

12/10/62

MEMORANDUM NO. 82 (1962)

SUBJECT: STUDY NO. 52(L) - SOVEREIGN IMMUNITY (AMENDMENTS AND REPEALS)

In accordance with the instructions given by the Commission at the last meeting, the amendments and repeals of all statutes relating to but one State agency or but one local public entity were removed from the general liability statute. We left in that statute all amendments and repeals of statutes applicable to all departments and agencies of the State government and all amendments and repeals of general acts authorizing the creation or governing the operations of local public entities.

The remaining special statutes should be adjusted at some time to conform to the general liability legislation. Otherwise, the person injured by the negligence of an employee of the Beef Council will not be able to recover damages from the State while the person injured by the negligence of an employee of the Poultry Council will. A person injured as a result of the negligence of a flood control district will be able to recover if the district was organized under the general flood control district authorizing act but not if the district was formed by special act.

Therefore, the staff has prepared the attached recommendation and bills to accomplish the necessary adjustments in the special statutes.

The staff believes that it is desirable to consider this recommendation at this time so that we will have the necessary bills available as soon as we know the form in which the general liability statute will be enacted. If we can determine this early in the session, we could then push for the enactment of these bills. If we do not know early in the session, we could introduce these bills at the time for the deadline for introduction of bills and have the bills referred to interim study if necessary.

At an appropriate time, the staff will recommend any changes in the attached tentative recommendation that are necessary in view of changes made in the general liability statute. Approval of this tentative recommendation now will, however, facilitate later action on this matter. Moreover, if no basic changes are made in the general liability statute, the Commission will not have to consider this recommendation again if it is approved at the December meeting.

We plan to use the type used to print the bills when introduced to print the bills in our report.

Respectfully submitted,

Joseph B. Harvey
Assistant Executive Secretary

[Cover and Title page]

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

RECOMMENDATION

relating to

SOVEREIGN IMMUNITY

Number 7---Amendments and Repeals of Inconsistent Special Statutes

March 1963

California Law Revision Commission
School of Law
Stanford University
Stanford, California



STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

COMMISSION MEMBERS

HERMAN F. SELVIN
Chairman
323 West 6th Street
Los Angeles 14

JOHN R. McDONOUGH, Jr.
Vice-Chairman
School of Law
Stanford University

JAMES A. COBEY
Member of the Senate
P. O. Box 1229
Merced

CLARK L. BRADLEY
Member of the Assembly
802 First National Bank Bldg.
San Jose 13

JOSEPH A. BALL
120 Linden Avenue
Long Beach 2

JAMES R. EDWARDS
599 Arrowhead Avenue
San Bernardino

RICHARD H. KEATINGE
3325 Wilshire Boulevard
Los Angeles 5

SHO SATO
School of Law
University of California
Berkeley

THOMAS E. STANTON, Jr.
221 Sansome Street
San Francisco

ANGUS C. MORRISON
Ex Officio
Legislative Counsel
3021 State Capitol
Sacramento 14

March 1, 1963

To HIS EXCELLENCY, EDMUND G. BROWN
Governor of California
and to the Legislature of California

The California Law Revision Commission was authorized by Resolution Chapter 202 of the Statutes of 1957 to make a study to determine whether the doctrine of sovereign or governmental immunity in California should be abolished or revised.

The Commission herewith submits its recommendation on one portion of this subject--amendments and repeals of inconsistent special statutes. This is the seventh in a series of reports prepared by the Commission relating to various aspects of the subject of sovereign immunity. The Commission also has published a research study relating to sovereign immunity prepared by its research consultant, Professor Arvo Van Alstyne of the School of Law, University of California at Los Angeles.

Respectfully submitted,

Herman F. Selvin, Chairman

COMMISSION STAFF

JOHN H. DeMOULLY
Executive Secretary

JOSEPH B. HARVEY
Assistant Executive Secretary

JON D. SMOCK
Assistant Counsel

GEORGE S. GROSSMAN
Administrative Assistant

Office of Commission and Staff
School of Law
Stanford University
Stanford, California

RECOMMENDATION OF THE CALIFORNIA LAW REVISION COMMISSION

relating to

SOVEREIGN IMMUNITY

Number 7--Amendments and Repeals of Inconsistent Special Statutes

This is the seventh in a series of recommendations made by the Law Revision Commission relating to sovereign immunity. The previous recommendations have recommended the enactment of comprehensive legislation and the repeal or amendment of all inconsistent or overlapping statutes of a general nature. There are, however, a large number of statutes scattered throughout the codes and the uncodified acts--hereinafter referred to as "special statutes"--that relate to but one agency or one public entity and that are inconsistent with the general legislation proposed by the Commission. The Commission has studied these special statutes to determine what adjustments are necessary to conform them to the general legislation relating to sovereign immunity.

These special statutes reflect a variety of inconsistent policies and express similar policies in a variety of inconsistent ways. Some create broad immunities and others create wide areas of liability. Some entities are required to pay all judgments against their employees, even where the employee involved has acted maliciously, while other entities are required to pay such judgments only where the employee involved was free from malice. Some entities and employees are granted immunity from liability even when guilty of serious and wilful misconduct.

The recommended general statutes relating to the liability of public entities were carefully drafted to balance the interest of the public in having government function effectively and the interest of persons injured

by governmental activities in receiving compensation. The recommended legislation has to a large degree brought order out of the chaotic condition of the law relating to governmental immunity. But the confusion and inconsistencies that previously existed in regard to most public entities will continue to exist for those few entities created by special statute unless the statutes relating to those entities are also adjusted to conform to the general legislative scheme. Moreover, unless conforming adjustments are made, the possibility that some of these special statutes may have been repealed by implication will create additional uncertainty.

Therefore, the Commission recommends that these special statutes be adjusted to conform to the general legislation relating to sovereign immunity. Then the rights of a person injured will not be dependent upon the fortuitous circumstance of whether he was injured by an employee of a public entity organized under a general authorizing act or an employee of a public entity organized by special act. The adjustments that should be made to these special statutes are as follows:

1. Business and Professions Code Section 6904.5 provides a broad personal immunity from liability for the Director of Professional and Vocational Standards, the employees of the Collection Agency Licensing Bureau, and conservators appointed by the Director in enforcing the laws permitting the Director to appoint a conservator to take possession of the business of a collection agency (Sections 6904 to 6904.6, inclusive, of the Business and Professions Code). The section is no longer needed to protect the specified public employees from personal liability. Recommended Government Code Section 820 provides that public employees are immune from liability for their discretionary acts. Section 820.2 provides that a

public employee is not liable for his acts in the execution of an enactment. Section 820.4 provides an immunity from liability for acting under the apparent authority of an unconstitutional, invalid or inapplicable enactment. Section 821 provides an immunity for failing to enforce the law. And where an employee is liable for an act done in the scope of his employment, the employing public entity is required to pay the judgment without obligation for reimbursement by the employee unless the employee inflicted the injury because of actual fraud, corruption or actual malice. As these provisions provide ample protection to the personnel mentioned in Business and Professions Code Section 6904.5, that section is no longer needed and should be repealed.

