

Embarcadero Municipal Improvement District Principal Act

DOCUMENT	DATE	TAB
<u>PRINCIPAL ACT</u>		
Embarcadero Municipal Improvement District Act Chapter 81 of the Statutes of 1960 First Extraordinary Session	1960	1
<u>AMENDMENTS</u>		
Chapter 823	1961	2
Chapter 995	1963	3
Chapter 2043	1965	4
Chapter 29	1967	5
Chapter 174	1969	6
Chapter 672	1970	7
Chapter 95	1972	8
Chapter 256	1973	9
Chapter 587	1975	10
Chapter 1364	1980	11

Tab 1

and "Against the Veterans Bond Act of 1960," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Veterans Bond Act of 1960," and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1960." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 4. The votes cast for or against the Veterans Bond Act of 1960 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Results of
election

SEC. 5. Section 1 of this act shall not be submitted to the people if the Veterans' Bond Act of 1960 is submitted and approved by the people at the direct primary election held in the month of June, 1960.

Effect of
approval at
primary
election

CHAPTER 81

An act to create the Embarcadero Municipal Improvement District and to prescribe its boundaries, organization, powers, operation, management, financing, change of boundaries, and dissolution.

[Approved by Governor May 11, 1960 Filed with
Secretary of State May 11, 1960]

In effect
July 7, 1960

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

Article 1. General Provisions

SECTION 1. The Embarcadero Municipal Improvement District is hereby created to consist of the territory in the County of Santa Barbara, particularly described as follows:

Creation of
Embarcadero
Municipal
Improvement
District
Boundaries

Being those portions of the Rancho Los Dos Pueblos and of Sections 33 and 34, Township 5 North, Range 29 West, San

Bernardino Base and Meridian, County of Santa Barbara, State of California, described as follows:

Beginning at the point of intersection of the Easterly Boundary Line of that certain portion of Rancho Los Dos Pueblos, with the Northerly Boundary Line of the California State Highway 101, as shown upon that certain map entitled, "Record of Survey of a portion of Rancho Los Dos Pueblos and portions of Sections 33 and 34 T. 5 N. R. 29 W., S.B.B. and M., County of Santa Barbara, State of California, prepared by Pafford and Associates, Licensed Land Surveyors", recorded in Book 49, page 65 Record of Surveys, in the Office of the Santa Barbara County Recorder, said point of beginning being coordinates North 345,520.67 East 1,423,366.20, of the California Coordinate System Zone 5, thence along the following bearings and distances:

1. N. 65° 16' 56" W., 570.28 feet;
2. S. 24° 43' 04" W., 120.00 feet;
3. N. 60° 35' 01" W., 732.46 feet;
4. N. 84° 43' 20" W., 180.28 feet;
5. N. 65° 28' 26" W., 1237.52 feet;
6. N. 1° 26' 35" E., 2227.51 feet;
7. N. 1° 05' 27" E., 1006.43 feet;
8. N. 1° 30' 28" E., 1224.84 feet;
9. N. 4° 09' 25" W., 880.01 feet;
10. N. 12° 18' 56" W., 1689.36 feet;
11. N. 6° 04' 16" W., 330.00 feet;
12. N. 7° 31' 13" E., 993.88 feet;
13. N. 19° 34' 39" E., 270.71 feet;
14. N. 5° 36' 52" E., 1334.10 feet;
15. N. 20° 35' 10" E., 308.09 feet;
16. N. 9° 30' 31" E., 1352.39 feet;
17. S. 88° 53' 07" E., 1015.36 feet;
18. N. 1° 03' 58" E., 1292.05 feet;
19. N. 1° 05' 08" E., 1317.02 feet;
20. N. 88° 37' 50" E., 1316.70 feet;
21. N. 1° 36' 39" E., 1366.20 feet;
22. S. 88° 23' 21" E., 1331.55 feet;
23. S. 1° 36' 39" W., 1344.65 feet;
24. S. 9° 56' 48" W., 4076.74 feet;
25. S. 1° 03' 23" W., 162.86 feet;
26. S. 0° 38' 34" W., 1394.80 feet;
27. S. 0° 57' 41" W., 1413.73 feet;
28. S. 1° 06' 20" W., 1251.47 feet;
29. S. 0° 46' 56" W., 1762.46 feet;
30. S. 1° 40' 04" W., 1753.89 feet;
31. S. 1° 26' 31" W., 941.09 feet;
32. N. 89° 36' 38" W., 628.17 feet; and
33. S. 0° 53' 01" W., 2438.54 feet to the point of beginning.

The above bearings and distances on the description conform to the California Co-ordinate System Zone 5. To convert the above bearings to geodetic or true bearings rotate counterclockwise 1°05'24.5/10".

