

Senate Bill No. 1375

CHAPTER 1377

An act to add Part 9.1 (commencing at Section 33200) to Division 12 of the Water Code, relating to county water districts.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Part 9.1 (commencing at Section 33200) is added to Division 12 of the Water Code, to read:

PART 9.1. COSTA MESA MERGER

CHAPTER 1. GENERAL PROVISIONS

33200. This part shall be known and may be cited as the Costa Mesa District Merger Law.

33201. The State and the people thereof have a primary and supreme interest in securing to the inhabitants, property owners and water users within the City of Costa Mesa, the Newport Heights Irrigation District, the Fairview County Water District, and the Newport Mesa County Water District, the greatest possible efficient use and conservation of waters, both local and imported, that may be accomplished economically. Investigation has shown that the water supply problem of the Costa Mesa area and of Orange County is peculiar to that area and it is hereby declared that a general law cannot be made applicable thereto. It is hereby declared necessary for the proper reorganization of water supply, storage, conservation and use that this part be adopted to provide the means of eliminating expensive and wasteful duplication of water systems and securing a greater economy and efficiency of administration.

33202. The City of Costa Mesa was incorporated on June 29, 1953, primarily for the purpose of providing municipal functions and services, including the providing of a water supply to its area; the Newport Heights Irrigation District was formed on August 5, 1918, primarily for providing a water supply to its land and inhabitants; the Fairview County Water District was formed on October 5, 1946, primarily for supplying water to its lands and inhabitants; and the Newport Mesa County Water District was formed on July 26, 1954, primarily for the purpose of supplying water to its land and inhabitants

and to replace the Newport Mesa Irrigation District; that there is an overlapping, in whole or in part, of some of these districts and total contiguity, in that all of the districts and the city form a single contiguous unit. The new Costa Mesa County Water District, if formed, will include substantially all of the City of Costa Mesa within its boundaries.

33203. This part is enacted partially under the authority expressly granted in Section 13 of Article XI of the Constitution of this State.

33204. This part shall be given a liberal construction for the purpose of sustaining any and all proceedings taken hereunder.

33205. Nothing in this part shall impair or adversely affect any right of any bondholder or creditor of any of the districts involved in this merger or of the City of Costa Mesa.

33206. For the purpose of accomplishing the dissolution, merger, and creation of the new district, the City of Costa Mesa may participate to the extent of transferring its water system and appurtenances and contributing its share of funds for the operation of the new district.

CHAPTER 2. MERGER

33215. The Costa Mesa County Water District is hereby created, which includes the area of the Newport Heights Irrigation District, the Fairview County Water District, the Newport Mesa County Water District, the Newport Mesa Irrigation District, and the portion of the City of Costa Mesa not included in the above districts. The new Costa Mesa County Water District resulting from this merger comprises all of the area in the above named districts and the City of Costa Mesa and the boundaries of the Costa Mesa County Water District are described as follows:

All that certain real property situated in the State of California, County of Orange, described as follows:

Parcel 1. Beginning at the most Southerly corner of Lot 919, First Addition to Newport Mesa Tract, as shown on a map recorded in book 8, page 61 of Miscellaneous Maps, records of Orange County, California; thence North $29^{\circ} 09'$ West, 6399.66 feet, more or less, along the Southwesterly line of said First Addition to Newport Mesa Tract to the most Westerly corner of Lot 1304 of said First Addition to Newport Mesa Tract; thence North $19^{\circ} 16'$ East 1066.56 feet, more or less, along the Northwesterly line of said First Addition to Newport Mesa Tract to the Northwest corner of said tract. Said corner being on the center line of Nineteenth Street as shown on a map of said First Addition to Newport Mesa Tract; thence Easterly along the center line of Nineteenth Street to