2. Similarly, Water Code Section 8535 provides a broad immunity to the Sacramento and San Joaquin Drainage District, the Reclamation Board and the members of the board for injuries resulting from certain operations of the district. The recommended sections mentioned in the preceding paragraph provide ample protection to the public employees mentioned in Section 8535. Moreover, the immunities of public employees also protect the public entity that employs them under the provisions of subdivision (b) of the recommended Government Code Section 815.2. Hence, there is no longer a need for Section 8535 and it, too, should be repealed.

3. In several uncoded acts creating special districts, there are provisions granting an immunity to specified public employees from liability for the acts of subordinate employees unless the public employee appointed the subordinate with actual knowledge or notice that the subordinate was inefficient or incompetent or unless the public employee retained the

subordinate after obtaining knowledge or notice of the inefficiency or incompetency of the subordinate. These provisions are superseded by the recommended Government Code 820.8, which grants all public employees an immunity from any liability for the acts or omissions of other employees, and by Section 815.8 which imposes direct liability upon public entities for the failure of an appointing power to exercise due care in selecting or appointing a subordinate employee and for the failure of an appointing power to exercise due care to remove a subordinate employee whose continued retention creates an undue risk of injury. Accordingly, these provisions of the special statutes, which express the principles embodied in the recommended comprehensive legislation in a variety of inconsistent ways, should be repealed. These provisions are found in Section 36 of the Alpine County Water Agency Act, Section 9.2 of the Amador County Water Agency Act, Section 76 of the Antelope Valley-East Kern County Water Agency Law, Section 26 of the Crestline-Lake Arrowhead Water Agency Act, Section 24 of the Desert Water Agency Law, Section 35 of the El Dorado County Water Agency Act, Section 9.1 of the Kern County Water Agency Act, Section 14 of the Kings River Conservation District Act, Section 7.2 of the Mariposa County Water Agency Act, Section 36 of the Nevada County Water Agency Act, Section 7.2 of the Placer County Water Agency Act, Section 24 of the San Geronimo Pass Water Agency Law, Section 7.2 of the Sutter County Water Agency Act, Section 24 of the Upper Santa Clara Valley Water Agency Law, Section 35 of the Yuba-Bear River Basin Authority Act, and Section 7.2 of the Yuba County Water Agency Act.

4. Somewhat similar to the special statutes just mentioned are a few special statutes that provide specified public employees with an immunity

from liability except for their own negligence or misconduct. These special statutes are superseded by the recommended Government Code Section 820.8 which grants all public employees an immunity from liability for the acts or omissions of others. These provisions--found in Section 23 of the Contra Costa Water Agency Act, Section 27 of the Mojave Water Agency Law, and Section 49 of the Orange County Water District Act--should also be repealed.

5. A large group of special statutes relating to specific districts require the district to pay a judgment against an employee without obligation for repayment by the employee. Some of these special statutes require the public entity to pay such judgments except where the employee was guilty of actual fraud or malice; but others require the entity to pay such judgments in any case. These provisions are superseded by the provisions of recommended Government Code Sections 825 to 825.6, inclusive, which require all public entities to pay judgments against their employees, but also require the employees to notify the public entity of the pending action so that the entity will have an opportunity to defend. The sections of the recommended comprehensive statute also permit the public entity to recover the amount paid upon such a judgment from an employee who was guilty of actual fraud, actual malice or corruption. Provisions that should be repealed in light of the recommended comprehensive statute are found in Section 38 of the Alpine County Water Agency Act, Section 9.4 of the Amador County Water Agency Act, Section 76 of the Antelope Valley-East Kern County Water Agency Act, Section 23 of the Contra Costa Water Agency Act, Section 26 of the Crestline-Lake Arrowhead Water Agency Act, Section 24 of the Desert Water Agency Law, Section 37 of

C the Eldorado County Water Agency Law, Section 9.3 of the Kern County Water Agency Act, Section 17 of the Kings River Conservation District Act, Section 7.4 of the Mariposa County Water Agency Act, Section 27 of the Mojave Water Agency Law, Section 33 of the Nevada County Water Agency Act, Section 7.4 of the Placer County Water Agency Act, Section 24 of the San Geronio Pass Water Agency Law, Section 7.4 of the Sutter County Water Agency Act, Section 24 of the Upper Santa Clara Valley Water Agency Law, Section 37 of the Yuba-Bear River Basin Authority Act, and Section 7.4 of the Yuba County Water Agency Act.

C 6. Under the common law, a public employee who entered private property under the authority of law and then committed a tortious act was held to be a trespasser ab initio and liable for all damages caused from the time of the original entry. Many statutes have been enacted in California to modify this common law rule. Recommended Government Code Section 820.6 provides an immunity to every public employee from liability for entry on property under authority of law except for such damage as is proximately caused by his own negligent or wrongful conduct. Hence, the special provisions found scattered throughout the codes and uncodified acts to accomplish the same result are no longer necessary and may be repealed. Such provisions are found in Business and Profession Code Section 5312, Public Resources Code Section 4006.6, Public Utilities Code Section 21635, Section 5 of the Alameda County Flood Control and Water Conservation District Act, Section 5 of the Contra Costa County Flood Control and Water Conservation District Act, Section 5 of the Contra Costa County Storm Drainage District Act, Section 6 of the Del Norte County Flood Control District Act, Section 6 of the Humboldt County Flood

control District Act, Section 5 of the Lake County Flood Control and Water Conservation District Act, Section 5 of the Marin County Flood Control and Water Conservation District Act, Section 5 of the Monterey County Flood Control and Water Conservation District Act, Section 5 of the Napa County Flood Control and Water Conservation District Act, Section 6 of the San Benito County Water Conservation and Flood Control District Act, Section 5 of the San Joaquin Flood Control and Water Conservation District Act, Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act, Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act and Section 5 of the Santa Clara County Flood Control and Water Conservation District Act.

7. In contrast with the special statutes mentioned in paragraph 5, above, which impose liability on many public entities for the acts of their employees, there are a few code sections that grant particular State employees sweeping immunities from liability. Because subdivision (b) of recommended Government Code Section 815.2 provides that the employing public entity is immune from liability where the employees enjoys an immunity, these sweeping immunities will immunize the State from liability as well. These sections directly conflict with the policy of liability established in existing code sections--such as Government Code Section 1953 relating to dangerous conditions of public property--as well as the policies contained in the comprehensive legislation relating to the liability of public entities.

