Pub Con C § 20682.

Prior Law: Former § 60620, as added by Stats 1951 ch 1711 § 1 p 4005.

§ 61621. Rates or charges

A district may prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise make available, as security or additional security for the payment of any revenue bonds issued by the district pursuant to Section 61613.1 any and all revenues received or receivable from any services or facilities furnished by it, including

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the services or facilities of any enterprise as said term is defined in Section 61613.1.

A district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

A district may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the local agency determines.

A district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

In case any charges for water or other services, or either, remain unpaid the amount of the unpaid charges may in the discretion of the district be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of such charges and the name and address of the person liable therefor.

From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person, or afterwards, and before the lien expires, acquired by him. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released, or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

Added Stats 1955 ch 1746 § 3; Amended Stats 1979 ch 335 § 5.

Prior Law: Former § 60621, as added by Stats 1951 ch 1711 § 1 p 4005, amended by Stats 1953 ch 482 § 9 p 1727.

Amendments:

1979 Amendment: Added the fifth and sixth paragraphs.

Collateral References:

Am Jur 2d Public Utilities § 45 et seq.

Attorney General's Opinions:

55 Ops Atty Gen 379 (prohibited addition to county tax roll for collection by county tax collector, of charges imposed by community service districts which have become delinquent; exceptions as to water standby charge and charge for removing fire hazardous material.

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§ 61621.2. Collection on tax roll of rates, charges, or delinquencies

A district may elect to have any, or all, rates or charges for any purposes, or any delinquencies in those rates or charges, collected on the tax roll in any forthcoming fiscal year in the same manner, by the same persons, and at the time as, together with and not separately from, its general taxes in the manner prescribed in Sections 61765.2 to 61765.6, inclusive. In that event, the district shall cause a written report to be prepared and filed by the secretary, which report shall contain a description of each parcel of real property and the amount of the rates or charges for any purposes, or the amount of any delinquencies in any of those rates or charges, for each parcel for the year.

Added Stats 1979 ch 286 § 1, effective July 24, 1979; Amended Stats 1980 ch 705 § 1, effective July 27, 1980; Stats 1983 ch 343 § 1, effective July 25, 1983.

Amendments:

1980 Amendment: (1) Amended the first sentence by (a) substituting "for any purposes, or any delinquencies" for "; or delinquencies"; and (b) adding the comma after "lighting purposes"; and (2) substituted "for any purposes, or the amount of any delinquencies for street lighting purposes" for "; or delinquencies, for street lighting purposes" near the end of the section.

1983 Amendment: Substituted (1) "in those rates or charges" for "for street lighting purposes" in the first sentence; (2) "that" for "such" after "in" in the second sentence; and (3) "in any of those rates or charges" for "for street lighting purposes" in the second sentence.

§ 61621.3. Alternative to collection procedure; Recordation of certificate as lien

In lieu of the collection procedures for rates, charges, and delinquencies provided in Sections 61621 and 61621.2, a district may record, in the office of the county recorder of the county in which such real property is located, a certificate specifying the amount, interest and penalty due, the name and last known address of the person liable therefor, and that such charges remain delinquent for a period of 60 days. From the time of recordation of the certificate, the amount required to be paid for rates, charges, and delinquencies together with interest and penalty thereon, constitutes a lien upon all real property of the delinquent property owner in the county. The lien created by recording the certificate shall have the force, effect, and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged.

The district shall include a statement on its bill to each delinquent property owner of any lien for rates, charges, and delinquencies created pursuant to this section.

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Added Stats 1979 ch 286 § 2, effective July 24, 1979; Amended Stats 1983 ch 343 § 2, effective July 25, 1983.

Amendments:

1983 Amendment: In addition to making technical changes, deleted "for street lighting purposes" after "delinquencies" wherever it appears.

§ 61621.4. Reimbursement of county for expenses incurred

A district which elects to have any, or all, rates or charges for any purposes, or any delinquencies in those rates or charges, collected on the tax roll pursuant to the provisions of Section 61621.2, or to establish a lien for service charges pursuant to the provisions of Section 61621.3, shall reimburse the county for the expenses the county may reasonably incur as a result of the obligations created pursuant to those sections.

Added Stats 1979 ch 286 § 3, effective July 24, 1979; Amended Stats 1980 ch 705 § 2, effective July 27, 1980; Stats 1983 ch 343 § 3, effective July 25, 1983.

Amendments:

1980 Amendment: (1) Substituted "for any purposes, or any delinquencies" for "or delinquencies"; (2) added the comma after "lighting purposes"; and (3) substituted "lien for service charges for street lighting purposes" for "service charge lien".

1983 Amendment: (1) Substituted "in those rates or charges" for "for street lighting purposes"; (2) deleted "for street lighting purposes" after "service charges"; and (3) substituted "those" for "such" near the end of the section.

