

# 36.202

3/13/70

First Supplement to Memorandum 70-16

Subject: Study 36.202 - Condemnation (The Declared Public Uses--Condemnation  
by Special Districts)

In Memorandum 70-16, relating to the right to take of special districts, the staff stated that it appeared that the repeal of Code of Civil Procedure Section 1238 would require changes in the statutes of only two special districts. See page 7 (Public Cemetery Districts); page 8 (Resort Improvement Districts). For your convenience, we have attached to this memorandum drafts of the suggested changes in a form suitable for inclusion in a recommendation on this subject. See attached yellow sheets (proposed Health and Safety Code Section 8961; proposed Public Resources Code Section 13070.1).

We have also attached a copy of a relatively recent newspaper article concerning California special districts that we thought might be of interest to you. The attached table summarizes the functions of the various types of special districts.

Respectfully submitted,

Jack I. Horton  
Associate Counsel

HEALTH AND SAFETY CODE § 8961

Staff recommendation

PUBLIC CEMETERY DISTRICTS

§ 8961. Power to acquire property by condemnation or otherwise

Sec. . Section 8961 of the Health and Safety Code is amended to read:

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents of the district or of members of the family of a resident who has heretofore purchased a burial plot , and for this purpose may take and hold title to property by grant, gift, devise, condemnation, lease, or any other method .

Comment. Section 8961 is amended to make clear the right of public cemetery districts to acquire and hold title to realty for cemetery purposes. See Health & Saf. Code § 8961, annot. citing 14 Ops. Cal. Atty. Gen. 252. The term "condemnation" preserves the grant of condemnation authority formerly contained in subdivision (14) of Section 1238 of the Code of Civil Procedure (condemnation authorized for "cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof").

First Supplement to Memorandum 70-16

PUBLIC RESOURCES CODE § 13070.1

Staff recommendation

RESORT IMPROVEMENT DISTRICTS

§ 13070.1. Definition of "acquire"

Sec. . Section 13070.1 is added to the Public Resources Code, to read:

13070.1. As used in this chapter, "acquire" includes but is not restricted to taking by condemnation, purchase, or lease, and receiving by donation or dedication.

Comment. Section 13070.1 is added to give the term "acquire" used in Section 13070 its broadest possible meaning and to insure that the repeal of Code of Civil Procedure Section 1238 will not affect adversely the districts formed under the Resort Improvement District Law.

## PUBLIC RESOURCES CODE

### CHAPTER 5. POWERS

#### § 13070. Powers; purposes

The district may \* \* \* acquire, construct, maintain and operate property, works and facilities for any one or more of the \* \* \* following purposes:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) Protection against fire.

(d) Comprehensive planning for the physical growth of the area within the district.

(e) The collection or disposal of garbage or refuse matter.

(f) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings for all-year recreation, including, but not limited to facilities for public and private meetings, and other public squares and places.

(g) Street lighting.

(h) Mosquito abatement.

(i) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(l) The construction and maintenance of parking facilities, and other transportation facilities. (Added Stats.1961, c. 2039, p. 4300, § 1, as amended Stats.1963, c. 2067, p. 4317, § 9.)

#### § 13071. Property

The district may hold, use, enjoy, lease or dispose of any of its property. (Added by Stats.1968, c. 302, p. 692, § 3.)

Friday, January 2, 1970

# Survey Indicates State Has Hundreds and Hundreds of Special Districts; Los Angeles County Reports More Than 350 Such Governmental Divisions

By Judith Jordahl

Special to The Daily Journal

SACRAMENTO — Coming close to the situation of the "old woman who lived in a shoe and had so many children she didn't know what to do," Sacramento County has so many special districts it can scarcely keep track of them all.

According to Fred Christensen, assistant executive officer of the Sacramento Local Agency Formation Commission (LAFCO), the current total is 123 - provided all the districts have been discovered and accounted for appropriately.

This is not an easy task because district information is not consolidated in one central locale. Pieces of information must be gathered from a variety of sources, including the county assessor, board of supervisors, recorder, voter registration and elections, department of public works, the state board of equalization, secretary of state, state controller, and the districts themselves.

Because of the wide diffusion of information among the various sources and the interference necessitated by the required performance of their daily routines, the current status of the scores of special districts is sometimes obscured and unclear.

It takes time for all the sources to catch up with the changes that are taking place continuously - indeed, some may never catch up entirely because of the ponderous load of their other activities - so that apparent discrepancies between sources must be compared and ironed out in order to arrive at the truth.

One problem in comparing state and county figures seems to lie in the difficulty of uniform district classification. Classifications have varied in name and number through the years and are hard to agree upon because the functions of similar districts may vary in number and type.

## How Do You Classify

For example, Arden Park Vista Maintenance District handles both sewerage and water - how should it be classified? Arcade County Water District provides municipal water service, but Clay Water District provides irrigation service.

In broad classifications that must apply statewide the Office of the Controller lists 22 for Sacramento County in its special district financial report for 1967-68, whereas in 1965-66 the county divided them into 24 different categories. Some corresponded with the state classifications; some did not.

Another problem lies in the counting of districts.

"Irrigation districts are not special districts; they are in a class by themselves and have a separate financial report," explained Gentry Durham, state controller special representative.

As such, the State does not include them in its tally of special districts, but the county definitely does, Christensen asserted.