These sections were apparently placed in the codes to protect the individual employees involved from personal liability. But they are no longer necessary for this purpose. Under the recommended statutes relating

to liability, a public employee is immune from liability for his discretionary acts, even where the discretion is abused (Section 820); he is immune from liability for executing a statute with due care (Section 820.2); he is immune from liability for acting under the apparent authority of unconstitutional, invalid or inapplicable statutes or regulations (Section 820.4); he is not liable for the acts of others (Section 820.3); he is immune from liability for failing to enforce the law or for adopting or failing to adopt regulations (Section 821); he is immune from liability for granting, suspending, revoking a license--or for failing to do so (Section 821.8); he is immune from liability for malicious prosecution (Section 821.6); and he is immune from liability for the loss of public moneys unless he failed to exercise due care (Section 821.8). Even in those areas where the public employee may be subjected to liability, the employing public entity is required to defend the public employee in any action brought against him (Section 995 et seq.) and to pay any judgment recovered against the employee (Section 825 to 825.6, inclusive). Hence, the broad immunities granted in existing sections are no longer needed to protect the individual public employee from personal liability; and their continued existence will prevent persons injured by the negligence or wilful misconduct of some public employees from obtaining any compensation for their injuries. These provisions therefore should be repealed. They are found in Agricultural Code Sections 748, 1300.21, 2185, 2916, 3407, 5084, 5406 and 5571.

8. In many of the special district acts are provisions relating to sections that should be repealed. These sections, too, should be repealed in view of the proposed repeal of the sections to which they refer.

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The Commission's recommendations would be effectuated by the enactment of the following measures:

An act to amend Sections 748, 5084, 5406 and 5571 of, and to repeal
Sections 1300.21, 2185, 2916 and 3407 of, the Agricultural Code,
relating to the liability of public entities and public officers,
agents and employees.

The people of the State of California do enact as follows:

SECTION 1. Section 748 of the Agricultural Code is amended to read:

748. The members of the board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board. ~~[, -er-fer-errors-in-judgment, -mistakes, -er-ether-acts, either-of-commission-or-emission, -as-principal, -agent, -servant, or-employee, -except-fer-their-own-individual-acts-of-dishonesty or-crime.--The-liability-of-the-members-of-the-board-shall-be several-and-not-joint-and-no-member-shall-be-liable-fer-the default-of-any-ether-member-]~~ All salaries, expenses, costs, obligations and liabilities incurred by ~~[said]~~ the board shall be payable only from funds collected under the provisions of this chapter.

SEC. 2. Section 1300.21 of the Agricultural Code is repealed.

[1300.21.--The members of any such advisory board duly appointed by the director, including employees of such board shall not be held responsible individually in any way whatsoever to any producer, processor, distributor or other handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime.--No such person or employee shall be held responsible individually for any act or omission of any other member of any such board.--The liability of the members of such board shall be several and not joint and no member shall be liable for the default of any other member.]

SEC. 3. Section 2185 of the Agricultural Code is repealed.

[2185.---The-members-and-alternate-members-of-any-program-committee-or-grading-committee-duly-appointed-by-the-director, including-employees-of-the-program-committee-shall-not-be held-responsible-individually-in-any-way-whatsoever-to-any other-person-for-errors-in-judgment,-mistakes,-or-other-acts, either-of-commission-or-omission,-as-principal,-agent,-person or-employee,-except-for-their-own-individual-acts-of-dishonesty or-crime.--No-such-person-or-employee-shall-be-held-responsible individually-for-any-act-or-omission-of-any-other-member-of the-program-committee.--The-liability-of-the-members-of-the program-committee-and-grading-committee-shall-be-several-and not-joint-and-no-member-shall-be-liable-for-the-default-of any-other-member.]

SEC. 4. Section 2916 of the Agricultural Code is repealed.

[2916.---The-members-or-employees-of-any-administrative agency-or-any-other-board,-committee,-authority-or-body created-pursuant-to-an-agreement-or-order-issued-pursuant-to this-chapter-shall-not-be-held-responsible-individually-in any-way-whatsoever-to-any-handler-or-producer-or-any-other person-for-error-in-judgment,-mistake-or-other-acts-either-of commission-or-omission-as-such-member-or-employee-except for-their-own-individual-acts-of-dishonesty,-and-no-member-or employee-shall-be-held-responsible-individually-for-any-act or-omission-of-any-other-member-of-any-such-administrative agency,-board,-committee,-authority-or-body.]

SEC. 5. Section 3407 of the Agricultural Code is repealed.

[3407.---The-members-or-employees-of-any-administrative-agency-or-any-other-board,-committee,-authority-or-body created-pursuant-to-an-agreement-or-order-issued-pursuant-to this-chapter-shall-not-be-held-responsible-individually-in any-way-whatever-to-any-handler-or-producer-or-any-other person-for-error-in-judgment,-mistake-or-other-acts-either-of commission-or-omission-as-such-member-or-employee-except-for their-own-individual-acts-of-dishonesty,-and-no-member-or employee-shall-be-held-responsible-individually-for-any-act or-omission-of-any-other-member-of-any-such-administrative agency,-board,-committee,-authority-or-body.]

SEC. 6. Section 5084 of the Agricultural Code is amended to read:

5084. The members of the council duly appointed by the director, including employees of such council, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the council. ~~[, -er-fer-errors-in-judgment, -mistakes, -er-ether-acts, either-of-commission-or-emission, -as-principal, -agent, servant, -er-employee, -except-for-their-own-individual-acts-of dishonesty-or-crime, --The-liability-of-the-members-of-the council-shall-be-several-and-not-joint-and-no-member-shall be-liable-for-the-default-of-any-ether-member.]~~ All salaries, expenses, costs, obligations and liabilities incurred by ~~[such]~~ the council shall be payable only from funds collected under the provisions of this chapter.

SEC. 7. Section 5406 of the Agricultural Code is amended to read:

5406. The members and alternate members of the board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board. [~~;-er-fer-errors-in-judgment,-mistakes, er-other-acts,-either-of-commission-er-emission,-as-principal, agent,-servant,-er-employee,-except-fer-their-own-individual acts-of-dishonesty-er-crime.--The-liability-of-the-members-of the-board-shall-be-several-and-not-joint-and-no-member-shall be-liable-fer-the-default-of-any-other-member-~~] All salaries, expenses, costs, obligations and liabilities incurred by [~~sueh~~] the board shall be payable only from funds collected under the provisions of this chapter.

An alternate member of the advisory board shall sit as a regular member of the board in case the member for whom he is an alternate fails for any reason to attend any meetings of the board. He shall be compensated and reimbursed in the same manner and to the same extent as a regular member when so serving and when so serving has all the powers, duties, liabilities and immunities of the member in whose place he is serving, except that the alternate to the chairman or vice chairman shall not succeed to the functions of these offices.