§ 61621.5. Regulations as to use of facilities and property

(a) Except as otherwise provided in this section, a district may by ordinance adopt regulations binding upon all persons to govern the construction and use of its facilities and property, including regulations imposing reasonable charges for the use thereof. Violation of any regulation relating to the construction and use of sanitation facilities or of roads is a misdemeanor.

(b) A district may by ordinance adopt regulations binding upon all persons to govern the use of its park and recreational facilities and property, including regulations imposing reasonable charges for the use thereof. Violation of any regulation relating to the use of park and recreational facilities is a misdemeanor.

(c) A district granted consent of the governing body of the county or city to exercise the powers provided in subdivision (f) or (k) of Section 20681 of the Public Contract Code shall have the powers, duties, and authority of a county road commissioner granted under Article 2 (commencing with Section 1460) of Chapter 5.5 of Division 2 of the Streets and Highways Code to issue written permits to do the acts permitted by Section 1460 of the Streets and Highways Code in and on the streets accepted for maintenance by the district in

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accordance with the applicable provisions of the chapter. Any person who does any of the acts specified in Section 1460 of the Streets and Highways Code without the authority of a written permit from the district is guilty of a misdemeanor and is liable to the district for all expenses and damages caused thereby.
Added Stats 1963 ch 1737 § 1; Amended Stats 1973 ch 573 § 1; Stats 1986 ch 555 § 1, effective August 22, 1986.

Amendments:

1973 Amendment: (1) Substituted "(a) Except as otherwise provided in this section, a" for "A"; (2) added "construction and" wherever it appears; (3) added "of sanitation facilities or"; and (4) added subd (b).
1986 Amendment: (1) Deleted "such" before "regulation" in the second sentences of subds (a) and (b); and (2) added subd (c).

NOTES OF DECISIONS

A community services district could not validly increase its charges for water and sewer connections by means of a resolution. Although Gov. Code, § 61621.5 (requiring community fees or charges by local agencies shall be taken only by ordinance or resolution," the more specific provisions of Health & Saf. Code, § 3471 (requiring ordinance for setting of sewer rates) and Gov. Code, § 61621.3 (requiring community service district to adopt fee increases by ordinance) prevail. Cavalier Acres, Inc. v San Simons Acres Community Services Dist. (1984, 2d Dist) 151 Cal App 3d 798, 199 Cal Rptr 4.

§ 61622. Other powers

Each district has the power generally to perform all acts necessary to carry out fully the provisions of this division.
Added Stats 1955 ch 1746 § 3.
Prior Law: Former § 60622, as added by Stats 1951 ch 1711 § 1 p 4005.

§ 61623. Contracts for water system supply

A district having power to own or operate a water system may contract with any person or private corporation of any kind or with any city, county, district, municipal corporation, political subdivision, public corporation, or other public agency of the state, or with the United States or any department, instrumentality, or agency thereof, to purchase or acquire from, or to sell to, or jointly to acquire, construct, operate, or maintain a water system or water supply to serve their inhabitants.
Notwithstanding any other provisions of law, a district may incur a long-term debt obligation without the necessity of obtaining voter approval, by entering into a loan assumption agreement whereby it agrees to assume the obligation of the users or owners of the water system or water supply to make loan payments to the United States or any department, instrumentality, or agency thereof, in exchange for or as part of the purchase price of that water system or water supply.

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Added Stats 1955 ch 1609 § 2; Amended Stats 1984 ch 956 § 2, effective September 10, 1984.

Amendments:

1984 Amendment: (1) Amended the first paragraph by adding (a) "with any person or private corporation of any kind or"; and (b) ", or with the United States or any department, instrumentality, or agency thereof"; and (2) added the second paragraph.

§ 61623.1. Clear Creek Community Services District

Notwithstanding any other provision of law, the Clear Creek Community Services District may construct, maintain, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof in accordance with the provisions of Chapter 2.95 (commencing with Section 35580) of Part 5 of Division 13 of the Water Code.
Added Stats 1980 ch 233 § 1, effective June 25, 1980.

§ 61623.4. Fire protection district

A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1961, Part 2.7 (commencing with Section 13801), Division 12 of the Health and Safety Code if the petition for formation of the district included fire protection among the designated purposes for which it was formed, or if the district adopts fire protection as an additional purpose of the district pursuant to Section 61601.

If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in such territories, unless such district has obtained the consent of such city, fire protection district, or other local agency.
Added Stats 1969 ch 629 § 1.

§ 61623.5. Removal of fire hazard

In any district authorized to provide fire protection services, the district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard.
The provisions of Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code are made applicable to the community service districts which perform fire control or protection service and are organized and existing pursuant to this chapter.

including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard.

In the application of the provisions of Part 5 (commencing with Section 14875), Division 12 of the Health and Safety Code, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the district board acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the employees of the community services district designated by the district board.

Added Stats 1965 ch 307 § 1.