PARCEL TWO (2)

Beginning at a point on the southerly right-of-way line, described in the deed to the State of California, recorded in Official Records of the County of Santa Barbara, Book 1530, Page 532, from which a 2" iron pipe with a tag marked L.S. 2333, set to mark the southeasterly corner of that tract of land shown in Book 49, pages 65, 66, and 67, Records of Survey, County of Santa Barbara, bears N. 0° 53' 01" E., a distance of 863.23 feet, thence along the following bearings and distances:

1. N. 72° 40' 22" W., 159.49 feet;
2. N. 46° 47' 44" W., 224.63 feet;
3. N. 60° 35' 57" W., 460.56 feet;
4. N. 66° 41' 37" W., 145.00 feet;
5. S. 76° 26' 15" W., 75.00 feet;
6. N. 66° 41' 37" W., 205.00 feet;
7. N. 21° 41' 27" W., 84.84 feet;
8. N. 64° 21' 54" W., 146.97 feet;
9. N. 55° 27' 20" W., 142.58 feet;
10. N. 42° 55' 14" W., 118.34 feet;
11. N. 50° 01' 59" W., 245.80 feet;
12. N. 68° 17' 19" W., 151.22 feet;
13. S. 75° 35' 31" W., 83.22 feet;
14. N. 49° 02' 54" W., 65.00 feet;
15. N. 66° 48' 12" W., 235.85 feet;
16. N. 77° 28' 41" W., 296.52 feet;
17. S. 70° 27' 22" W., 81.31 feet;
18. South 945 feet, more or less to the ordinary high tide line of the Pacific Ocean;
19. Southeasterly along the above mentioned high tide line, a distance of 2,970 feet, more or less, to the intersection of the easterly boundary line of the above described property and the above mentioned ordinary high tide line; and
20. North along the easterly boundary line, a distance of 1,320 feet more or less to the point of beginning.

The above bearings and distances on the description conform to the California Co-ordinate System Zone 5. To convert the above bearings to geodetic or true bearings rotate counter-clockwise $1^{\circ}05'24.5/10''$.

SEC. 2. This act shall be known and may be cited as Em- title
barcadero Municipal Improvement District Act.

Article 2. Definitions

SEC. 10. The terms defined in this article have the mean- Definitions
ing set forth unless the context requires a different meaning.

SEC. 11. "District" means the Embarcadero Municipal Improvement District.

SEC. 12. "Board" means the board of directors of the district.

SEC. 13. "President" and "secretary" mean the president and secretary, respectively, of the district.

SEC. 14. "County" means the County of Santa Barbara.

SEC. 15. "Board of supervisors" means the board of supervisors of the county.

SEC. 16. "Charges" includes fees, tolls, rates and rentals.

SEC. 17. "Land" means land in the district and does not include improvements or personal or utility property.

~~SEC. 18. "Legal representative" means an officer or other person or persons appointed to serve as such by the board of directors of a corporation owner.~~

Repealed by Ch. 95

SEC. 19. "Owner" means the owner of land as shown on the last equalized county assessment roll.

SEC. 20. "Voter" means an owner, or the officer appointed therefor by the board of directors of a corporation owner, or the legal representative of the owner.

Amended by Ch. 95

SEC. 21. "Officers of election" consist of an inspector and two judges. They shall be persons appointed by the board of directors and need not be voters.

Amended by Ch. 29

SEC. 22. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City Council," "council" and "legislative body" mean board.

(b) "City," "municipality" and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district or other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the district.

(f) "Treasurer" and "city treasurer" mean the county treasurer and/or district finance officer.

(g) "Auditor" and "city auditor" mean the county controller and/or district finance officer.

(h) "Budget law" means Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code.

SEC. 23. In the application of any law to this district, said law shall be as then amended.

Article 3. General Administrative Provisions

Board:
Members

SEC. 26. The board is the governing body of the district and shall consist of three (3) members, one of whom shall be president. The officers of the district are the three members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create. An owner may nominate an officer or a legal representative for each office to be filled by election or appointment.

Amended by Ch. 29
Amended by Ch. 174

~~SEC. 27. The first district board shall be elected at an election conducted by the board of supervisors immediately following the formation of the district. The first district board shall classify itself by lot so that one director will hold office for two years and two directors will hold office for four years following the district formation or until their successors have been elected or appointed and qualified.~~

Election of members
Terms

Repealed by Ch. 29

SEC. 28. The directors shall be owners, or officers or legal representatives of owners.

Qualification: Amended by Ch. 95

~~SEC. 29. The term of each director, after the first board, shall be four years, or until the election or appointment, and qualification of his successor.~~

Term of office

Repealed by Ch. 29

SEC. 30. All vacancies occurring in the office of director shall be filled by appointment by the remaining directors.

Vacancies

SEC. 31. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists, and until the election or appointment of his successor.

Successor

SEC. 32. Once each year, the board shall elect one of its members to serve as president, shall appoint a secretary and shall fill any other offices as it may from time to time create.

President, etc

SEC. 33. The president shall be a member of the board and the secretary and other officers and employees may be members of the board.