SEC. 8: Section 5571 of the Agricultural Code is amended to read:

5571. The State of California [~~shall~~] is not [be] liable for the acts of the commission or its contracts. Payment of all claims arising by reason of the administration of this chapter or acts of the commission shall be limited to the funds collected by the commission. No member of the commission or any employee or agent thereof shall be personally liable on the contracts of the commission. [nor shall a commissioner-or-employees-of-such-commission-be-responsible individually-in-any-way-to-any-producer-or-shipper-or-any other-person-for-errors-in-judgment,-mistakes-or-other-acts, either-of-commission-or-omission,-as-principal,-agent-or employee,-except-for-their-own-individual-acts-of-dishonesty or-crime.--No-commissioner-shall-be-held-responsible individually-for-any-act-or-omission-of-any-other-member of-such-commission.--The-liability-of-the-commissioners-shall be-several-and-not-joint,-and-no-commissioner-shall-be-liable for-the-default-of-any-other-commissioner.]

An Act to amend Section 5312 of the Business and Professions Code, and to
amend Section 4006.6 of the Public Resources Code, and to amend Section
21635 of the Public Utilities Code, and to amend Section 5 of the Alameda
County Flood Control and Water Conservation District Act (Chapter 1275,
Statutes of 1949), and to amend Section 5 of the Contra Costa County
Flood Control and Water Conservation District Act (Chapter 1617, Statutes
of 1951), and to amend Section 5 of the Contra Costa County Storm
Drainage District Act (Chapter 1532, Statutes of 1953), and to amend
Section 6 of the Del Norte Flood Control District Act (Chapter 166,
Statutes of 1955), and to amend Section 6 of the Humboldt County Flood
Control District Act (Chapter 939, Statutes of 1945), and to amend
Section 5 of the Lake County Flood Control and Water Conservation
District Act (Chapter 1544, Statutes of 1951), and to amend Section 5
of the Marin County Flood Control and Water Conservation District Act
(Chapter 666, Statutes of 1953), and to amend Section 5 of the Monterey
County Flood Control and Water Conservation District Act (Chapter 699,
Statutes of 1947), and to amend Section 5 of the Napa County Flood
Control and Water Conservation District Act (Chapter 1449, Statutes
of 1951), and to amend Section 6 of the San Benito County Water
Conservation and Flood Control District Act (Chapter 1598, Statutes of
1953), and to amend Section 5 of the San Joaquin Flood Control and Water
Conservation District Act (Chapter 46, Statutes of 1956 (1st Ex. Sess.)),
and to amend Section 5 of the San Luis Obispo County Flood Control and
Water Conservation District Act (Chapter 1294, Statutes of 1945), and
to amend Section 5 of the Santa Barbara County Flood Control and Water

Conservation District Act (Chapter 1057, Statutes of 1955), and to amend
Section 5 of the Santa Clara County Flood Control and Water Conservation
District Act (Chapter 1405, Statutes of 1951), relating to liability of
public officers and employees for entry on property.

The people of the State of California do enact as follows:

SECTION 1. Section 5312 of the Business and Professions Code is amended to read:

5312. The director may revoke any license or permit for the failure to comply with the provisions of this chapter and may remove and destroy any advertising display placed or maintained in violation of this chapter after 10 days' written notice posted on such structure or sign and a copy forwarded by mail to the display owner at his last known address.

Notwithstanding any other provision of this chapter the director or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this chapter which is temporary in nature because of the materials of which it is constructed or because of the nature of the copy thereon.

For the purpose of removing or destroying any advertising display placed in violation of the provisions of this chapter, the director or his authorized agent may enter upon private property [~~without incurring any liability therefor~~].

SEC. 2. Section 4006.6 of the Public Resources Code is amended to read:

4006.6 Whenever it is shown that impaired, burned, and denuded watershed lands may impose an imminent threat of disaster to the public health, safety and welfare from flood and erosion, the Director of Natural Resources may order the execution of surveys, work and contracts to fulfill the purposes of Section 4006.5, and may request the assistance of other state, local and federal government agencies therefor.

The Director of Natural Resources or his delegated representatives [~~shall not be liable to civil action for trespass committed in performing such work.~~] may enter upon, perform required work upon and inspect lands for the purposes specified in this section.

SEC. 3. Section 21635 of the Public Utilities Code is amended to read:

21635. In the condemnation of property, the division shall proceed in the name of the State in the manner provided by the Code of Civil Procedure. For the purpose of making surveys and examinations relative to any condemnation proceedings, it is lawful to enter upon any land [~~,-doing-no-unnecessary-damage~~]. The power of the division, by condemnation, to acquire or require the relocation of any railway, highway, main, pipe, conduit, wires, cables, poles, and all other facilities and equipment or other property held for or devoted to a public use shall be exercised only after the court in which the condemnation proceedings are pending finds that the taking or relocation for the public use of the division is of greater public necessity than the public use for which the property is presently held or used. The court may fix the terms and conditions for the enjoyment of a right of common use, in lieu of taking or relocation, as it determines will best suit the public interest and necessity.

SEC. 4 . Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of

the district, 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have 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 interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate, and to act in conjunction with or contribute funds to, the United States or the State of California or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the

County of Alameda, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital

stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with or necessary to comply with an act of authorization of the United States, or any state, county, district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Alameda County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of

the Alameda County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that 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, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more

necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Alameda County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

No action in eminent domain to acquire water rights outside the boundaries of the County of Alameda shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

14. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control, drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts,

or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

15. The powers hereinabove granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other work pertaining thereto, in such manner as to render them adaptable and useful to shoreline, beach, harbor, navigation, park or marina development or use, and to do such work in co-operation with any other public or quasi-public agency or corporation concerned with such development or use.

16. To establish and maintain building setback lines along the banks of any river, creek, stream or other waterway, in any case where the board determines that such setback line is necessary for any of the following reasons:

- (a) To prevent impediment of the natural flow of water;
- (b) To protect life and property;
- (c) To prevent damage from flooding, bank caving, or erosion;
- (d) To prevent the pollution of waters.

SEC. 5. Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district,

water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have 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 interest of the district.

6. To control the flood and storm waters of said district, and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said dis-

trict. Any such other political subdivision may by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California or any of its engineers, officers, boards, commissions, departments, or agencies, the United States of America, or any federal department or agency, or with any public or private corporation, or with the County of Contra Costa or adjacent counties, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and made examinations, surveys, and maps thereof [~~and-such-entry-shall-constitute-no-cause-of-action-in-favor-of-the-owners-of-such-land,-except-for-injuries-resulting-from-negligence,-wantonneess,-or-malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipe lines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair

or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said

district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that 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, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or

along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of Contra Costa, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Contra Costa.

15. To construct, accept, maintain, repair, or otherwise improve structures or channels for any purpose, in whole or in part, related to the purposes and powers of the district, or perform any act necessary or incidental to the complete exercise and effect of any of its powers.