For what of the irrigation district that supplies water service and the water district that takes care of irrigation - can they be separated? Which tally reflects reality?

The problem of counting takes in also the technicalities of individual district tabulation. In its category delineations the state report included and counted districts dissolved and not in operation, such as the Planhaven Maintenance District, dissolved Nov. 21, 1966.

However, it also included districts not mentioned by LAFCO, such as the Linwood Water Maintenance District, begun Jan. 20, 1964, and the Valley Hi Greens Water Maintenance District, begun Oct. 23, 1967.

One unusual case within the county itself involves the Galt Irrigation District. Formed in 1953, it is still listed with LAFCO as a special district and came up on the recent County Board of Supervisors

Nov. 17 meeting agenda on a matter of officers appointment.

However, within the county it was not listed with four other irrigation districts in the 1965-66 budget and tax levy and according to a spokesman from the Special Districts section of the County Department of Public Works, was discontinued in 1967.

## Dead District Not Dead

Dorothy Miller, appointed to a four-year term as the district's assessor-collector-treasurer by the County Board of Supervisors Nov. 17, said the district is very much alive and in full cooperation with the county as a special district.

On the other hand, another district, the Elk Grove Irrigation District, listed but with zero budget and tax levy in 1965-66, has not been heard of since June 21, 1967, when it made a request that the county take over its functions, according to an office spokesman for the board of supervisors.

The district is not and has not been listed with the county clerk, and attempts have been made by the registration and elections supervisor to contact the district by letters dated May 28, with no results as yet.

Galt Irrigation District, however, is listed and actively participates in holding its board elections - an example of a paradox in the counting of districts.

## Most Prevalent Type

Special districts exist in every state and far outnumber the combined total of all other types of government. Though they had their birth in the toll roads and canal corporations of the early 1800's, according to the Advisory Commission on Intergovernmental Relations report of 1964, they are most prevalent in the younger states that successively formed the western boundaries and grew rapidly as the nation expanded.

"If school districts are excluded, California is exceeded only by Illinois in the number and total

expenditures of special districts," write Stanley Scott and John C. Bollens, authors of *Special Districts in California Local Government*.

Among the counties, Los Angeles has headed the list for at least 20 years, having nearly 350 or more special districts. Sacramento County occupied second place until recent years when LAFCO contributed to the curtailment of district formation.

According to state figures, San Joaquin County is in second place at 165, San Diego County a close third with 162, Sacramento County in seventh place at 126, and Contra Costa County a close eighth with 125. However, these figures can only be approximate.

#### Special District Definition

What is a special district?

Within the provisions of the Knox-Nisbet Act, effective Sept. 20, 1963, which authorized the establishment of local agency formation commissions to regulate district growth, special district is defined as "an agency of the state for the local performance of governmental or proprietary functions within limited boundaries" and "does not include the state, a city, a county, or a school district."

In his book *California Government*, Leroy C. Hardy writes, "Special districts are created to perform a special function not provided by existing governmental units."

Scott and Bollens write that a special district must have (1) a resident population in a defined area, (2) a legally authorized governmental body, (3) a separate legal identity, (4) power to provide public services, and (5) a substantial degree of autonomy and power to raise at least part of its own revenue.

In *California Government and Politics*, Winston Crouch and others give examples of how special districts affect the lives of Californians:

A Riverside resident takes a drink of water supplied by the Metropolitan Water District; a Sacramento householder turns on lights from electricity supplied by the municipal utility district (SMUD); a San Joaquin County farmer waters his asparagus from the assistance of the irrigation district;

An Atascadero resident in San Luis Obispo County has his rubbish picked up by a garbage disposal district truck; a farmer needing help in terracing his land receives assistance from a soil conservation district; a commuter on the Golden Gate Bridge is using bridge and highway district facilities;

Bus riders in Los Angeles County use facilities of the Metropolitan Rapid Transit District; a fire alarm sounding in Lafayette, Contra Costa County, is answered by a fire protection district; and examples could go on and on.

In 1966 the 4,888 special districts counted that year were about 11 times the combined number of cities and counties, writes the same author.

The latest state figures of 3,811 special districts is about 8 times the combined total of 400 cities and 57 counties.

#### Districts Fill Gap

Christian L. Larsen and others write in *Growth and Government in Sacramento* that "functions of the city and county governments overlap and the personal interests of the officials do not always encourage them to take a broad community-wide view."

The community sense of identity developed by many unincorporated areas led residents to seek the establishment of special districts to supply municipal services not required by county residents as a whole. Separate district tax structures became necessary.

Larsen describes the situation as "a reasonably adequate level of metropolitan services administered by a complicated and illogical system of overlapping jurisdictions."

Commenting on the state picture of special districts, Durham said the system is complex because "it happened rather than being planned." Each county is unique in its needs from the primitive conditions of sparsely populated Alpine County to the sophisticated complexity of metropolitan Los Angeles, he said.

The needs of each district are also unique, like those of each human being, he explained.

#### Origin in Swamp

The infant beginnings of California special districts can be traced back as far as April 28, 1855 - or perhaps earlier - to an act to

provide for the sale (at \$1 an acre) of swamp and overflowed lands belonging to the state.

The lands had been granted by an Act of Congress on Sept. 28, 1850, to "enable the State of Arkansas and other States to reclaim Swamp Lands within their limits."