SEC. 34. The board shall act only by ordinance, resolution, motion or contract. ~~No question of interest shall affect the legality of any contract or the right of any officer to act.~~

Board to act by ordinance, etc

Amended by Ch. 995

SEC. 35. A majority of the board shall constitute a quorum for the transaction of business.

Majority necessary for quorum

SEC. 36. No ordinance, resolution, motion or contract shall be passed or become effective without the affirmative vote of at least the majority of the members of the board.

Affirmative vote of majority necessary

10-100

SEC. 37. Except where action is taken by the unanimous vote of all members present and voting, the ayes and noes shall be taken upon the passage of all ordinances, resolutions, motions or contracts and entered upon the minutes of the board.

Recording ayes and noes

Ordinance

SEC. 38. The enacting clause of all ordinances passed by the board shall be "Be it ordained by the Board of Directors of the Embarcadero Municipal Improvement District, as follows:"

Enacting clause

SEC. 39. All ordinances shall be signed by the president and attested by the secretary.

Ordinances to be signed

SEC. 40. All sessions of the board shall be public.

Public sessions

SEC. 41. The board by ordinance, shall provide for the time and place of holding its regular meetings, the manner of calling special meetings, and shall establish rules for its proceedings.

Time, place of meetings

SEC. 42. Each officer shall receive such compensation as the board shall, by ordinance, establish.

Compensation

Amended by Ch. 823

SEC. 43. All contracts, deeds, warrants, releases, receipts and documents shall be signed in the name of the district by the president and countersigned by the secretary.

Signing of contracts

Expenses of member	SEC. 44. If allowed by the board a director may receive traveling and other expenses incurred by him when acting for the board, and compensation for any other services rendered by him for the district.
Finance officer	SEC. 45. The finance officer shall serve at the pleasure of the board. He and the secretary shall receive such compensation as the board shall determine.
Ex officio officers	SEC. 46. The county treasurer, county controller, and county tax collector shall be ex officio officers of the district.
Duties imposed	SEC. 47. All county officers shall be liable under their several official bonds for the faithful discharge of the duties imposed upon them by this act.
Other duties	SEC. 48. In addition to the duties prescribed herein the officers of the district shall have such duties as are prescribed by the board.

Amended by Ch. 1364

Article 4. Elections

General district election	SEC. 55. A general district election shall be held on the fourth Tuesday in March in every other year commencing with the second year following the formation of the district.
Special election	SEC. 56. A special election may be called by the board to be held at any time.
Hours	SEC. 57. The hours during which the polls shall be opened at any general or special district election shall be as established by the board.
Notice	SEC. 58. Notices of elections shall be given as nearly as practicable in accordance with the general laws regarding notices of municipal election.
Nominations for directors	SEC. 59. Nominations for the position of director shall be in writing, shall be signed by voters representing at least 10 percent of the assessed valuation of land in the district as shown by the last equalized assessment roll, shall be filed, for the first election following the formation of the district, with the county clerk, and, for all subsequent elections, with the secretary of the district, not more than 45 nor less than 25 days before the elections.
Signing nominations: Limitations	SEC. 60. No voter shall sign any more nominations than there are offices to be filled.
Sole nomination, etc	SEC. 61. If on the 24th day prior to a general district election only one person has been nominated for each of the positions to be filled at that election, or no person has been nominated for any such office, or offices, an election shall not be held.
Same Appointment in lieu of nomination	SEC. 62. In such case the notice of election shall, instead of calling an election, state that no election is to be held but that the board of supervisors shall appoint those nominated for the positions of directors, or, if no person has been nominated, the board of supervisors shall appoint any qualified person to the position.
Appointment of directors	SEC. 63. If, pursuant to Section 62, a general district election is not held, the board of supervisors of the County of

Amended by Ch. 29

Amended by Ch. 29

Amended by Ch. 29

Repealed by Ch. 29

~~Santa Barbara, at a meeting held prior to the day fixed for the election, shall appoint to the positions of directors those persons nominated, or, if no persons are nominated, any qualified persons, who shall qualify and serve as if elected at a general district election.~~

Repealed by Ch. 29

SEC. 64. Each voter shall have one vote for each one dollar (\$1) in assessed valuation of land owned by him as shown by the last equalized assessment roll.

Proportional voting

Amended by ch. 95

SEC. 65. A majority of the votes cast shall be required to elect a director or approve a proposition.

Majority required

Amended by Ch. 29

~~SEC. 66. Following the close of the polls the officers of election shall canvass the ballots. The ballots and returns shall be sealed and delivered to the secretary or president.~~

Canvass

SEC. 67. The board shall meet and canvass the returns and enter the returns on its minutes. The entry shall be conclusive evidence of the fact and regularity of all prior proceedings ~~and of the facts stated in the entry.~~

Entry on minutes

Repealed by Ch. 29

SEC. 68. Except as provided in this act the election shall be conducted as nearly as practicable in accordance with the general laws for cities.

