

WATER AGENCY COMPARATIVE CHART *

AGENCIES	COMMUNITY SERVICES DISTRICT	PUBLIC UTILITY DISTRICT	COUNTY WATER DISTRICT	MUNICIPAL WATER DISTRICT	WATER CONSERVATION DISTRICT	JOINT POWERS AGENCY
Purpose	To provide wide range of governmental and utility services, including water services, in an unincorporated area.	To provide wide range of governmental and utility services, including water services, in an unincorporated area.	Formed by one or more public agencies to acquire water and water rights.	Develop and supply water resources, wastewater and storm water. May also provide fire protection and sanitation service.	To conserve, acquire, store and deliver water for any purpose.	To enable two or more public agencies to act together as a single entity
Formation	Petition to county board of supervisors; approved by LAFCO and voters in district.	Petition to county board of supervisors; approved by voters in district.	By resolution of agencies or petition of electors within agencies. County board of supervisors calls election. Agencies where a majority of voters approve district formation are included in authority, provided two thirds of potential agencies are included.	Petition by elected doors equaling at least 10% of of registered voters within boundaries of proposed district, including 10% of voters of each city to be included.	Act of County Board of Supervisors or by petition of electors within county.	Execution of a joint powers agreement that meets the statutory requirements of Gov't Code Sec. 6500 et seq. must file agreement (and notice) with Sec. of State and Controller.

Territory	Any unincorporated area. Need not be contiguous.	Any unincorporated area. Unincorporated territory not contiguous to a district may not be annexed if the district does not possess facilities for supplying utility service to that territory. An exception for private property of 10 acres or more in another district within 3 miles of the boundaries of the PUD.	Two or more public agencies in any county, need not be contiguous.	May include cities and unincorporated territories. Need not be contiguous.	All or part of stream system, watershed or property with a common water source, can include incorporated territory, need not be contiguous.	Coextensive with the territory of its members or as limited by agreement. Members may include out of state entities or fed gov't.
STRUCTURE						
Internal Organization	Governed by county board of supervisors, or elected board of directors.	Governed by elected board of directors.	Agency becomes a separate entity, but member agencies retain identity.	Governed by elected Board of Directors, district adopts bylaws, rules and regulations.	Governed by elected board of directors, district adopts bylaws, rules and regulations.	Governed by its members as set forth in the agreement. Must have a treasurer or designee to perform such duties.

Directors	Three or five directors elected at large, if applicable.	Three or five directors if district all in one county, otherwise additional board members depending on size of district.	Directors, at least one from each agency, appointed by member agencies. Votes based on assessed value of lands within member agency	Districts are divided five divisions with one director from each division.	Three, five or seven directors represent divisions within district.	Typically one director from each government agency member. If there are nongovernmental members, they may participate in an advisory capacity.
Employees	The board retains employees and fixes compensation.	The board retains employees and fixes compensation.	Can employ and retain employees.	Can employ and retain employees.	Board retains employees and fixes compensation. General manager typically runs daily operations.	The JPA may have employees subject to the terms of the agreement.
Voting	Resident voting.	Resident voting.	Qualified electors of included agencies.	Qualified electors within the divisions of the district.	Resident voting.	Typically each board member has one vote but nongovernmental members may have an advisory vote.
Regulatory Oversight	Established and governed by legislature, otherwise only subject to the electorate and judicial review.	Established and governed by legislature otherwise only subject to the electorate and judicial review.	Established and governed by legislation, otherwise only subject to the electorate and judicial review.	Established and governed by legislation, otherwise only subject to the electorate and judicial review.	Established and governed by legislature; otherwise only subject to the electorate and judicial review.	By the public entity members and those that oversee them.
Filing Obligation	No unique filing obligations.	No unique filing obligations.	No unique filing obligations.	No unique filing obligations.	No unique filing obligations.	No unique filing obligations.