An act of April 21, 1958, and an amendment April 18, 1959, provided for money received for the lands to be placed in a Swamp Land Fund for reclamation.

Reclamation was authorized in an act approved May 13, 1861, and another act of April 11, 1862, authorized the 5-county Board of Swamp Land Commissioners created by the first act to sue swamp land monies to pay for reclamation.

The organization and government of reclamation districts was first set down in an act of March 28, 1868; irrigation districts were first organized by the Wright Act of 1887.

The oldest district in Sacramento County, Reclamation District No. 3, claims its formation date as 1861. The next oldest existing district is No. 317, organized by a special act in 1877.

The oldest irrigation district is Carmichael, formed in 1916. Fair Oaks was formed in 1917; Citrus Heights, in 1920. The earliest districts were formed mostly in Southern California without sufficient consideration of water supply, agricultural potentialities, and financial abilities, according to Crouch, and suffered setbacks.

Sacramento's three oldest irrigation districts were formed in an era when an improved agricultural market restored confidence, writes Crouch.

#### District Organization Law

Though special districts are mentioned by name in Article I, Section 14, of the California Constitution of 1879, no one law established and legalized the existence of the whole group until the District Organization Law of Aug. 21, 1933.

Some 175 or more pieces of legislation or enabling acts have brought into being the numerous districts and types of districts that exist today.

They and most other legislation passed since California became a state have now been codified by a

Code Commission in a process that began in 1929 and was completed in 1955.

Further legislation affecting special districts includes LAFCO formation - established in Sacramento in November, 1964 - and the District Reorganization Act of 1965.

The District Reorganization Act established a uniform procedure for reorganizing, consolidating, and dissolving almost all special districts, which would be handled through LAFCO.

#### **Laws Bring Changes**

The two laws together have done much to curb excessive growth of additional special districts and to promote reorganization for greater efficiency and less duplication of services.

At LAFCO's creation in Sacramento County there were 149 special districts. The following year the number had decreased to 134, and the year after that, 123 - where it has remained.

Some districts have been added; others under control of the County Board of Supervisors have been consolidated and dissolved in accordance with board policy. Examples are Morrison Creek Flood Control District now part of the Sacramento County Water Agency, Barrett Hills Maintenance District now part of Carmichael Irrigation District, and Del Dayo Estates Maintenance District now part of Arcade County Water District.

Additional changes can be expected in the future, but as always, progress is slow.

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# WATER DISTRICTS (GENERAL LAW)

## FUNCTIONS

|  | Storage and distribution of water | Sewage disposal or salvage | Fire protection | Electrical power | Recreational facilities | Control flood and storm waters | Drainage and reclamation | Protection from overflow | Note  |
|--|-----------------------------------|----------------------------|-----------------|------------------|-------------------------|--------------------------------|--------------------------|--------------------------|---|
| California water districts                           | Yes                               | Yes                        |                 |                  |                         |                                | Yes                      |                          |   |
| California water storage districts                   | Yes                               |                            |                 | Yes              |                         |                                | Yes                      |                          |   |
| Community service districts                          | Yes                               | Yes                        | Yes             |                  | Yes                     | Yes                            |                          |                          | May provide for street lighting, street work, mosquito abatement, police protection, library buildings    |
| County drainage districts                            |                                   |                            |                 |                  |                         | Yes                            |                          |                          |   |
| County flood control districts                       |                                   |                            |                 |                  |                         |                                |                          | Yes                      | As provided by board of supervisors   |
| County water authorities                             | Yes                               |                            |                 |                  |                         |                                |                          |                          | Preference given to member agencies   |
| County water districts                               | Yes                               | Yes                        | Yes             | Yes              | Yes                     | Yes                            | Yes                      |                          | May lease or sell oil or mineral rights   |
| County waterworks districts                          | Yes                               | Yes                        | Yes             |                  |                         |                                |                          |                          |   |
| Drainage districts (Act of 1885)                     |                                   |                            |                 |                  |                         |                                | Yes                      |                          |   |
| Drainage districts (Act of 1933)                     |                                   |                            |                 |                  |                         |                                | Yes                      |                          | Limited to agricultural land  |
| Drainage districts (Act of 1919)                     |                                   |                            |                 |                  |                         |                                | Yes                      | Yes                      |   |
| Flood control and flood water conservation districts |                                   |                            |                 |                  |                         | Yes                            |                          |                          |   |
| Irrigation districts                                 | Yes                               | Yes                        | Yes             | Yes              | Yes                     | Yes                            | Yes                      | Yes                      |   |
| Levee districts                                      |                                   |                            |                 |                  |                         |                                |                          | Yes                      | Conserve and add water to sloughs and drains  |
| Levee districts (Law of 1939)                        |                                   |                            |                 |                  |                         |                                |                          | Yes                      |   |
| Metropolitan water districts                         | Yes                               |                            |                 |                  |                         |                                |                          |                          |   |
| Municipal utility districts                          | Yes                               | Yes                        |                 | Yes              | Yes                     |                                |                          |                          | May furnish telephone or other means of communication and transportation                                  |
| Municipal water districts (Act of 1911)              | Yes                               | Yes                        | Yes             |                  |                         | Yes                            |                          |                          | Recreational facilities appurtenant to reservoirs   |
| Municipal water districts (Act of 1935)              | Yes                               |                            |                 |                  |                         |                                |                          |                          |   |
| Protection districts (Act of 1880)                   |                                   |                            |                 |                  |                         |                                |                          | Yes                      |   |
| Protection districts (Act of 1885)                   |                                   |                            |                 |                  |                         |                                |                          | Yes                      |   |
| Protection districts (Act of 1937)                   |                                   |                            |                 |                  |                         |                                |                          | Yes                      | Lease land for mineral or hydrocarbon substances  |
| Public utility districts                             | Yes                               | Yes                        | Yes             | Yes              | Yes                     |                                | Yes                      |                          | May provide for communication, transportation, public buildings and - street pavement and street lighting |
| Reclamation districts                                | Yes                               |                            |                 |                  |                         |                                | Yes                      | Yes                      | Prevention of soil erosion  |
| Soil conservation districts                          | Yes                               |                            |                 |                  |                         | Yes                            | Yes                      | Yes                      |   |
| Storm drain maintenance districts                    |                                   |                            |                 |                  |                         | Yes                            | Yes                      |                          | Prevention and control of soil erosion  |
| Storm water districts                                |                                   |                            |                 |                  |                         | Yes                            |                          |                          | No new districts after Sept. 17, 1965. (Ch. 376, Stats. 1965)   |
| Water conservation districts (Act of 1927)           | Yes                               |                            |                 |                  |                         |                                |                          |                          |   |
| Water conservation districts (Act of 1931)           | Yes                               | Yes                        |                 |                  | Yes                     | Yes                            |                          |                          | Replenish ground water  |
| Water replenishment districts                        | Yes                               |                            |                 |                  |                         |                                |                          |                          | Repealed but existing districts may operate   |
| Water storage and conservation districts             | Yes                               |                            |                 |                  |                         |                                | Yes                      |                          |   |