Law applicable

Amended by Ch. 29

Article 5. Powers

SEC. 75. The district may use a seal, alterable at the pleasure of the board.

Seal

SEC. 76. The district may sue and be sued by its name.

Suits

SEC. 77. The district may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain and operate, street and highway lighting facilities; facilities for the collection, treatment and disposal of sewage, industrial wastes, storm waters, garbage and refuse; the production, storage, treatment and distribution of water for public and private purposes; parks, playgrounds and works to provide for the drainage of roads, streets and public places, including, but not limited to curbs, gutters, sidewalks and grading and pavement; and the reclamation of submerged or other land by watering or dewatering.

Facilities

Amended by Ch. 672

SEC. 78. The district may acquire or construct the reclamation of land for private small craft harbor purposes, by grading, excavation and fill, and acquire or construct therein or in connection therewith breakwaters, levees, jetties, bulkheads, walls of rock or other materials, wharves, piers, docks, slips, quays, moles, launching facilities, and roadways, walkways, parking places, drainage facilities, sewer, water, lighting, garbage and refuse disposal, and all works or utilities incidental to or necessary or useful in the operation of such harbor.

Harbors

Amended by Ch. 672

SEC. 79. The district may acquire, construct, maintain and operate a police department, to protect and safeguard life and property.

Police department

Other property	SEC. 80. The district may take, acquire, hold, use, lease and dispose of property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes and powers.
Eminent domain	SEC. 81. The district may exercise the right of eminent domain for the condemnation of private property for public use within but not without the district. The board has the same rights and powers with respect to the taking of property for the public uses of the district as are now or may hereafter be conferred by general law on the legislative body of a city. The provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure shall apply.
Property outside district	SEC. 82. Notwithstanding the provisions of Sections 80 and 81 of this act, the district shall not acquire property located outside the district boundaries without first obtaining the consent of the board of supervisors of the county in which the property to be acquired is located.
Contracts, etc	SEC. 83. The district may make and accept contracts, deeds, releases and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.
Co-operation with federal government	SEC. 84. The district may co-operate and contract with the federal government of the United States and with the State of California, or with any county, municipal corporation, district, or other public corporation, or with any person, firm or corporation, for the joint acquisition, construction, or use or aid in the construction of any facilities which the district has the power to acquire or construct under this act or for the providing of any service within the powers of the district.
Borrow money	SEC. 85. The district may borrow money and provide for its repayment in the manner provided in Article 7 (commencing at Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.
Guarantee performance	SEC. 86. The district may guarantee the performance of any of its transactions.
Bonded indebtedness	SEC. 87. The district may incur bonded indebtedness and issue bonds in the manner herein provided.
Same Form	SEC. 88. Bonds issued by the district shall be of the form and executed in the manner provided by the board.
Same Signatures	SEC. 89. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before delivery of the bonds, his signature shall be as effective as if he had remained in office.
Force of bond Tax exemption	SEC. 90. Any bonds issued by the district organized under the provisions of this act are given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.
Retirement of bonds	SEC. 91. The district may refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

Amended by Ch. 587

SEC. 92. The district may issue warrants on any moneys with the county treasurer in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds. Demands allowed by the board shall be prepared, presented, and audited in the same manner as demands upon the funds of the county.

Warrants

SEC. 93. The district may cause special assessments to be levied and collected and issue bonds to represent unpaid assessments on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of public improvements.

Special assessments

SEC. 94. The district may appoint, employ and fix the compensation of engineers, attorneys, assistants and other employees as it deems proper.

Employees

SEC. 95. The district may sell any effluent or other product resulting from the operation of any treatment or disposal plant or facility constructed or acquired by or for the district.

Sale of effluents, etc

SEC. 96. The district may take out insurance in the form and in the amounts as the board may deem necessary for the adequate protection of the district's property, officers, employees and interests.

Insurance

SEC. 97. The district may make and enforce all necessary and proper regulations, not in conflict with the laws of this State, for the removal of garbage and refuse and the supplying of sewage, light, water, storm water and police protection service. A violation of a regulation of the district is a misdemeanor punishable as such. A regulation of the board shall be adopted by ordinance and shall be posted for one week in three public places in the district and shall take effect upon expiration of the week of such posting. A subsequent finding of the board, entered in its minutes, that posting has been made is conclusive evidence that the posting has been properly made.

Regulations

SEC. 98. The district may compel all residents and property owners in the district to connect their houses, habitations and structures requiring sewage or drainage disposal service with the sewer and storm drains of the district, and to use district garbage and refuse removal service and facilities.

Requiring use of facilities

SEC. 99. The district may prescribe, revise and collect charges for services and facilities furnished by it, for the regulation thereof and for revenue. Charges may be collected either singly or collectively, and the board may establish rules governing their levy and collection.