the intersection of the Southerly prolongation of the Westerly line of Lot 369 of Tract No. 1712, as shown on a map recorded in book 50, pages 32 to 36 of Miscellaneous Maps, records of Orange County, California; thence along said Westerly line and its Southerly prolongation and along the boundary line of said Tract No. 1712 the following bearings and distances: North $0^{\circ} 32' 53''$ West 140.00 feet, North $78^{\circ} 38' 39''$ West 98.72 feet, North $4^{\circ} 08' 05''$ West 166.43 feet, North $25^{\circ} 13' 11''$ East 152.55 feet, South $83^{\circ} 07' 22''$ East 200.44 feet, North $26^{\circ} 33' 54''$ East 107.33 feet, North $11^{\circ} 18' 36''$ West 280.45 feet, North $73^{\circ} 10' 43''$ East 224.61 feet, South $25^{\circ} 12' 55''$ East 255.80 feet, South $0^{\circ} 32' 53''$ East 339.48 feet, North $89^{\circ} 27' 07''$ East 328.59 feet, North $0^{\circ} 32' 53''$ West 49.54 feet, North $22^{\circ} 32' 10''$ West 379.16 feet, North 228.89 feet, North $89^{\circ} 27' 07''$ East 329.49 feet, North $0^{\circ} 32' 10''$ West 260.00 feet, North $89^{\circ} 27' 07''$ East 240.00 feet, North $0^{\circ} 32' 10''$ West 260.00 feet, North $89^{\circ} 27' 07''$ East 298.00 feet, North $0^{\circ} 32' 10''$ West 162.91 feet, North $78^{\circ} 13' 02''$ West 322.67 feet, North $83^{\circ} 43' 22''$ West 201.21 feet, South $14^{\circ} 37' 15''$ West 285.24 feet, South $46^{\circ} 07' 56''$ West 178.93 feet, South $75^{\circ} 40' 08''$ West 261.40 feet, North $33^{\circ} 39' 12''$ West 206.14 feet, North $46^{\circ} 27' 50''$ East 315.20 feet, North $0^{\circ} 32' 10''$ West 178.02 feet, South $89^{\circ} 27' 41''$ West 620.00 feet, South $66^{\circ} 52' 26''$ West 240.00 feet, North $78^{\circ} 04' 04''$ West 61.08 feet, North $21^{\circ} 56' 42''$ West 187.00 feet, North $19^{\circ} 00' 22''$ East 190.38 feet, North $48^{\circ} 14' 42''$ West 299.27 feet, North 354.12 feet, to the Southerly line of the Fairview Farms Tract, as shown on a map recorded in book 8, page 71 of Miscellaneous Maps, records of Orange County, California; thence Westerly along said Southerly line to the Southwest corner of Lot 75 of said Fairview Farms; thence Northerly along the Westerly line of said Lot 75 to the Northwest corner of said Fairview Farms; thence Easterly along the Northerly line of said Fairview Farms to the center line of Harbor Boulevard; thence Northerly along said centerline to the Easterly prolongation of the Southerly line of Tract No. 2822, as shown on a map recorded in Book 116, pages 3 to 18, inclusive, of Miscellaneous Maps, Records of Orange County, California; thence South $89^{\circ} 22' 53''$ West, 830.16 feet; thence North $0^{\circ} 39' 28''$ West, 347.51 feet; thence South $89^{\circ} 21' 40''$ West, 994.37 feet; thence North $0^{\circ} 39' 30''$ West, 1117.60 feet; thence South $89^{\circ} 59' 35''$ West, 2481.08 feet; thence South $0^{\circ} 38' 57''$ East, 600.00 feet; thence South $89^{\circ} 59' 35''$ West, 2834.71 feet to a point on a curve concave Easterly and having a radius of 22,538.30 feet; thence Northerly along said curve to its intersection with the Southerly line of Gisler Avenue; thence Westerly along the Southerly line of Gisler Avenue to