# WATER DISTRICTS (SPECIAL LAW)

## FUNCTIONS

|   | Provide water for any beneficial use | Control storm and flood waters | Reclaim and drain lands | Sewers and garbage | Recreational facilities | Electric power | Miscellaneous  |
|---|--------------------------------------|--------------------------------|-------------------------|--------------------|-------------------------|----------------|--|
| Alameda County Flood Control and Water Conservation District      | May use storm waters                 | Yes                            |                         |                    | Yes                     |                | Prevent exportation of water   |
| Alpine County Water Agency  | Yes                                  | Yes                            |                         |                    | Yes                     | Yes            | Sell electricity at wholesale rates  |
| Amador County Water Agency  | Yes                                  | Yes                            |                         |                    |                         | Yes            | Sell electricity at wholesale rates  |
| American River Flood Control District                             |                                      | Yes                            |                         |                    |                         |                |  |
| Antelope Valley-East Kern Water Agency                            | May use storm waters                 |                                |                         |                    | Yes                     |                | Restrict use of water during shortages, prevent waste  |
| Avenal Community Services District                                | Yes                                  | Yes                            |                         | Yes                | Yes                     |                | Engage in mosquito abatement   |
| Bighorn Mountains Water Agency                                    | Yes                                  |                                |                         |                    | Yes                     | Yes            | Sell electricity at wholesale, reduce waste of water   |
| Brannan-Andrus Levee Maintenance District                         |                                      | Yes                            |                         |                    |                         |                |  |
| Brisbane County Water District                                    | Yes                                  | Yes                            | Yes                     | Yes                | Yes                     | Yes            | Sell or lease mineral rights, operate fire-fighting equipment  |
| City of Marysville Levee District                                 |                                      | Yes                            |                         |                    |                         |                |  |
| Contra Costa County Water Agency                                  | Yes                                  | Yes                            |                         |                    |                         |                | Prevent exportation of water   |
| Contra Costa County Flood Control and Water Conservation District | May use storm waters                 | Yes                            |                         |                    |                         |                |  |
| Contra Costa County Storm Drainage District                       |                                      | Yes                            |                         |                    |                         |                |  |
| Costa Mesa County Water District (Merger)                         | Yes                                  | Yes                            | Yes                     |                    | Yes                     | Yes            | Sell electricity at wholesale, sell or lease oil and mineral rights, operate fire-fighting facilities        |
| Crestline-Lake Arrowhead Water Agency                             | May use storm waters                 |                                |                         |                    | Yes                     | Yes            | Sell electricity at wholesale, restrict use of water during shortages and prevent waste                      |
| Del Norte County Flood Control District                           | May use storm waters                 | Yes                            |                         |                    |                         |                | Prevent exportation of water, prevent water pollution  |
| Delta Water Agency  |                                      |                                |                         |                    |                         |                | Given powers under Davis-Grunsky Act<br>Protect water supply against ocean salinity and protect water supply |
| Desert Water Agency   | Yes                                  |                                |                         |                    | Yes                     | Yes            | Sell electricity at wholesale, restrict use of water during shortage, prevent waste                          |
| Donner Summit Public Utility District                             | Yes                                  |                                | Yes                     | Yes                | Yes                     | Yes            | Provide heat, transportation, telephone, or other means of communication, operate fire department            |
| El Dorado County Water Agency                                     | Yes                                  | Yes                            |                         |                    |                         | Yes            | Sell electricity at wholesale, prevent exportation of water and pollution of water                           |