Charges

§ 100 added by Ch. 1364 (EMIDAC)

Article 6. General Obligation Bonds

Sec § 9.1 added by Ch. 756

SEC. 105. The district may issue bonds as provided in this article for any of the purposes stated in Sections 77, 78, 79 and 80.

Bonds

SEC. 106. By resolution, when in its judgment it is advisable, the board may call an election and submit to the voters of the district the question of whether bonds shall be issued.

Election

Resolution calling election	SEC. 107. The resolution calling the election may submit as one proposal the question of issuing bonds to make all the outlays or so many of them as may be selected, or the resolution may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.
Notice of election	SEC. 108. Notices of bond elections shall be given as nearly as practicable in accordance with the general laws regarding notices of municipal elections.
Ballot	SEC. 109. The vote shall be by ballot, without reference to the general law in regard to the form of ballot. The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.
Canvass	SEC. 110. Following the close of the polls the officers of election shall canvass the ballots. The ballots and returns shall be sealed and delivered to the secretary or president. The board shall meet and canvass the returns and enter the returns in its minutes. The entry is conclusive evidence of the fact and regularity of all prior proceedings, and of the facts stated in the entry. No informality shall affect the validity of said bonds.
Law applicable	SEC. 111. Except as herein provided, the election shall be conducted as nearly as practicable in accordance with the general laws for cities.
Two-thirds vote required	SEC. 112. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds.
Denomination of bonds	SEC. 113. Bonds issued by the district under the provisions of this article shall be of such denomination as the board determines except that no bonds shall be of a denomination less than one hundred dollars (\$100) or greater than one thousand dollars (\$1,000). <i>Amended by Ch. 95</i>
Bonds' Interest	SEC. 114. The bonds shall be payable in lawful money of the United States at the office of the treasurer or at such other place, depository, paying agent or fiscal agent within or without the State of California as may be designated by the board, and bear interest at a rate not exceeding six percent (6%) per annum, payable semiannually in like lawful money, except the first year which may be for more or less than one year. <i>Amended by Ch. 95</i>
No installment bonds	SEC. 115. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board. The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity, in which event they shall so state on their face.
Signatures	SEC. 116. Each bond shall be signed by the president and countersigned by the secretary. The signature of the president on the bonds and of the secretary on the coupons may be printed, lithographed or engraved and such shall constitute due execution.

SEC. 117. The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond. Numbering

SEC. 118. Before selling the bonds, or any part thereof, the legislative body shall give notice inviting sealed bids in such manner as the legislative body may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the legislative body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the legislative body may reject all bids received, if any, and either readvertise or sell the bonds at private sale. Notice of sale Bd.

SEC. 119. The term of bonds issued shall not exceed forty (40) years. Term of bonds

SEC. 120. Forthwith upon the sale of any bonds the secretary of the district shall give the county auditor a certified copy for the receipt for the bonds. Receipt for bonds

SEC. 121. The board may, in its discretion, before or after issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceedings in relation to irrigation bonds, provided for by the Irrigation District Law, Division 11 (commencing at Section 20500) of the Water Code, and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that law. The board may use the same procedure to validate the creation of the district and any annexations thereto. Action to determine validity of bonds

SEC. 122. An issue of bonds is the aggregate principal amount of all bonds authorized to be issued in accordance with a proposal submitted to and approved by the voters of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds sold and delivered. Extent of indebtedness

SEC. 123. The board may, in its discretion, divide the aggregate principal amount of an issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at the time or times as may be fixed by the board separate and distinct from the time or times of payment of bonds of any other division or series of the same issue. Series of bonds

Article 7. Improvement District Bonds

SEC. 130. Bonds of a portion of the district may be authorized and proceedings therefor shall be had in the manner now or hereafter provided for the issuance of bonds for a portion of a county water district. Bonds of a portion of district

See § 9.1 added by Ch. 256

Article 8. Revenue Bonds

Revenue bond indebtedness SEC. 135. The district may create revenue bond indebtedness for the acquisition and construction, or acquisition or construction of any improvements or property or facilities contained within its powers.

Law applicable SEC. 136. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds shall be had, the board shall have the powers and duties, and the bondholders shall have the rights and remedies, all in substantial accordance with and with like legal effect as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code; provided, however, that qualified voters at the election therein provided shall be voters as defined in this act, and the method of voting shall be as herein provided. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

Article 9. Assessment Bonds

Same SEC. 150. The Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code, the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, the Street Opening Act of 1903, Part 1 (commencing at Section 4000) of Division 6 of the Streets and Highways Code, and the Improvement Bond Act of 1915, Division 10 (commencing at Section 8500) of the Streets and Highways Code, as now or hereafter provided, are applicable to the district.

Consent of county not required SEC. 151. The provisions of any act to the contrary, it shall not be necessary to obtain the consent of the county to conduct assessment proceedings. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of the assessment and the diagram attached thereto shall be recorded in the office of the district engineer and in the office of the county engineer of the county.