SEC. 6 . Section 5 of the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To install and maintain any or all works of or useful to carrying out the purposes of this act. Such installation or maintenance may include any or all of the following work: the placing, replacing, installation, cleaning, repairing, renewal, widening, straightening, deepening or otherwise improving storm drain structures, watercourses or drainage channels, whether in existence or not, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities.

6. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to the installation or maintenance of storm drains, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to the installation or maintenance of storm drains within the district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use, may enter upon such lands and make examinations, surveys, and maps thereof, [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, waste, or nuisance.~~]

7. To enter upon any land, to make surveys and locate the necessary works of improvements and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, and all necessary appurtenances; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction,

leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by Contra Costa County Storm Drainage District; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for use within said district, or in any other work, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To incur indebtedness and to issue bonds in the manner herein provided.

9. To cause assessments to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

10. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 7. Section 6 of the Del Norte Flood Control District Act (Chapter 166, Statutes of 1955) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose

useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow

into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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 district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Del Norte, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or for the purpose of controlling or abating mosquitos within said district or for other purposes of sanitation therein, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey

and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~;-and-such-entry-shall-constitute-as-cause-of-action-in-favor-of-the owners-of-such-land,-except-for-injuries-resulting-from-negligence, wantonness,-or-malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or

proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Del Norte County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Del Norte County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction

of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 8. Section 6 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To furnish water for any of the purposes herein authorized and to construct all necessary facilities to distribute such water. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and

reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose of the district; to commence, maintain, intervene in, and compromise, in the name of the district, 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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 district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Humboldt, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~,-and-such-entry shall-constitute-no-cause-of-action-in-favor-of-the-owners-of such-land,-except-for-injuries-resulting-from-negligence, wantonness,-or-malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being

constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Humboldt County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through

any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery of any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Humboldt County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided, including, but not limited to, the issuance of bonds on a district-wide or zone basis, the proceeds to be

used for the works necessary to obtain, store, supply, and distribute water to the inhabitants of the district for any purposes herein authorized.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 9. Section 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, water and water rights, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To conserve all waters within said district, and to control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood

waters thereof, flow into said district, and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the water courses outside of the district of streams flowing into the district, and to develop waters within or without said district for domestic, irrigation, industrial and recreational uses, and to construct works therefor, including works for the storage and delivery of water; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To co-operate and to act in conjunction with the Federal Government, the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Lake or adjacent counties, or with any other agencies, in the construction of any work for the storage or delivery of all waters within or without the district for

domestic, irrigation, industrial and recreational uses and for the conservation of waters within said district, for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein.

7. To carry on technical and other investigations of all kinds, make measurments, collect data and make analyses, studies, and inspections pertaining to the beneficial use of waters within or without the district, including domestic, irrigation, industrial and recreational uses and to the conservation of water and to the control of floods both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, to enter into and do any acts necessary or proper for the performance

of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that 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, ¹⁴³⁻ railways, mains, pipes, conduits,

wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

The district shall not condemn property outside the County of Lake unless the consent of the governing board of the county, in which the property to be condemned is located, has first been obtained.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Lake County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To provide for the operation and maintenance of any works of any kind or channelways, which may be built or operated by the State of California or the Federal Government without cost to the district, for the control or disposition of flood and storm waters within the district whether such waters originate within or without the district.

14. To contract with the County of Lake, because of the interest of the County of Lake in the general welfare and preservation and promotion of land values in the county and in the maintenance, construction and improvement of public roads, bridges and other county property within any zone which may be damaged or destroyed by such flood and storm waters and which will be protected by proper control and disposition of such waters, for the participation by such county, on a percentage or other appropriate basis, in the amount or amounts that may be taxed or assessed from time to time against any lands in any zone by any taxing or assessing agency or authority, including the district, to provide funds for the operation and maintenance of any works of any kind or channelways which may be built, maintained or operated by the State of California or the Federal Government or the district for the benefit of such zone; and the County of Lake is hereby authorized to enter into any such contract with the Lake County Flood Control and Water Conservation District.

15. To levy assessments in any zone, on the basis of benefits as provided in Section 13.1 hereof, to raise funds for payment of expenses of operation and maintenance of works or channelways in any such zone and the cost of levying, calling and collecting such assessments.

SEC. 10. Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water

for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall

not have 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 interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided

further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the Government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access

through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts

necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district, or other public corporation, or agency, or otherwise; provided, however, that 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, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in

said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefore be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate

or easement or interest as the case may be, is necessary.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

SEC. 11. Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve

and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district

shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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 district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Monterey, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district,

or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water

rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Monterey County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned

or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Monterey County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 12. Section 5 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and

every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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, watershed, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Napa, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon

the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Napa County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Napa County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United

States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 13. Section 6 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs, within or outside of the district for the benefit of any zone or zones of the district affected; to conserve and reclaim

water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, any waters not needed for beneficial uses within the district; to prevent unlawful exportation of water from said district; to commence, maintain, intervene in, defend or compromise, in the name of the district, in behalf of the landowners therein, or otherwise, and to assume the costs and expenses in any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district 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; provided, however, that said district shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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 district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of importing waters for beneficial use into said district, or in any other works, acts, or purposes provided

for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for

the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Benito County Water Conservation and Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or

lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the San Benito County Water Conservation and Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to

adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

Sec. 14. Section 5 of the San Joaquin Flood Control and Water Conservation District Act (Chapter 46, Statutes of 1956 (1st Ex. Sess.)) is amended to read:

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for present and future use within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and

and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have 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 interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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, harbors, public highways, life and property in said district, and the watercourses outside of the district

of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision which owns property or facilities of a type that may be owned by the district may, by written agreement with the district, provide for the use, or joint use, of such property or facilities, or for the use or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officer, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any works for the controlling of flood or storm waters of or flowing into said district or for the protection of life or property therein, or for the purpose of conserving any waters whatsoever for beneficial use

within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled

to all rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain within said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that 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, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that, notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the

provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such San Joaquin County Flood Control and Water Conservation District or in any officer thereof, or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of San Joaquin, and employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of San Joaquin.

15. To purchase, or to contract for the purpose of purchasing, water, from the United States, or any of its agencies, from the State, or any of its agencies, from any other public district, agency or organization, from any private firm, corporation, entity, or organization, or from any person.

16. To have power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of contracting works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation, or 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 district, and to carry out and perform the terms of any contract so made.

17. To sell or distribute, and to contract for such sale or distribution water to any person, firm, corporation, entity, or organization within the district, whether sold or distributed for consumption or for consumption or for resale or redistribution; provided that the district shall have no power to sell or distribute or to contract for such sale or distribution of, water for use on any lands within any county water district, reclamation district, irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the State now or hereafter established, in or

partially within, the limits of the district, which is empowered to deliver water to water users, without either contracting with such entity or without the express written permission of the governing body of such entity.

18. . To establish tolls or charges for any water sold or distributed by it.