§ 61624. Works across public property

A district may construct any works along, under, or across any street, road, highway, or other property devoted to a public use subject to consent of the governing body in charge of the public use.

- Prior Law:
- (a) Former Pub Con C § 20683, as added by Stats 1983 ch 256 § 86.
 - (b) Former Gov C § 61623, as added by Stats 1955 ch 1746 § 3.
 - (c) Former Gov C § 60625, as added by Stats 1951 ch 1711 § 1 p 4005.
- Former Section: Former § 61623, similar to the present section, was added by Stats 1955 ch 1746 § 3 and repealed by Stats 1983 ch 256 § 16.
- Collateral References:
Am Jur 2d Highways, Streets, and Bridges § 202.

§ 61626. Contracts for works and improvements

A district may enter into an agreement with any public or private corporation whereby any work or improvement may be operated and maintained by the corporation. The authority to enter into an agreement is conditioned upon a finding by the board that the residents of the district would be better served by that operation and maintenance.

- Added Stats 1986 ch 195 § 3.
- Prior Law:
- (a) Former Pub Con C § 20684, as added by Stats 1983 ch 256 § 86.
 - (b) Former Gov C § 61626, as added by Stats 1955 ch 1746 § 3.
 - (c) Former Gov C § 60626, as added by Stats 1951 ch 1711 § 1 p 4005.
- Former Section: Former § 61626, similar to the present section, was added by Stats 1955 ch 1746 § 3 and repealed by Stats 1983 ch 256 § 17.

§ 61626.5. [Added by Stats 1955 ch 1746 § 3, amended by Stats 1968 ch 53 § 1, Stats 1975 ch 367 § 1, and repealed by Stats 1983 ch 256 § 18.]

See Pub Con C § 20685.

§ 61626.6. Assumption of obligation on acquisition of private utility

Whenever a district formed under this division acquires a private utility engaged in furnishing services to consumers, or any existing improvement or facility used for such purposes, it shall assume the obligation of the private utility to serve such consumers and their successors in interest both inside and outside the boundaries of the district.

- Added Stats 1955 ch 1746 § 3.
- Prior Law: Former § 60626.6, as added by Stats 1953 ch 482 § 10 p 1727.

§ 61626.7. Duplication of services

Where the boundaries of the district include any territory which is also included within the boundaries of an incorporated city, and where the services regularly provided by the district duplicate services regularly provided by the city, the district by a resolution adopted by a majority vote of the governing board may provide the following:

- (1) That the district shall refrain from providing, within such incorporated territory, enumerated services which duplicate services provided by the city.
- (2) That the district shall establish a special tax zone including such incorporated territory, and will levy therein a lower tax rate than is levied within the remainder of the district, to reflect the provision of fewer services by the district within such incorporated territory.

Added Stats 1967 ch 591 § 1.

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§ 61633. [Added by Stats 1955 ch 1746 § 3 and repealed by Stats 1963 ch 1681 § 21.]

See §§ 825-825.6.

Prior Law: Former § 60633, as added by Stats 1951 ch 1711 § 1 p 4006.

Law Revision Commission Comments:

1963—This section is superseded by new Government Code Sections 825 to 825.6 (indemnification of public employees).

CHAPTER 4

Bonds

[Title 6, Districts—Division 3, Community Services Districts—Part 5, Purposes and Powers—Chapter 4, Bonds; added by Stats 1955 ch 1746 § 3.]

- § 61650. Resolution of necessity; Contents
- § 61651. Notice of hearing; Publication
- § 61652. Contents of notice of hearing
- § 61653. Hearing
- § 61654. Right to appear
- § 61655. Resolution; Determination of benefits
- § 61656. Determination that portion of district benefited
- § 61657. Improvement district
- § 61658. Conclusiveness of board's determination
- § 61659. Resolution to incur indebtedness
- § 61659.1. Determination of amount of debt to be incurred
- § 61660. Resolution as election notice; Publication
- § 61661. Manner of holding election
- § 61662. [No section of this number]
- § 61663. Who may vote
- § 61664-61669. [No sections of these numbers]
- § 61670. Vote required for bond issuance
- § 61670.1. Maximum rate of interest on bonds
- § 61671. Favorable vote and issuance of bonds
- § 61671.1. Signature and countersignature of bonds; Place of payment
- § 61671.2. Action to determine validity of bonds
- § 61672. Sale of bonds
- § 61673. Force, value and use of bonds
- § 61674. Refunding bonds
- § 61675. Refunding bond election
- § 61676. Refunding bond election procedure
- § 61677. Issuance and sale of refunding bonds
- § 61678. Exchange of refunding bonds for original bonds
- § 61679. Face value of refunding bonds exchanged
- § 61680. Payment of principal and interest on refunding bonds
- § 61681. Making bonds callable
- § 61682. Statement on face of bond made callable
- § 61683. Redemption of called bonds