*See § 9.1 added
by Ch. 256*

Article 10. Taxation—County Roll

Tax lien SEC. 160. The lien for taxes for the first fiscal year after the district is formed shall attach on the first Monday in March or on the date the district is created, whichever is later. It shall not be necessary to make or file a notice of the creation of this district.

Tax levy SEC. 161. Annually, at least fifteen (15) days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by law for county purposes, the board shall furnish to the board of supervisors a written statement of the following:

Statement:
Contents

1. The amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

2. The amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district.

SEC. 162. The board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real and personal property in the district, based upon the last equalized assessment roll of the county, sufficient to pay the amounts set forth in the statement of the board. The aggregate taxes levied for any one fiscal year, other than those levied to pay the principal and interest on bonds, shall not exceed two dollars (\$2) on each one hundred dollars (\$100) of the assessed valuation of taxable real and personal property in the district. Tax levy

SEC. 163. If the board fails to furnish the written statement, the board of supervisors shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the proceeds of the next general tax levy shall become available, and shall levy and cause to be collected the amount. Tax levy
by board of
supervisors

SEC. 164. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected, shall be paid into the county treasury to the credit of the proper district fund, as provided in Article 12. The board shall control and order its expenditure. Collection

SEC. 165. The principal and interest on district bonds shall be paid by the treasurer, if payable at his office, in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county, unless said bonds shall be made payable elsewhere. Payment of
principal
and interest

SEC. 166. Compensation to the county for the performance of services described in this article shall be fixed by the parties Compensa-
tion to the
county

Article 11. Alternative Tax Procedure

SEC. 170. The alternative procedure of the County Water District Law, Division 12 (commencing at Section 30000), of the Water Code, for the levy and collection of district taxes shall apply. Alternative
law
applicable

Article 12. Funds

SEC. 175. In a fund called the "Embarcadero Municipal Improvement District General Fund," the treasurer shall place and keep the money levied by the board for that fund. "Em-
barcadero
Municipal
Improvement
District
General
Fund"

SEC. 176. The proceeds of the sale of revenue bonds or general obligation bonds or proceeds of special assessments levied by the board shall be deposited with the treasurer and shall be placed in a fund to be called the "Embarcadero Fund for
special
revenues

Municipal Improvement District Construction Fund No. _____" (inserting number).

Purpose of construction funds

SEC. 177. The money in any construction fund shall be used for the purpose indicated in the resolution calling the election upon the question of the issuance of bonds, or for the purpose described in the resolution of intention in the assessment proceedings, or for repayment of money borrowed for the purpose of financing the improvement for which bonds were subsequently issued or the assessment levied.

Use of bond moneys

SEC. 178. The bond moneys may also be used for interest and working capital for the period of construction and for twelve (12) months thereafter, and also to pay the costs of their authorization and issuance including fees for legal, engineering, fiscal, economic or other service.

Transfer to other fund

SEC. 179. Any money in the construction fund determined by resolution of the board to be in excess of the amounts required for completion of the improvement authorized may, by the resolution so determining, be transferred to any other fund of the district and be used for any lawful purpose.

Bond fund

SEC. 180. In a fund called the "Embarcadero Municipal Improvement District Bond Fund _____" (inserting series number), the treasurer shall keep money levied or collected for that fund.

Transfer from bond fund

SEC. 181. No part of the money belonging in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of principal and interest of the bonds of the district, or for repayment of money borrowed for the purpose of paying the principal and interest of the bonds of the district, until said bonds are fully paid, at which time it may be transferred to any other fund.

Applicable law

SEC. 182. The budget law shall not apply to the district.

Article 13. Alternative Depositary of District Money

Supplemental provisions

SEC. 190. The provisions of this article are alternative or supplemental to those providing for the use of the county treasury.

Bank as depository

SEC. 191. The board may by resolution designate a bank as depository of any or all of its funds. No question of interest shall affect such appointment. If the depository is not designated for all of its funds, it shall designate what funds are to be deposited with the depository. The county treasurer shall be the depository for all funds not so designated.

Charges

SEC. 192. The charges of any depository selected shall be a proper expense of the district.

Finance officer

SEC. 193. If the board appoints a depository, it shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond. He may, but need not be a member of the board, or his office may be consolidated with that of the secretary.