19. To levy assessments to pay the costs of acquiring and distributing any water in any water conservation zones which are benefited.

SEC. 15. Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945) is amended to read:

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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 district, and the watercourses

outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Luis Obispo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses of streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in the manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any State, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Luis Obispo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any

owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the San Luis Obispo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 16. Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Santa Barbara,

in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of storm waters and floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof [~~and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice~~].

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances; to enter into contracts and agreements with, and do any acts necessary or proper for the performance of any such contracts

and agreements with the United States, or any state, county, district of any kind, public or private or municipal corporation, association, firm, or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water or water supply to be delivered to said district by the other party to said agreement.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that 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, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm

waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of directors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district or other district or public agency to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal

utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Santa Barbara County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To make contracts with the County of Santa Barbara and with municipalities and public agencies, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Santa Barbara.

SEC. 17. Section 5 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the

district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district 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 district, used or useful for any purpose of the district 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 district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the

district; provided, however, that said district shall not have 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 district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, 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 district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any work for the controlling of flood or storm waters of or flowing into said district or for the protection of life or property therein, or for the purpose of conserving any waters whatsoever for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. 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 district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof [~~,-and-such-entry-shall-constitute-no-cause-of-action-in-favor-of-the-owners-of-such-land,-except-for-injuries-resulting-from-negligence,-wantonness,-or-waiver~~].

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to

hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Santa Clara County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or

secured, for the use of the Santa Clara County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the firhts, properties, activities, plans and proposals of the district;

provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-half cent (\$.005) for each one hundred dollars (\$100) of assessed valuation of such district.

An Act to repeal Section 6904.5 of the Business and Professions Code, and to repeal Section 8535 of the Water Code, and to repeal Sections 36, 37 and 38 of the Alpine County Water Agency Act (Chapter 1896, Statutes of 1961), and to repeal Sections 9.2, 9.3 and 9.4 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), and to repeal Section 76 of the Antelope Valley-East Kern County Water Agency Law (Chapter 2146, Statutes of 1959), and to repeal Section 23 of the Contra Costa Water Agency Act (Chapter 518, Statutes of 1957), and to repeal Section 26 of Chapter 40 of the Statutes of 1962 (1st Ex. Sess.) (Crestline-Lake Arrowhead Water Agency Act), and to repeal Section 24 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961), and to repeal Sections 35, 36 and 37 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959), and to repeal Sections 9.1, 9.2 and 9.3 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961), and to repeal Sections 14, 16 and 17 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), and to repeal Sections 7.2, 7.3 and 7.4 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959), and to repeal Section 27 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959), and to repeal Sections 36, 37 and 38 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959), and to amend Section 49 of the Orange County Water District Act (Chapter 924, Statutes of 1933), and to repeal Sections 7.2, 7.3 and 7.4

of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), and to repeal Section 24 of the San Geronio Pass Water Agency Law (Chapter 1435, Statutes of 1961), and to repeal Sections 7.2, 7.3 and 7.4 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959), and to repeal Section 24 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962 (1st Ex. Sess.)), and to repeal Sections 35, 36 and 37 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), and to repeal Sections 7.2, 7.3 and 7.4 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), relating to the liability of public officers and employees.

The people of the State of California do enact as follows:

SECTION 1. Section 6904.5 of the Business and Professions Code is repealed:

[6904.5---The-conservator,-the-director,-and-the-employees of-the-Collection-Agency-Licensing-Bureau-shall-not-be-held personally-liable-in-connection-with-the-enforcement-of-this article.]

SEC. 2. Section 8535 of the Water Code is repealed.

[8535.---The-drainage-district,-the-board-and-the-members-thereof
are-not-responsible-or-liable-for-the-operation-or-maintenance-of
levees,-overflow-channels,-by-passes,-weirs,-cuts,-canals,-pumps,
drainage-ditches,-sumps,-bridges,-basins,-or-other-flood-control
works-within-or-belonging-to-the-drainage-district.]

SEC. 3. Section 36 of the Alpine County Water Agency Act
(Chapter 1896, Statutes of 1961) is repealed.

~~[Sec. 36. -- No director shall be liable for any act or omission
of any appointee of such employee appointed or employed by him in his
official capacity, whether such employment or appointment was made
singly or in conjunction with other members of the board, and no
officer, agent or employee of the agency shall be liable for any act
or omission of any agent or employee appointed or employed by him
except when the director, officer or agent making such appointment or
employment knew or had actual notice that the person appointed or
employed was inefficient or incompetent to perform or render the
services for which he was appointed or employed, or retained such
inefficient or incompetent person after knowledge or notice of such
inefficiency or incompetency.]~~

SEC. 4. Section 37 of the Alpine County Water Agency Act
(Chapter 1896, Statutes of 1961) is repealed.

[Sec. 37. -- Nothing contained in Section 36 shall be considered as
creating any liability or responsibility unless the same would have
existed without the enactment of said section, nor shall the provisions
of said section be deemed to amend, modify or repeal the provisions
of Chapter 6 (commencing with Section 1959) of Division 4 of Title 1
of the Government Code.]

SEC. 5. Section 38 of the Alpine County Water Agency Act (Chapter 1896, Statutes of 1961) is repealed.

[See--38---If-a-judgment-is-entered-against-a-director,-officer,-agent,
or-employee-of-the-agency-for-any-act-or-omission-in-his-official-capacity,
except-in-case-of-actual-fraud-or-malice,-the-agency-shall-pay-the-judgment
without-obligation-for-repayment-by-the-director,-officer,-agent,-or-employee.]

SEC. 6. Section 9.2 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

[Sec. 9.2. -- No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.]

SEC. 7. Section 9.3 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

~~[Sec.-9.3---Nothing-contained-in-Section-9.2-shall-be-considered-as
creating-any-liability-or-responsibility-unless-the-same-would-have-existed
without-the-enactment-of-said-section,-nor-shall-the-provisions-of-said
section-be-deemed-to-amend,-modify-or-repeal-the-provisions-of-Chapter-6
(commencing-at-Section-1959)-of-Division-4-of-Title-1-of-the-Government-Code.]~~

SEC. 8. Section 9.4 of the Arador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

[Sec. 9.4. -- If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.]

SEC. 9. Section 76 of the Antelope Valley-East Kern County Water Agency Law (Chapter 2146, Statutes of 1959) is repealed.

[Sec. 76. -- No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.]

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent, or employee.]

SEC. 10. Section 23 of the Contra Costa Water Agency Act (Chapter 518, Statutes of 1957) is repealed.