the Easterly line of the Santa Ana River; thence Northeasterly along said Easterly line of the Santa Ana River to the centerline of Talbert Avenue; thence Easterly along said centerline to the centerline of Harbor Boulevard; thence Southerly along said centerline to the centerline of Gisler Avenue; thence Easterly along said centerline to the centerline of Fairview Road; thence Southerly along said centerline to the centerline of Paularino Avenue; thence Easterly along said centerline to the centerline of Babb Street; thence Southerly along said centerline to the centerline of Baker Street; thence Easterly along said centerline to the Southerly prolongation of the West line of Lot 10, Block "B", Berry Tract, as shown on a map recorded in Book 9, page 6 of Miscellaneous Records of Los Angeles County, California; thence Northerly along the said West line and the Westerly line of Lot 1 of said Berry Tract to a line 330 feet Southerly and parallel to the centerline of Paularino Avenue; thence Easterly along said parallel line to the Easterly line of said Lot 1; thence Southerly along the Easterly line of Lot 1 and Lot 10 to the centerline of Baker Street; thence Easterly along the centerline of Baker Street to the Southerly prolongation of the Westerly line of Lot 4, Block "E" of said Berry Tract; thence Northerly along said Westerly line to the centerline of Paularino Avenue; thence Easterly along the centerline of Paularino Avenue to the Northerly prolongation of the Easterly line of said Lot 4; thence southerly along the said Easterly line of Lot 4 and Lot 9 of said Block "E" and the Easterly line of Lot 2, Block "F" of said Berry Tract; thence Easterly along the Easterly prolongation of the Southerly line of said Lot 2 to the centerline of Newport Avenue; thence Southwesterly along the center line of said Newport Avenue and along the center line of Superior Avenue to the Southeasterly prolongation of the Southwesterly line of Lot 919 of said First Addition to Newport Mesa Tract; thence Northwesterly to the point of beginning.

Parcel 2. Beginning at center line of Superior Avenue and East 17th Street; thence along said center line and prolongation thereof to Coast Highway; thence along Southerly line of Coast Highway to the Westerly boundary of Tract No. 1011; thence along Tract boundaries including all lots in Tract No. 1011; thence along the Easterly side of Newport Avenue to the center line of Westminster Avenue excepting therefore an irregular shaped parcel owned by the Hoag Memorial Hospital; thence along the center line of Westminster Avenue to the Southerly boundary of Tract No. 464; thence along said tract line to the center line of Old County Road; thence along said center line to the center line of Westminster; thence along the center line of Westminster to the center line of East 15th Street; thence along the center line of East 15th Street to Irvine Avenue; thence along the center line of

Irvine Avenue to the center line of Coral Place; thence along the center line of Coral Place to St. Andrews Road; thence along St. Andrews Road to the center line of Cliff Drive; thence along the center line of Cliff Drive to Irvine Avenue; thence along the Westerly lot line of Lots 1 and 2 of Tract No. 1221; thence along the Southerly lot line of Lot 2 of Tract No. 1221 to the center line of Kings Road; thence along the Southerly lot line of Lots 19, 20, 21, 22 and 23 of Tract No. 1221 and the lots of Blocks A and B of Tract No. 1219; thence along the Southerly tract line of Tract No. 1218; thence along the Southerly lot line of Block C and D of Tract No. 1219 to the Easterly lot line of Lot 10 in Block D of Tract No. 1219; thence along the Easterly line of said lot and the prolongation thereof to the boundary line of the City of Newport Beach; thence along said boundary line to the Northerly corner of Lot 148 of Tract No. 1218; thence along the tract line of Tract No. 1218 to the center line of East 15th Street; thence along said center line to the center line of Irvine Avenue; thence along the center line of Irvine Avenue to the intersection of East 19th Street; thence Southeasterly, Northeasterly and Northwesterly along the property line described as the Westerly quarter of Lot 159 in Block 53 of the Irvine Subdivision to the intersection of East 20th Street and Irvine Avenue; thence Northeasterly along the center line of Irvine Avenue to the intersection of East 23d Street, said intersection is Easterly of the East corner of Lot 328, of Newport Heights Tract; thence Northwesterly along the center line of East 23d Street to the intersection of East 23d Street and Newport Avenue; thence Southwesterly along the center line of Newport Avenue to the intersection of the center line of Superior Avenue and East 17th Street to the point of beginning.

33216. The name of the new district which succeeds the preceding districts and the city water system is "Costa Mesa County Water District."

33217. The new district is a public agency of the State and shall in all respects be operated, managed and governed as provided by law for county water districts generally; except that until the existing bonded debt of the merged and dissolved district is paid in full, no general obligation bonds shall be voted nor shall any debt be incurred for any district-wide reservoir purpose, except after a hearing and finding by the board of directors of the area and degree of benefit and the creation of special assessment districts based upon such determination.

33218. The Newport Heights Irrigation District, Fairview County Water District, the Newport Mesa County Water District, and the Newport Mesa Irrigation District are hereby

dissolved and for all purposes shall cease to exist as herein provided. The Costa Mesa County Water District shall and does hereby succeed to all the properties and rights of said districts, and the water system, facilities, and appurtenances of the City of Costa Mesa.