Amended by Ch. 995
Amended by Ch. 1364

SEC. 194. Bond principal and interest and salaries shall be paid when due. All other claims and demands shall be approved in writing or in open meeting by a majority of the members of the board. Claims

SEC. 195. Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board. Warrants

SEC. 196. The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district. Auditing and accounting system

SEC. 197. The finance officer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary. Reports

Article 14. Changes in Organization

SEC. 205. Territory may be included in the district in the manner now or hereafter provided for the inclusion of territory in a county water district. Land and improvements shall mean land. Inclusion in district

Amended by Ch. 2043

~~SEC. 206. Territory may be excluded from the district in the manner now or hereafter provided for the exclusion of territory from a county water district. Land and improvements shall mean land. Exclusion from district~~

~~SEC. 207. Whenever any portion of the district is included within a city by annexation to the city such portion may be withdrawn from the district. The legislative body of the city may provide, by resolution, that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish district services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish district services to the territory until the 30th day of June of the fiscal year next succeeding. Withdrawal upon annexation~~

Repealed by Ch. 2043

~~SEC. 208. Whenever any portion of the district is included within a city by reason of incorporation of the city, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn. Withdrawal upon incorporation~~

~~SEC. 209. Upon the withdrawal of any territory of the district pursuant to Section 207 or 208: Procedure upon withdrawal~~

~~(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of~~

~~the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district. all of the property and assets of the district shall be retained by the district.~~

~~(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.~~

~~(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six-month period, on the date the district ceases to furnish district services to the area withdrawn or upon the end of the six-month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five-year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.~~

Repealed by Ch. 7043

~~All funds and property received by the city shall be used exclusively and directly for the types of services furnished by the district; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.~~

~~For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide district services within the area withdrawn.~~

~~SEC. 210. Property in territory withdrawn or detached from the district shall continue to be subject to tax, levied as provided in Section 162, to pay the principal of and interest on bonds issued for the account of the district and outstanding at the time of such withdrawal or detachment.~~

Continued
tax
liability

~~Sec. 211. (a) When land, upon which there are structural improvements owned, being acquired or leased by the district, is withdrawn from the district and included in a city by incorporation, annexation or otherwise, the city shall, if it succeeds to the rights of the district in such structural improvements, as a part of the division of property provided for in Section 209, assume the outstanding liability of the district in connection with the acquisition or leasing of such improvements.~~

Assumption of liabilities

~~(b) In every case where land, upon which there is a structural improvement owned, being acquired or leased by the district, is proposed to be annexed to a city, the clerk of such city shall cause written notice of such proposed annexation to be mailed to the governing body of the district. Such notice shall be sent not less than 10 days before the first public hearing upon such proposed annexation.~~

Repealed by Ch. 2043

~~Sec. 212. The district may be dissolved in the manner now or hereafter provided for the dissolution of county water districts, excepting Sections 32851.5 and 32858 of the Water Code and excepting that title to any property and moneys shall vest in the landowners of the district in the proportion that the assessed valuation of the land of each bears to the total assessed valuation of all land in the district that is on the county assessment roll at the time of such dissolution. Land and improvements shall mean land. Electors shall mean voters herein.~~

Dissolution of district

Article 15. Portion of District Included in a County Water District

SEC. 215. Nothing in this act shall be construed to authorize or permit the district to operate any facilities for furnishing any water services in any portion of the district which is included within a county water district.

Area outside the district

SEC. 216. The county water district may elect to install the facilities for furnishing water services within any area that is included within both districts. In such event, the district shall provide the funds that are required therefor that the county water district would not otherwise provide.

Installation of facilities

SEC. 217. The county water district may elect to have the facilities installed by the district for providing water services within any area that is included within both districts. In such event, the facilities shall be installed by the district in conformity with plans and specifications previously approved by the county water district, and under such inspection and approval as it shall direct.

Same

SEC. 218. Nothing in this act shall be construed to repeal or limit any power possessed by a county water district within which there is any part of this district.

Construction

Article 16. Need for Special Act

SEC. 220. The purpose of this act is to form the Embarcadero Municipal Improvement District in order that the

Purpose of act

Amended by Ch. 95

area benefited may be provided with harbor and other improvements. Special facts and circumstances applicable to the general area within which the district lies and not generally, make the accomplishment of this purpose impossible under existing general laws and therefore special legislation is necessary. The special facts are as follows:

(a) It is proposed that a complete small craft harbor be developed providing 800 berths and all incidental facilities. There are no small craft harbor facilities nearer than the City of Santa Barbara, 16 miles away, and these facilities are inadequate to provide the services required for its surrounding area.

(b) There is need for small craft harbor facilities in the area and the public interest, economy and general welfare will be served by privately owned facilities of such nature being expedited, and such action will conserve moneys made available by the State for public small craft harbors.

(c) The area is without an adequate water supply, storage and distribution system for public and private purposes.

(d) The area has no facilities for the treatment and disposal of sewage and, in its development, will consequently contaminate the waters of the State.

(e) There is urgent need for the improvements which the district is empowered to construct under this act, but other municipal powers which could be exercised by a city are not required, and would result in more government than the area needs or wants.

(f) There are no existing general laws under which the area could be provided with the facilities it needs short of incorporation as a city. Therefore, the only way in which the particular needs of the area can be provided is by special act.

(g) The land in the district is not owned by residents. The owners are the ones primarily concerned with the district and the ones who will be supporting the district. The owners should therefore hold the voting power. Since no general law district with the necessary powers provides for voting by owners, special legislation is necessary.