Tax Liability	Property exempt from taxation.	Property exempt from taxation.	Not subject to taxation.	Not subject to taxation.	Property exempt from taxation.	Typically not subject to taxation.
AUTHORITY						
General Powers	Has power to supply inhabitants with water for domestic, irrigation, sanitation, industrial, fire protection and recreational uses.	Has power to acquire and construct works for production, transmission and delivery of water for irrigation, domestic, industrial and municipal purposes.	To acquire water within or without the state (but not within own county) to provide water for municipal, domestic and other beneficial uses to member agencies.	Develop and supply water resources, wastewater, stormwater, fire protection, and sanitation service.	Has power to conserve and store water by dams, reservoirs, ditches, spreading basins, sinking wells, basins, etc.; to appropriate acquire and conserve water for any useful purpose; to obtain water from wells, to sell, deliver, and otherwise dispose of water.	The agreement will define which entity's powers will exercised by the JPA. A JPA may only exercise those powers consistent with those of one of its members (which member to be determined by the JPA).
Acquisition of Property	Can obtain property by any means to carry out its purposes; can contract with state or U.S. for water supply.	Can obtain property by any means necessary for district works, and to supply the lands with sufficient water; can contract with any public agency, including U.S., for water service.	Can acquire property within or without district	Can obtain property by any means to carry out its purposes; can contract with any public entity or private party.	May acquire by any means property necessary to carry out district purposes.	Subject to the powers of the entity that the agreement specifies will define the scope of powers. Typically a JPA may acquire property by any means available and may incur debt.

Eminent Domain Power	Has power of eminent domain.	Has power of eminent domain.	Has power of eminent domain.	Has power of eminent domain.	Has eminent domain power.	May have the power of eminent domain if the governing member has the power.
Service Obligation	No specific requirements.	No specific requirements.	No specific obligations.	No specific requirements.	May establish equitable rules and regulations for distribution of water.	No specific requirements.
Ability to Serve Outside District	Can only transfer surplus water outside district, on a temporary basis.	Can only transfer surplus water outside district, on a temporary basis.	Can provide surplus water to non-member agencies, but must give preference to uses within the authority.	Can provide surplus water to others outside of district boundaries.	Board may sell or dispose of water not necessary for uses and purposes of district.	As limited by the powers of the governing member entity or the agreement.
Other Powers	Can also provide refuse, fire protection, public recreation, street lighting, mosquito abatement, police protection, public library, street work, airport, electric power and ambulance services.	Can also provide light, power, heat, transportation telephone services, and refuse, sewage, fire protection, public recreation and street lighting services.	Can store, treat, purify and reclaim sewage water.	Hydropower, wastewater, stormwater, sanitary services, fire protection.	May generate and distribute hydroelectric power within district and sell energy not necessary for use and purposes of district.	May exercise any common powers.
FINANCIAL						

Ability to Incur Debt	Can borrow money and incur indebtedness.	Can borrow money and incur indebtedness.	May borrow money and incur indebtedness, within limits based on value of property held by authority.	Can borrow money and incur indebtedness.	May not incur debts or liabilities except under express provisions of statute (generally limited to warrants).	May incur debt consistent with the powers of the governing member entity.
Ability to Issue Bonds	Can issue bonds to pay for projects of district, after election.	Can issue revenue and general obligation bonds for projects of district, after election.	Can issue bonds after voter approval.	Can issue bonds after voter approval.	Can issue bonds after voter approval and approval of securities commission. In limited circumstances board can issue bonds after two thirds majority vote.	May issue bonds consistent with the powers of the governing member entity.
Charges for Services	Can fix and collect charges for services, including water delivery. Can impose "standby" charges.	Can fix and collect charges for services, including water delivery can impose "standby" charges.	Can charge for sale and delivery of water.	Can charge for its services.	Can fix and collect charges for services, including use of water, and for operation and maintenance of the project. Can collect charges for groundwater extractions.	May charge for services consistent with the powers of the governing member entity.

Assessments	Has power to levy taxes and assessments on property in district if revenues inadequate, and to cover operating expenses and bond and interest principal.	Has power to levy taxes on real property; can levy assessments on all land in district if revenues inadequate and to cover operating expenses and bond and interest principal.	Annual assessments on all taxable property in authority.	May adopt assessments for standby service.	Costs of the project are assessed against district land in accordance with the benefits accruing to each trust.	Have the power to levy taxes or assessments if either agency has such power.
LEGAL ACTIONS						
Liability of District	Can maintain and defend action in its own name.	Can maintain and defend action in its own name.	Can maintain and defend actions in its own name.	Can maintain and defend actions in its own name.	Can maintain and defend actions in own name.	Can maintain and defend actions in its own name if agreement so provides.
Liability of Officers and Directors	Ordinarily not subject to suit for authorized district activities.	Ordinarily not subject to suit for authorized district activities.	Ordinarily not subject to suit for authorized district activities.	Ordinarily not subject to suit for authorized district activities	Ordinarily not subject to suit for authorized district activities.	If provided for in the JPA, individual members are insulated from liability.
Miscellaneous Features		Powers of district transferred to city or town whenever territory of district becomes part of any city or town.		Can form improvement districts within boundaries.	Can form improvement district within boundaries.	

*This only includes existing statutes. A legislative act special district, like Solano County Water Agency, is another option not included here.