# WATER DISTRICTS (SPECIAL LAW)

## FUNCTIONS--Continued

|   | Provide water for any beneficial use         | Control storm and flood waters | Reclaim and drain lands | Sewers and garbage | Recreational facilities | Electric power | Miscellaneous  |
|---|--|--------------------------------|-------------------------|--------------------|-------------------------|----------------|--|
| Fresno Metropolitan Flood Control Act<br>Humboldt County Flood Control District   | May use storm waters<br>May use storm waters | Yes<br>Yes                     |                         |                    | Yes<br>Yes              | Yes            | Sell electricity at wholesale rates, fire protection, import water, prevent exportation of water<br>Given powers under Davis-Grunsky Act |
| Hunters Point Reclamation District<br>Kern County Water Agency  | Yes  | Yes                            | Yes<br>Yes              |                    | Yes                     | Yes            | Protect and irrigate lands<br>Sell electricity at wholesale rates and use of falling water for electric energy, fire protection          |
| Kings River Conservation District<br>Knights Landing Ridge Drainage District<br>Lake County Flood Control and Water Conservation District | Yes<br>Yes                                   | Yes<br>Yes                     | Yes<br>Yes              |                    |                         | Yes            | Sell or lease oil and mineral rights   |
| Lassen-Modoc County Flood Control and Water Conservation District<br>Los Angeles County Flood Control District                            | Yes<br>May use storm waters                  | Yes<br>Yes                     |                         |                    |                         | Yes            | Sell electricity at wholesale, prevent pollution or exportation of water<br>Special zones may require and import water                   |
| Lower San Joaquin Levee District  |  | Yes                            |                         |                    |                         |                | Cooperate with U.S. Army Corps of Engineers, Reclamation Board, Dept. of Water Resources, protection from overflow                       |
| Madera County Flood Control and Water Conservation Agency   | May use storm waters                         | Yes                            |                         |                    |                         |                | Augment underground reservoirs, reduce waste of water  |
| Marin County Flood Control and Water Conservation District<br>Mariposa County Water Agency  | May use storm waters<br>Yes                  | Yes<br>Yes                     |                         |                    | Yes<br>Yes              |                | Prevent exportation of water<br>Sell electricity or water for power purposes, prevent pollution or exportation of water                  |
| Mendocino County Flood Control and Water Conservation District<br>Mojave Water Agency   | Yes<br>Yes                                   | Yes                            | Yes                     |                    | Yes                     | Yes            | Sell electricity at wholesale, prevent waste and intrusion of salinity into water  |
| Montalvo Improvement District<br>Monterey County Flood Control and Water Conservation District  | Yes<br>May use storm waters                  | Yes<br>Yes                     |                         | Yes                | Yes                     |                | Provide street lighting<br>Prevent waste of water  |
| Napa County Flood Control and Water Conservation District<br>Nevada County Water Agency<br>Olivehurst Public Utility District             | May use storm waters<br>Yes<br>Yes           | Yes<br>Yes                     | Yes                     | Yes                | Yes                     | Yes<br>Yes     | Sell electricity at wholesale<br>Provide heat, transportation, telephone, or other means of communication, operate fire department       |
| Orange County Flood Control District  | May use storm waters                         | Yes                            |                         |                    | Yes                     |                | Prevent exportation and waste of water, import water, Sell water<br>Protect against effect of tides and currents                         |

# WATER DISTRICTS (SPECIAL LAW)

## FUNCTIONS—Continued

|   | Provide water<br>for any<br>beneficial use          | Control<br>storm<br>and flood<br>waters | Reclaim<br>and drain<br>lands | Sewers<br>and<br>garbage | Recrea-<br>tional<br>facili-<br>ties | Electric<br>power | Miscellaneous   |
|---|---|---|-------------------------------|--------------------------|--------------------------------------|-------------------|---|
| Orange County Water District  | Yes—limited to aug-<br>menting or replenish-<br>ing |   |                               |                          |                                      |                   | Import water  |
| Palo Verde Irrigation District  | Yes—limited to domes-<br>tic and irrigation         | Yes                                     |                               |                          |                                      |                   |   |
| Placer County Water Agency  | Yes   | Yes                                     |                               |                          |                                      | Yes               | Sell electricity at wholesale rates   |
| Plumas County Flood Control and Water<br>Conservation District          | Yes   | Yes                                     |                               |                          |                                      | Yes               | Sell electricity at wholesale rates, prevent<br>pollution and exportation of water                  |
| Reclamation District No. 10   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 70   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 317  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 800  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 830  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 832  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 833  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 900  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 999  |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 1000   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 1001   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 1500   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 1600   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 1600   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 2020   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Reclamation District No. 2031   |   | Yes                                     | Yes                           |                          |                                      |                   | Advise methods of increasing productiv-<br>ness of land and matters of husbandry                    |
| Riverside County Flood Control and<br>Water Conservation District       | May use storm waters                                | Yes                                     |                               |                          |                                      |                   | Prevent exportation   |
| Sacramento County Water Agency  | Yes   | Yes                                     |                               |                          |                                      |                   | Prevent waste of water, Cooperate and<br>contract with U.S. under Federal Rec-<br>lamation Act      |
| Sacramento River West Side Levee Dis-<br>trict                          |   | Yes                                     |                               |                          |                                      |                   |   |
| San Benito County Water Conservation<br>and Flood Control District      | May use storm waters                                | Yes                                     | Yes                           |                          |                                      |                   | Prevent waste of water  |
| San Bernardino County Flood Control<br>District                         | May use storm waters                                | Yes                                     | Yes                           |                          |                                      |                   | Prevent waste and exportation of water  |
| San Diego County Flood Control District                                 | See miscellaneous                                   | See mis-<br>cellaneous                  |                               |                          |                                      |                   | Make surveys of use of water for any<br>beneficial purpose and control of storm<br>and flood waters |
| San Geronimo Pass Water Agency  | May use storm waters                                |   |                               |                          | Yes                                  | Yes               | Restrict water during shortage. Sell<br>electricity at wholesale                                    |
| San Joaquin County Flood Control and<br>Water Conservation District     | May use storm waters                                | Yes                                     |                               |                          |                                      |                   | Prevent waste and exportation of water;<br>purchase and resale of water                             |
| San Luis Obispo County Flood Control<br>and Water Conservation District | May use storm waters                                | Yes                                     |                               |                          | Yes                                  |                   | Prevent waste of water; purchase and<br>sale of water   |
| San Mateo County Flood Control District                                 | May use storm waters                                | Yes                                     |                               |                          | Yes                                  |                   | Prevent waste and exportation of water  |
| Santa Barbara County Flood Control and<br>Water Conservation District   | May use storm waters                                |   |                               |                          |                                      |                   | Prevent waste and exportation of water  |
| Santa Barbara County Water Agency                                       | Yes   | Yes                                     |                               |                          |                                      | Yes               |   |