Amended by Ch. 75

*Section 9.1 added by Ch. 256
Section 100 added by Ch. 1364*

Tab 2

owners in fee of land within that portion of the district, which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the portion of the district proposed to be excluded.

SEC. 8. Section 6921 of said code is amended to read:
Hearing 6921. If upon the hearing, the district board determines that it is for the best interests of the district that all or any part of the portion of the district proposed to be excluded be excluded from the district, or if it determines that all or part of such portion will not be benefited by continued inclusion in the district, and that the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district,
Order the district board shall make its order describing the boundaries of the territory proposed to be excluded and shall present to the county board of supervisors a petition setting forth a description of the territory and the findings of the board and requesting the board of supervisors to exclude the territory from the district.

SEC. 9. Section 6923 of said code is amended to read:
Appeal 6923. In the event the district board should deny the petition for exclusion, the petitioners therefor may, within 90 days after the order of the district board denying exclusion, appeal such denial to the board of supervisors. The board of supervisors shall thereupon give notice in writing to the district board of receipt of such appeal and the date of a hearing thereon. At such hearing the board of supervisors shall determine if all or part of such portion sought to be excluded will not be benefited by continued inclusion in the district. If it shall so determine and if it shall determine that the exclusion will not interfere with the economic feasibility of the development of the sewage system in the district, the board of supervisors shall make its order describing the boundaries of the territory to be excluded and said territory shall then be excluded from the district.

CHAPTER 823

An act to amend Section 42 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session), relating to Embarcadero Municipal Improvement District.

In effect
September
15, 1961

[Approved by Governor June 13, 1961 Filed with
Secretary of State June 14, 1961]

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

SECTION 1. Section 42 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session) is amended to read:

Sec. 42. Each officer shall receive such compensation as the board shall, by ordinance, establish; provided, however, that the compensation of each director for attendance at meetings shall not exceed twenty-five dollars (\$25) for each meeting of the board attended by him, nor seventy-five dollars (\$75) in any calendar month.

CHAPTER 824

An act to amend Section 1260 of, and to add Section 1293 to, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor June 13, 1961. Filed with Secretary of State June 14, 1961.]

In effect
September
13, 1961

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

SECTION 1. Section 1260 of the Business and Professions Code is amended to read:

1260. The board shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of bachelor of arts or bachelor of science or equivalent degree issued after a full course of resident instruction in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association, Northwest Association of Secondary and Higher Schools or an essentially equivalent accrediting agency, as determined by the department, with a major work for such degree in one of the biological sciences and whom the board finds by written, oral, and practical examination to be properly qualified. The board shall establish by regulation the required courses to be included in the college or university training. The additional prerequisites for entrance into the examination for clinical laboratory bioanalyst shall be one of the following:

(a) An applicant applying on or after January 1, 1968, must possess a masters degree, or an equivalent degree as determined by the department, or a higher degree in a biological science, plus a minimum of four years experience as a licensed clinical laboratory technologist, performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department. The quality and variety of this experience as well as the clinical laboratory in which it was obtained, must be satisfactory to the department. The experience as required under this section must have been obtained within the six-year period immediately antecedent to the examination.

(b) For an applicant applying on or after the effective date of the amendments made to this section at the 1961 Regular Session of the Legislature, a minimum of five years'

Clinical
laboratory
bioanalyst
license
Prerequisites

Additional
prerequisites

Tab 3

that in an incorporated city where compliance with the route described in the permit would result in a violation of local traffic regulations the permittee may detour from the prescribed route to avoid such violation provided that the permittee returns as soon as possible to the prescribed route. A detour under this section shall be made on only nonresidential streets.

CHAPTER 995

An act to amend Sections 34 and 193 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session) and Sections 28, 34, and 193 of, and to add Section 79a to, the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of the 1960 First Extraordinary Session) relating to municipal improvement districts.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

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

SECTION 1. Section 34 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session) is amended to read:

Sec. 34. The board shall act only by ordinance, resolution, motion or contract.

Sec. 2. Section 193 of said act is amended to read:

Sec. 193. If the board appoints a depository, it shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond which in no event may be less than two hundred fifty thousand dollars (\$250,000).

Sec. 3. Section 28 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of the 1960 First Extraordinary Session) is amended to read:

Sec. 28. Two directors shall be owners, or officers or legal representatives of owners and shall be nominated and elected or appointed in accordance with Article 4. Commencing in the year 1964 and each four years thereafter one of the expiring terms of director shall be filled by a public member designated and appointed by the county board of supervisors.

Sec. 4. Section 34 of said act is amended to read:

Sec. 34. The board shall act only by ordinance, resolution, motion or contract.

Sec. 5. Section 79a is added to said act, to read:

79a. The district may acquire or construct conduits and other underground gas, telephone and electrical facilities required under any rules and regulations adopted by any public utility pursuant to the rules, regulations and orders of the