[Sec.-23.--No-director,-officer,-employee-or-agent-of-the-agency shall-be-personally-liable-for-any-damage-resulting-from-the-operations of-the-agency-or-from-the-negligence-or-misconduct-of-any-of-its-directors, officers,-employees-or-agents-unless-the-damage-was-proximately-caused-by his-own-negligence,-misconduct-or-wilful-violation-of-duty.--When-a-director, officer,-agent-or-employee-is-held-liable-for-any-act-or-omission-done-or omitted-in-his-official-capacity-and-any-judgment-is-rendered-thereon, the-agency-shall-pay-the-judgment-without-obligation-for-repayment-by-the director,-officer,-agent-or-employee.--The-agency-may-carry-and-pay-for insurance-to-cover-any-liability-of-the-agency,-its-directors,-officers, employees-or-agents-or-any-of-them.]

SEC. 11. Section 26 of Chapter 40 of the Statutes of 1962 (1st ex. Sess.) (Crestline-Lake Arrowhead Water Agency Act) is repealed.

~~[Sec. 26. - He - director - or - other - officer, - agent - or - employee - of - the agency - shall - be - liable - for - any - act - or - omission - of - any - officer, - agent - or - employee - appointed - or - employed - by - him - unless - he - had - actual - notice that - the - person - appointed - or - employed - was - inefficient - or - incompetent - to perform - the - service - for - which - such - person - was - appointed - or - employed or - unless - he - retains - the - inefficient - or - incompetent - person - after - notice - of - the - inefficiency - or - incompetency -]~~

~~The - agency - may - employ - counsel - to - defend - any - litigation - brought against - any - director - or - other - officer, - agent, - or - employee - thereof, on - account - of - his - official - action, - and - the - fees - and - expenses - involved therein - shall - be - a - lawful - charge - against - the - agency.~~

~~If - any - director - or - other - officer, - agent, - or - employee - of - the agency - is - held - liable - for - any - act - or - omission - in - his - official capacity, - and - any - judgment - is - rendered - thereon, - the - agency, - except in - case - of - his - actual - fraud - or - actual - malice, - shall - pay - the - judgment without - obligation - for - repayment - by - such - director - or - other - officer, - agent, - or - employee.]~~

SEC. 12. Section 24 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961) is repealed.

[Sec. 24. -- No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.]

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.]

SEC. 13. Section 35 of the El Dorado County Water Agency Act
(Chapter 2139, Statutes of 1959) is repealed.

[Sec.-35---No-director-shall-be-labile-for-any-act-or-emission-of
any-appointee-or-employee-appointed-or-employed-by-him-in-his-official
capacity;-whether-such-employment-or-appointment-was-made-singly-or-in
conjunction-with-other-members-of-the-board;-and-no-officer;-agent-or
employee-of-the-agency-shall-be-labile-for-any-act-or-emission-of-any
agent-or-employee-appointed-or-employed-by-him-except-when-the-director;-
officer-or-agent-making-such-appointment-or-employment-knew-or-had-actual
notice-that-the-person-appointed-or-employed-was-inefficient-or-incom-
petent-to-perform-or-render-the-services-for-which-he-was-appointed-or
employed;-or-retained-such-inefficient-or-incompetent-person-after
knowledge-or-notice-of-such-inefficiency-or-incompetency.]

SEC. 14. Section 36 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is repealed.

[Sec. 36.---Nothing-contained-in-Section-35-shall-be-considered-as creating-any-liability-or-responsibility-unless-the-same-would-have existed-without-the-enactment-of-said-section,-nor-shall-the-provisions of-said-section-be-deemed-to-amend,-modify-or-repeal-the-provisions-of Chapter-6,-commencing-at-Section-1950,-of-Division-4-of-Title-1-of-the Government-Code.]

C
SEC. 15. Section 37 of the El Dorado County Water Agency Act
(Chapter 2139, Statutes of 1959) is repealed.

[See-37.--If-a-judgment-is-entered-against-a-director,-officer,
agent-or-employee-of-the-agency-for-any-act-or-emission-in-his-official
capacity,-except-in-case-of-actual-fraud-or-malice,-the-agency-shall-pay
the-judgment-without-obligation-for-repayment-by-the-director,-officer,
agent,-or-employee.]

C
SEC. 16. Section 9.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is repealed.

[Sec. 9.1. -- No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity; whether such employment or appointment was made singly or in conjunction with other members of the board; and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.]

6
SEC. 17. Section 9.2 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is repealed.

[See-9.2--Nothing-contained-in-Section-9.1-shall-be considered-as-creating-any-liability-or-responsibility-unless the-same-would-have-existed-without-the-enactment-of-said section,-nor-shall-the-provisions-of-said-section-be-deemed to-amend,-modify-or-repeal-the-provisions-of-Chapter-6 (commencing-at-Section-1950)-of-Division-4-of-Title-1-of-the Government-Code.]

SEC. 18. Section 9.3 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is repealed.

[Sec. 9.3. -- If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.]

SEC. 19. Section 14 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

[Sec. 14. -- No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the district shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director or the officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or shall retain such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.]

C
SEC. 20. Section 16 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

[See -16- --Nothing-contained-in-Sections-14-and-15-shall be-considered-as-creating-any-liability-or-responsibility unless-the-same-would-have-existed-without-the-enactment-of said-sections,-nor-shall-the-provisions-of-said-sections-or either-or-any-of-them-be-deemed-to-amend,-modify-or-repeal the-provisions-of-Chapter-6,-Division-4,-Title-1-of-the Government-Code.]

SEC. 2h. Section 17 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

[See-17---If-a-director,-officer,-agent,-or-employee of-the-district--shall-be-held-liable-for-any-act-or-emission in-his-official-capacity,-except-in-case-of-actual-fraud-or actual-malice,-and-any-judgment-shall-be-rendered-thereon, the-district-shall-pay-such-judgment-without-obligation-for repayment-thereof-by-such-director,-officer,-agent,-or-employee.]

SEC. 22. Section 7.2 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is repealed.

~~[Sec. 7.2.---No-director-shall-be-liable-for-any-act-or-emission of-any-appointee-or-employee-appointed-or-employed-by-him-in-his official-capacity,-whether-such-employment-or-appointment-was-made-singly or-in-conjunction-with-other-members-of-the-board,-and-no-officer,-agent or-employee-of-the-agency-shall-be-liable-for-any-act-or-emission-of any-agent-or-employee-appointed-or-employed-by-him-except-when-the director,-officer-or-agent-making-such-appointment-or-employment-know-or had-actual-notice-that-the-person-appointed-or-employed-was-inefficient or-incompetent-to-perform-or-render-the-services-for-which-he-was-appointed or-employed,-or-retained-such-inefficient-or-incompetent-person-after knowledge-or-notice-of-such-inefficiency-or-incompetency-]~~

SEC. 23. Section 7.3 of the Mariposa County Water Agency Act
(Chapter 2036, Statutes 1959) is repealed.

