

California Water District

(Sections 34000 – 38501, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a California Water District, is composed of a five-member elected board of directors, each of whom must be a landowner within the district or the legal representative of a landholder within the district. At any time after four years from the date of the district's formation, the board may, by resolution, increase the number of directors from 5 to 7, 9, or 11, and may designate the first additional members to serve on the enlarged board (34700, et seq.).

Functions

The specific powers that the board of directors may exercise are the acquisition and operation of works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected with such undertakings (35401). The board of directors may also acquire and operate facilities and services for the collection, treatment, and disposal of sewage, waste, and storm waters (35500).

In addition to these specific powers, the board of directors of the district has the power to perform all acts necessary or proper to carry out fully the provisions of this division. These are general powers granted to the board of directors of all special districts. However, for a listing of these general powers, it is advisable to review Sections 35400-35413 of the Water Code.

Formation

The formation process is initiated by petition to the LAFCO in the principal county by holders of title to a majority of land that is capable of using water beneficially for irrigation, domestic, industrial, or municipal purposes, and that can be serviced from common sources of supply and by the same system of works. If noncontiguous land is included, the petition shall be signed by holders of title to a majority of the assessed value of land within each of the noncontiguous areas proposed to be included within the district.

Pertaining to the proposed boundaries of a California Water District, the following territory may be included (34153):

1. Land located in one or more counties;
2. Noncontiguous areas may be included if portions of the proposed district are separated by land under the control of a state hospital, or the boundary of each portion of the proposed district is within two miles of the boundary of another portion of the proposed district (34153); and
3. Land situated in other distinctive district agencies of the state, including other water agencies organized under the provisions of this division having different plans and purposes and the object of which is not the same (34157).

Annexation

After the district has been formed, the boundaries of the district may be altered adding contiguous or noncontiguous, incorporated or unincorporated territory. Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Clarification of How Votes are Determined

“Voting is based on the last assessment of the district, and if there is no assessment (such as for a formation election), voting is one vote per acre or fraction of an acre.”

The exact wording from the last sentence of WC Section 35003 applies to the voter requirements for the formation of a new district, such as the Cuyama Basin Water District, is as follows: ***“If an equalized assessment book of the district does not exist, then each voter shall be entitled to cast one vote for each acre owned by the voter within the district, provided that if the voter owns less than one acre then the voter shall be entitled to one vote and any fraction shall be rounded to the nearest full acre.”***