# WATER DISTRICTS (SPECIAL LAW)

## FUNCTIONS—Continued

|   | Provide water for any beneficial use | Control storm and flood waters | Reclaim and drain lands | Sewers and garbage | Recreational facilities | Electric power | Miscellaneous  |
|---|--------------------------------------|--------------------------------|-------------------------|--------------------|-------------------------|----------------|--|
| Santa Clara County Flood Control and Water District             |                                      | Yes                            |                         |                    | Yes                     |                | Pay portion of cost of imported water  |
| Santa Cruz County Flood Control and Water Conservation District | Yes                                  | Yes                            |                         |                    |                         |                |  |
| Shasta County Water Agency                                      | Yes                                  |                                |                         |                    | Yes                     |                | Sell electricity at wholesale or rights to falling waters  |
| Sierra County Flood Control and Water Conservation District     | Yes                                  | Yes                            |                         |                    |                         | Yes            | Sell electricity at wholesale, reduce waste and pollution of water   |
| Siskiyou County Flood Control and Water Conservation District   | Yes                                  | Yes                            |                         |                    |                         | Yes            | Sell electricity at wholesale, reduce waste and pollution of water   |
| Solano County Flood Control and Water Conservation District     | Yes                                  | Yes                            |                         |                    |                         |                | Reduce waste of water  |
| Sonoma County Water Agency                                      | Yes                                  | Yes                            |                         |                    |                         | Yes            |  |
| Sutter County Levee District No. 1                              |                                      | Yes                            |                         |                    |                         |                | Prevent exportation and pollution of water   |
| Sutter County Water Agency                                      | Yes                                  | Yes                            |                         |                    |                         |                | Advise methods of increasing productivity of land and matters of husbandry   |
| Swamp Land District No. 150                                     |                                      | Yes                            | Yes                     |                    |                         |                | Given powers under under Davis-Grunsky Act   |
| Tehama County Flood Control and Water Conservation District     | Yes                                  | Yes                            |                         |                    |                         |                |  |
| Tulare County Flood Control District                            |                                      | Yes                            |                         |                    |                         |                |  |
| Tuolumne County Water Agency                                    |                                      | Yes                            |                         |                    |                         | Yes            | Prevent waste, exportation, pollution of water, and interference with stream flow  |
| Union Island Reclamation Districts Nos. 1 and 2                 |                                      | Yes                            | Yes                     |                    |                         |                | Advise methods of increasing productivity of land and matters of husbandry   |
| Upper Santa Clara Valley Water Agency                           | May use storm waters                 |                                |                         |                    |                         |                | Restrict water during shortage, sell electricity at wholesale  |
| Vallejo Sanitation and Flood Control District                   |                                      | Yes                            |                         | Yes                | Yes                     |                |  |
| Ventura County Flood Control District                           | May use storm waters                 | Yes                            |                         |                    |                         |                | Prevent exportation and waste of water, import water   |
| Yolo County Flood Control and Water Conservation District       | May use storm waters                 | Yes                            |                         |                    |                         |                | Compel by injunction the removal of obstructions to waterways, reduce waste of water, cooperate and contract with U.S. under Federal Reclamation Act and recreational and fish and wildlife grants |
| Yuba-Bear River Basin Authority                                 | Yes                                  | Yes                            |                         |                    |                         | Yes            | Sell electricity at wholesale, or right to falling water, prevent exportation and pollution of water   |
| Yuba County Water Agency  | Yes                                  | Yes                            |                         |                    |                         |                | Sell electricity at wholesale, prevent exportation and pollution of water  |

# FIRE AND POLICE PROTECTION DISTRICTS

## FUNCTIONS

| District  | Furnish fire protection | Ambulance service                       | Police protection |
|---|-------------------------|---|-------------------|
| Fire protection districts (Law of 1961)                   | Yes                     | Yes (also rescue and first aid service) |                   |
| Joint county jail districts                               |                         |   | (Operate jail)    |
| Police protection districts (in unincorporated territory) |                         | Yes                                     | Yes               |
| Police protection districts (in unincorporated town)      |                         | Yes                                     | Yes               |