~~[Sec. 7.3--Nothing contained in Section 7.2 shall be considered as
creating any liability or responsibility unless the same would have existed
without the enactment of said section, nor shall the provisions of said
section be deemed to amend, modify or repeal the provisions of Chapter 6,
commencing at Section 1950, of Division 4 of Title 1 of the Government Code.]~~

SEC. 24. Section 7.4 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is repealed.

[See 7.4. -- If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.]

SEC. 25. Section 27 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959) is repealed.

[Sec.-27.--No-director,-officer,-employee-or-agent-of the-agency-shall-be-personally-liable-for-any-damage-resulting from-the-operations-of-the-agency-or-from-the-negligence-or misconduct-of-any-of-its-directors,-officers,-employees-or agents-unless-the-damage-was-proximately-caused-by-his-own negligence,-misconduct-or-willful-Violation-of-duty.--When-a director,-officer,-agent-or-employee-is-held-liable-for-any act-or-omission-done-or-omitted-in-his-official-capacity-and any-judgment-is-rendered-thereon,-the-agency-shall-pay-the judgment-without-obligation-for-repayment-by-the-director, officer,-agent-or-employee.--The-agency-may-carry-and-pay for-insurance-to-cover-any-liability-of-the-agency,-its directors,-officers,-employees-or-agents-or-any-of-them.]

SEC. 26. Section 36 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

~~[Sec. 36. No director shall be liable for any act or omission of any appointee of such employee appointed or employed by him in his official capacity; whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.]~~

C
SEC. 27. Section 37 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

[Sec.-37---Nothing-contained-in-Section-36-shall-be-considered-as
creating-any-liability-or-reponsibility-unless-the-same-would-have-existed
without-the-enactment-of-said-section,-nor-shall-the-provisions
of-said-section-be-deemed-to-amend,-modify-or-repeal-the-provisions-of
Chapter-6-(commencing-at-Section-1950)-of-Division-4-of-Title-1-of
the-Government-Code.]

SEC. 28. Section 38 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

~~[Sec. 38. -- If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.]~~

SEC. 23. Section 49 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 49. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of Orange County by any assessment payer of the district [~~but no officer of said district shall be personally liable for any damage resulting from the operations of the district or from the negligence or misconduct of any of its officers or employees unless the damage was proximately caused by the officer's own negligence or misconduct or by his wilful violation of official duty~~]

SEC. 30. Section 7.2 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is repealed.

[Sec.-7.2.--No-director-shall-be-liable-for-any-act-or-emission-of any-appointee-or-employee-appointed-or-employed-by-him-in-his-official capacity,-whether-such-employment-or-appointment-was-made-singly-or-in conjunction-with-other-members-of-the-board,-and-no-officer,-agent-or employee-of-the-agency-shall-be-liable-for-any-act-or-emission-of-any-agent or-employee-appointed-or-employed-by-him-except-when-the-director,-officer or-agent-making-such-appointment-or-employment-knew-or-had-actual-notice that-the-person-appointed-or-employed-was-inefficient-or-incompetent-to perform-or-render-the-services-for-which-he-was-appointed-or-employed, or-retained-such-inefficient-or-incompetent-person-after-knowledge-or notice-of-such-inefficiency-or-incompetency.]

SEC. 31. Section 7.3 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is repealed.

[See--7.3.--Nothing-contained-in-Section-7.2-shall-be-considered-as creating-any-liability-or-responsibility-unless-the-same-would-have-existed without-the-enactment-of-said-section,-nor-shall-the-provisions-of-said section-be-deemed-to-amend,-modify-or-repeal-the-provisions-of-Chapter-6, commencing-at-Section-1950,-of-Division-4-of-Title-1-of-the-Government Code.]

C
SEC.32. Section 7.4 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is repealed.

[See 7.4. -- If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.]

C

SEC. 33. Section 24 of the San Geronio Pass Water Agency Law (Chapter 1435, Statutes of 1961) is repealed.

[Sec. 24. -- No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.]

C

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

C

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.]

C
SEC. 34. Section 7.2 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed.

[Sec. 7.2. -- No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.]

SEC. 35. Section 7.3 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed.

~~[Sec. 7.3--Nothing contained in Section 7.2 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.]~~

SEC. 36. Section 7.4 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed.

[Sec. 7.4---If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.]

SEC. 37. Section 24 of the Upper Santa Clara Valley Water Agency Law (Chapter 28, Statutes of 1962 (1st Ex. Sess.)) is repealed.

[Sec. 24. No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.]

SEC. 38. Section 35 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is repealed.

[Sec. 35---No-director-shall-be-labile-for-any-act-or-omission-of any-appointee-or-employee-appointed-or-employed-by-him-in-his-official-capacity,-whether-such-employment-or-appointment-was-made-singly-or-in conjunction-with-other-members-of-the-board,-and-no-officer,-agent-or employee-of-the-authority-shall-be-labile-for-any-act-or-omission-of any-agent-or-employee-appointed-or-employed-by-him-except-when-the officer,-agent-or-employee-making-such-appointment-or-employment-knew or-had-actual-notice-that-the-person-appointed-or-employed-was-inefficient or-incompetent-to-perform-or-render-the-services-for-which-he-was appointed-or-employed,-or-retained-such-inefficient-or-incompetent-person after-knowledge-or-notice-of-such-inefficiency-or-incompetency.]

SEC. 39 Section 36 of the Yuba-Bear River Basin Authority Act
(Chapter 2131, Statutes of 1959) is repealed.

~~[Sec. 36.---Nothing contained in Section 35 shall be considered as
creating any liability or responsibility unless the same would have
existed without the enactment of said section, nor shall the provisions
of said section be deemed to amend, modify or repeal the provisions of
Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the
Government Code.]~~

SEC. 40. Section 37 of the Yuba-Bear Basin Authority Act
(Chapter 2131, Statutes of 1959) is repealed.

~~[Sec. 37. If a judgment is entered against a director, officer,
agent, or employee of the authority for any act or omission in his
official capacity, except in case of actual fraud or malice the author-
ity shall pay the judgment without obligation for repayment by the
director, officer, agent, or employee.]~~

SEC. 41. Section 7.2 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is repealed.

~~[Sec. 7.2.---No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.]~~

SEC. 42. Section 7.3 of the Yuba County Water Agency Act
(Chapter 788, Statutes of 1959) is repealed.

~~[Sec. 7.3. Nothing contained in Section 7.2 shall be considered
as creating any liability or responsibility unless the same would have
existed without the enactment of said section, nor shall the provisions
of said section be deemed to amend, modify or repeal the provisions
of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1
of the Government Code.]~~

SEC. 43. Section 7.4 of the Yuba County Water Agency Act
(Chapter 788, Statutes of 1959) is repealed.

[Sec. 7.4. -- If a judgment is entered against a director, officer,
agent, or employee of the agency for any act or omission in his
official capacity, except in case of actual fraud or malice, the
agency shall pay the judgment without obligation for repayment by the
director, officer, agent, or employee.]