33219. The dissolution of the Fairview County Water District, the Newport Mesa County Water District, the Newport Heights Irrigation District, and the Newport Mesa Irrigation District, and their merger into the Costa Mesa County Water District, shall occur and be considered completed for all purposes on the first day of the second month following the sixty-first day after the effective date of this part, unless there has been filed with any of the districts or the City of Costa Mesa a petition signed by at least 5 percent of the registered voters of the area comprising all of the districts and the City of Costa Mesa requesting that an election be held for the purpose of approving or disapproving the dissolution, merger and creation of the new district by popular vote. If such petition is filed and found to be valid, the election shall be held as quickly as possible and pursuant to the general provisions for holding elections as provided for county water districts, beginning with Section 30700 of the Water Code. The certification of the results of the election, if held, shall determine whether the dissolution, merger and creation of the new Costa Mesa County Water District has been accomplished.

33220. The boards of directors of the Newport Heights Irrigation District, Fairview County Water District, the Newport Mesa County Water District, and the city council of the City of Costa Mesa, may adopt, any time prior to the first day of the second month following the sixty-first day after this part becomes effective, resolutions approving the dissolution of their districts and merger into the Costa Mesa County Water District pursuant to the provisions of this part. The failure of any of these districts or the city to adopt such a resolution shall not prevent the dissolution, merger and creation of the Costa Mesa County Water District, but shall only prevent the dissolution, merger and transfer of such district or city system as provided in this part. The territory of any district or city not adopting such resolution shall be excluded from Section 33215 hereof and shall not be part of the Costa Mesa County Water District as provided in this part.

33221. As the Newport Mesa Irrigation District has been inactive for a number of years by reason of the formation of an overlapping district known as the Newport Mesa County Water District, action by its directors, if any, shall not be necessary for approval of this part. The Newport Mesa Irrigation District is hereby dissolved and any property of the Newport Mesa Irrigation District not already transferred to the

Newport Mesa County Water District is hereby transferred.

33222. On the first day of the second month following the sixty-first day after the effective date of this part, and if the districts and the city have adopted the resolutions approving this part as herein provided, and if no petition bearing at least .5 percent of the signatures of the registered voters of the area in the districts and the city has been filed requesting an election, the dissolution of the named districts and their merger into and the formation of the new Costa Mesa County Water District shall occur without further action by any of the districts or the city. All of the facilities, properties, assets and liabilities of all the districts are hereby transferred on such date to the Costa Mesa County Water District. The water system and its appurtenances of the City of Costa Mesa are, pursuant to the city's resolution approving same, transferred as of that date to the Costa Mesa County Water District.

33223. The boards of directors of the Newport Heights Irrigation District, Fairview County Water District, and Newport Mesa County Water District, and the City Council of the City of Costa Mesa, shall cause to be recorded with the Recorder of Orange County a certified copy of their resolutions approving the dissolution, merger and creation of the Costa Mesa County Water District as provided in this part. Said resolutions for recording shall include the boundary description of the district or city adopting.

33224. Any assessments levied by or on behalf of the districts, or any bills or statements rendered by or on behalf of the districts, being dissolved and merged into the new Costa Mesa County Water District shall continue to be a debt or obligation of the person or property against whom levied, assessed or rendered.

CHAPTER 3. OPERATION OF NEW DISTRICT

33240. Except as in this part expressly provided, the new Costa Mesa County Water District shall be in all respects operated, managed and governed, its directors and officers shall be elected or appointed, and its revenue shall be raised and expended, as provided by law for county water districts generally.

33241. Any and all actions and proceedings pending by or against any of the districts dissolved hereby at the time of their dissolution and merger into the new district may be prosecuted to final judgment for or against said districts, or the new Costa Mesa County Water District may be substituted as a party.

33242. After the effective date of the dissolution and merger of the districts into the new Costa Mesa County Water District, no action or proceeding shall be brought for or against the dissolved and merged districts or their directors or officers or employees, but shall be prosecuted by or against the Costa Mesa County Water District.