# HARBOR DISTRICTS

## FUNCTIONS

| District                        | Dredging of channels, berths, etc. | Construction and maintenance of harbor facilities | Pilots and pilotage | Advertising | Warehousing | Streets | Note  |
|---------------------------------|------------------------------------|---|---------------------|-------------|-------------|---------|---|
| Harbor Districts                | Yes                                | Yes   | Yes                 | Yes         | Yes         |         | May contract with any city for fire boats, patrol boats, sanitary and other equipment |
| Harbor Improvement Districts    | Yes                                | Yes   |                     |             |             |         |   |
| Port Districts                  | Yes                                | Yes   | Yes                 | Yes         | Yes         | Yes     | Provide recreation, harbor, police and fire protection<br>Provide recreation          |
| River Port Districts            | Yes                                | Yes   | Yes                 | Yes         | Yes         | Yes     |   |
| San Diego Unified Port District | Yes                                | Yes   |                     |             |             |         |   |
| Small craft harbors districts   | Yes                                | Yes   | Yes                 | Yes         | Yes         | Yes     |   |

# HEALTH AND SAFETY DISTRICTS FUNCTIONS

|   | Control or disposition of |         |               |         |         |        | Provide for |            | Miscellaneous   |
|---|---------------------------|---------|---------------|---------|---------|--------|-------------|------------|---|
|   | Sewage                    | Garbage | Air pollution | Pests   |         |        | Hospitals   | Cemeteries |   |
|   |                           |         |               | Rodents | Insects | Others |             |            |   |
| Air pollution control districts<br>Bay Area Air Pollution Control District<br>County sanitation districts | Yes                       |         | Yes<br>Yes    |         |         |        |             |            | Sell water, sewage effluent, fertilizer or byproduct; replenish natural water resources<br><br>street cleaning,<br>water for domestic use |
| County sewerage and water districts   | Yes                       |         |               |         |         |        |             |            | Sell water, sewage effluent, fertilizer or byproduct  |
| Garbage disposal districts  |                           | Yes     |               |         |         |        |             |            | Disposal site only  |
| Garbage and refuse disposal districts   |                           |         |               |         |         |        |             |            | (Repealed, did not affect existing districts)   |
| Joint municipal sewage disposal districts   | Yes                       |         |               |         |         |        |             |            | (Repealed, did not affect existing district.) Provide health inspection   |
| Local health districts  |                           | Yes     |               | Yes     |         |        |             |            | Provide nurses' school  |
| Local hospital districts  |                           |         |               |         |         |        | Yes         |            | Construct or maintain canals, levees, dikes, etc. Algae control   |
| Mosquito abatement districts  |                           |         |               | Yes     | Yes     |        |             |            | Water distribution  |
| Municipal sewer and water facilities  | Yes                       |         |               |         |         |        |             |            | (Repealed, did not affect existing districts)   |
| Municipal sewer districts of 1939   | Yes                       |         |               |         |         |        |             |            |   |
| North Lake Tahoe-Truckee River Sanitation Agency  | Yes                       |         |               |         |         |        |             |            | Waste and storm water, recreation   |
| Pest abatement districts  |                           |         |               | Yes     | Yes     | Yes    |             |            |   |
| Public cemetery districts   |                           |         |               |         |         |        |             | Yes        | Erect markers for indigents   |
| Regional sewage disposal districts  | Yes                       |         |               |         |         |        |             |            | (Repealed, did not affect existing districts)   |
| Sanitary districts (Act of 1923)  | Yes                       | Yes     |               |         |         |        |             |            | (Repealed, did not affect existing district)  |
| Sewer districts in unincorporated territory (Act of 1899)   | Yes                       |         |               |         |         |        |             |            |   |
| Sewer maintenance districts   | Yes                       |         |               |         |         |        |             |            |   |

# RECREATION DISTRICTS

## FUNCTIONS

|  | Recreation        | Water | Fire and police protection | Waste disposal | Miscellaneous   |
|--|-------------------|-------|----------------------------|----------------|---|
| Lake Cuyamaca Recreation and Park District<br>Mount San Jacinto Winter Park Authority    | Yes<br>Yes        | Yes   |                            | Yes            | Provide transportation to winter areas  |
| Mountain View Shoreline Regional Park Community  | Yes               | Yes   |                            | Yes            | Street lighting, streets, parking facilities, flood control, power and communication facilities, reclamation, and community development or redevelopment projects |
| Recreation and park districts<br>Regional park districts<br>Resort improvement districts | Yes<br>Yes<br>Yes | Yes   | Yes<br>Yes                 | Yes<br>Yes     | Street lighting<br>Flood protection<br>Street lighting, mosquito abatement, harbors, streets, parking facilities, transportation                                  |