33243. All outstanding bonded and other indebtednesses of the dissolved and merged districts are hereby assumed by the Costa Mesa County Water District, and all bondholders and creditors of such districts may enforce any rights they may have against the Costa Mesa County Water District in like manner as if the districts had not been dissolved and merged into the Costa Mesa County Water District. All property subject to taxation or assessment for the payment of the principal of or interest on any such outstanding bonded and other indebtedness shall, until such principal and interest is paid or provision is made for the payment thereof, continue to be subject to such taxation or assessment as fully as though said districts had not been merged or dissolved, and all provisions of law which could have been used against the legislative bodies and officers of the merged or dissolved districts to compel the levy and collection of such taxes or assessments had the merger or dissolution not occurred can be used against the board of directors and officers of the Costa Mesa County Water District. As the City of Costa Mesa has no present bonded indebtedness, the new Costa Mesa County Water District is not assuming any present or future indebtedness of the City of Costa Mesa.

33244. Upon the dissolution of the named districts, their merger into the Costa Mesa County Water District, and the transfer of the water system by the City of Costa Mesa to the Costa Mesa County Water District as in this part provided, there shall be transferred to the General Fund of the Costa Mesa County Water District a sum equal to three dollars (\$3) for each connected consumer by each of the districts and the City of Costa Mesa. All other funds of the district shall be transferred to special accounts for the payment of bond principal and interest of the respective assessment districts as provided in this part. Any surplus remaining after the payment of all bonded indebtedness or after setting aside sufficient funds to pay all bonded indebtedness shall remain in the special fund for the benefit of the territory of the district from which the funds were collected, and shall be used from time to time, until expended, for capital improvements within such territory.

33245. The boards of directors of the Newport Heights Irrigation District, the Fairview County Water District, and the Newport Mesa County Water District, and the city council

of the City of Costa Mesa, shall, on or before the first day of the first month following the sixty-first day after this part becomes effective, appoint by resolution a director to serve as a director of the Costa Mesa County Water District. The four directors so appointed shall, within 60 days thereafter, appoint the fifth director. If they for any reason should fail to appoint such a director within the time allowed, the board of supervisors of the County of Orange shall appoint such director. If any of the districts or the city fail to appoint a director as herein provided, the directors who are appointed as herein provided shall consider such office vacant and make an appointment therefor. The directors so appointed shall proceed as provided in Water Code Sections 30520 and following, to organize the board, elect officers, and proceed to govern the affairs of the Costa Mesa County Water District. Any director so appointed must qualify as provided by county water district law, and the first directors shall classify themselves by lot as provided in Water Code Section 30501.

33246. The board of directors of the Costa Mesa County Water District shall, as soon as possible after the formation of the district, cause an appraisal to be made of all operating (other than pipelines, wells, reservoirs and appurtenances) and non-operating assets acquired from each district and the city. The non-operating assets shall be sold as soon as practicable and the proceeds therefrom credited to the district or city from which received. The operating assets necessary for the proper functioning of the integrated system shall be retained and all surplus operating property shall be sold and the proceeds therefrom credited to the agency from which received. It is the intention of the Legislature that the Costa Mesa County Water District equalize as much as reasonably possible the contribution of retained operating property (other than pipelines, wells, reservoirs and appurtenances) by each of the agencies.

33247. The Board of Directors of the Costa Mesa County Water District shall, within one year after their appointment, adopt a resolution dividing the Costa Mesa County Water District into five divisions as nearly equal in acreage as practicable for the purpose of electing directors thereafter by divisions, as provided in Article 1 (commencing at Section 30730) of Chapter 2, Part 4, Division 12 of the Water Code.

33248. The districts and the city shall, pursuant to this part, execute any and all documents necessary to complete the transfer of assets as herein provided.

33249. The Board of Directors of the Costa Mesa County Water District shall enforce the same or similar provisions as Ordinance No. 122 of the City of Costa Mesa, respecting extension of water mains and costs thereof and the requirement of annexation to the City of Costa Mesa for water service in the area formerly served by the city system and the contiguous area northerly and easterly thereof, until the full amount of the funds advanced or hereafter advanced by the city for mainline extension, reservoir or well purposes has been collected and refunded to the city.

33250. Land may be added to the Costa Mesa County Water District or excluded therefrom, and all other actions or proceedings may be carried on by the Costa Mesa County Water District in the same manner as provided by the county water district law.