## STREETS AND HIGHWAYS DISTRICTS (GENERAL LAW)

## FUNCTIONS

| District                                 | Acquire, construct and maintain |                      |                     |                                | Provide    |                |                       |
|--|---------------------------------|----------------------|---------------------|--------------------------------|------------|----------------|-----------------------|
|  | Transit system                  | Streets and highways | Bridges and tunnels | Highway or street illumination | Road camps | Grade crossing | Motor vehicle parking |
| Boulevard districts                      | Yes *                           | Yes                  |                     |                                |            | Yes            |                       |
| Bridge and highway districts             |                                 | Yes                  |                     |                                |            | Yes            |                       |
| Highway lighting districts               |                                 |                      | Yes                 | Yes                            |            |                |                       |
| Joint county road camp districts         |                                 |                      |                     | Yes                            |            |                |                       |
| Joint highway districts                  |                                 | Yes                  | Yes                 |                                | Yes        | Yes            |                       |
| Municipal lighting maintenance districts |                                 |                      |                     | Yes                            |            |                |                       |
| Parking authorities                      |                                 |                      |                     |                                |            |                | Yes                   |
| Parking districts                        |                                 |                      | Yes                 |                                |            | Yes            | Yes                   |
| Separation of grade districts            |                                 |                      |                     |                                |            |                |                       |
| Transit districts                        | Yes                             |                      |                     |                                |            |                |                       |
| Vehicle parking districts                |                                 |                      |                     |                                |            |                | Yes                   |

\*Golden Gate Bridge and Highway District authorized to acquire, construct and maintain all modes of transportation within District with certain restrictions

## STREETS AND HIGHWAYS DISTRICTS (SPECIAL LAW)

## FUNCTIONS

| District                                      | Acquire, construct and maintain |             |        |
|---|---------------------------------|-------------|--------|
|   | Transit system                  | Toll Tunnel | Bridge |
| El Dorado County Toll Tunnel Authority        |                                 | Yes         |        |
| Folsom Lake Bridge Authority                  |                                 |             | Yes    |
| Fresno Metropolitan Transit District          | Yes                             |             |        |
| Los Angeles County Toll Tunnel Authority      |                                 | Yes         |        |
| Marin County Transit District                 | Yes                             |             |        |
| Orange County Transit District                | Yes                             |             |        |
| San Diego County Transit District             | Yes                             |             |        |
| San Francisco Bay Area Rapid Transit District | Yes                             |             |        |
| Santa Barbara Metropolitan Transit District   | Yes                             |             |        |
| Santa Clara County Rapid Transit District     | Yes                             |             |        |
| Santa Cruz Metropolitan Transit District      | Yes                             |             |        |
| Southern California Rapid Transit District    | Yes                             |             |        |
| Stockton Metropolitan Transit District        | Yes                             |             |        |
| West Bay Rapid Transit Authority              | Yes                             |             |        |



# MISCELLANEOUS DISTRICTS (GENERAL LAW)

## FUNCTIONS

|   | District planning | Operate and provide airport | Eradicate    |                                |              | Provide for    |                      |                  |                        |
|---|-------------------|-----------------------------|--------------|--------------------------------|--------------|----------------|----------------------|------------------|------------------------|
|   |                   |                             | Citrus pests | Horticultural disease or pests | Cotton pests | Public library | Public meeting place | Tunnels or tubes | Student transportation |
| California airport districts<br>Citrus pest control districts |                   | Yes                         | Yes          |                                |              |                |                      |                  |                        |
| Cotton pests abatement districts                              |                   |                             |              |                                | Yes          |                |                      |                  |                        |
| Horticultural protection districts                            |                   |                             | Yes          | Yes                            |              | Yes            |                      |                  |                        |
| Library districts   |                   |                             |              |                                |              | Yes            |                      |                  |                        |
| Library districts in unincorporated towns and villages        |                   |                             |              |                                |              |                | Yes                  |                  |                        |
| Memorial districts  |                   |                             |              |                                |              |                |                      | Yes              |                        |
| Municipal corporation tunnel authorities                      |                   |                             |              |                                |              |                |                      |                  |                        |
| Planning districts  | Yes               |                             |              |                                |              |                |                      |                  |                        |
| Regional planning districts                                   | Yes               |                             |              |                                |              |                |                      |                  |                        |
| Student transportation districts                              |                   |                             |              |                                |              | Yes            |                      |                  | Yes                    |
| Union high school library districts                           |                   |                             |              |                                |              |                |                      |                  |                        |

# MISCELLANEOUS DISTRICTS (SPECIAL LAW)

## FUNCTIONS

| District  | Sewer system | Garbage disposal | Transit system | Recreational facilities | Public airport | Other  |
|---|--------------|------------------|----------------|-------------------------|----------------|--|
| Bethel Island Municipal Improvement District    | Yes          | Yes              |                | Yes                     | Yes            | Reclamation of land, water supply  |
| Embarcadero Municipal Improvement District      | Yes          | Yes              |                | Yes                     |                | Water supply, street lighting, reclamation of land, small craft harbor, police department                  |
| Estero Municipal Improvement District           | Yes          | Yes              |                |                         |                | Water supply, street lighting, reclamation of land, small craft harbor, fire protection, police department |
| Fairfield-Suisun Sewer District                 | Yes          |                  |                |                         |                |  |
| Gundakupe Valley Municipal Improvement District | Yes          | Yes              |                |                         |                | Water supply, street lighting, reclamation of land, fire protection, police department                     |
| Monterey Peninsula Airport District             |              |                  |                |                         | Yes            |  |
| Solvang Municipal Improvement District          | Yes          | Yes              |                | Yes                     |                | Water supply, street lighting, streets, parking lots, fire and police protection                           |