

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL
AMENDING SECTIONS 13-1.2 AND 13-1.3 AND ADDING A NEW SECTION 13-1.10 TO
THE PLEASANT HILL MUNICIPAL CODE
REGARDING THE DIABLO VISTA WATER SYSTEM

WHEREAS, in 1963, the Diablo Vista Water District was merged with the City of Pleasant Hill, becoming the Diablo Vista Water System (Ordinance No. 87); and

WHEREAS, Ordinance No. 87 set forth terms regarding the assets and management of the Diablo Vista Water System. The terms were amended by Ordinance Nos. 446 (1981) and 501 (1983). All of the terms were codified into the Pleasant Hill Municipal Code; and

WHEREAS, at some time around 1991, the portion of those terms which dealt with the Diablo Vista Water System Advisory Committee were not codified in a later version of the Municipal Code; and

WHEREAS, certain provisions regarding operating personnel also have not been codified; and

WHEREAS, both the City Council and the Diablo Vista Water Advisory Committee wish to have the terms regarding the advisory committee and the operating personnel included in the codified version of the Pleasant Hill Municipal Code.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

Section 1. Section 13-1.2, Property merger, of the Pleasant Hill Municipal Code is retitled and amended to read:

13-1.2 Property merger; Property held in trust relationship.

a. **Property merger.** The city council declares that the Diablo Vista County Water District is merged with the city and that title to all the property of the district is vested in the city, subject to the terms and conditions of a trust relationship set forth in subsection b.

b. **Property held in trust relationship.** The city holds title to the former district property in trust for the benefit of those persons within the area comprising the former district. The city shall hold and administer the property of the district for the benefit of the people and the area comprising the former district in the same manner and subject to the same obligations and duties and same rights and privileges as the former board of directors.”

Section 2. Section 13-1.3 of the Pleasant Hill Municipal Code is retitled and amended to read:

“13-1.3 Advisory committee.

a. Creation and appointment. There is created an advisory committee known as the “Diablo Vista Water Advisory Committee.” The committee consists of three members, appointed as follows: the former members of the board of directors of the district holding office on November 14, 1961, shall submit a list of at least five names to the city council. From this list the council shall select three individuals. The committee shall appoint one member from the committee to serve as chair. The chair shall serve for two years.

b. Term of office and filling vacancies. Each of those appointed to the advisory committee shall classify themselves by lot, so that one serves until October 1, 1965, one until October 1, 1967, and one until October 1, 1969. Upon the expiration of the term of office of a member of the committee, the council shall appoint a member from a list of three or more individuals submitted to it by the committee. The council shall fill a vacancy for the unexpired term in the same manner as an original appointment.

c. Qualifications. To be eligible for appointment as a member of the advisory committee, a person shall have been a resident, property owner and consumer within the Diablo Vista Water System area for a period of at least one year preceding his or her appointment.

d. Ex-officio members. The city manager and the director of public works serve as ex-officio but non-voting members on the committee.”

Section 3. A new section 13-1.10, Operating personnel, is added to the Pleasant Hill Municipal Code to read:

“13-1.10 Operating personnel.

a. Appointment; Compensation. The city council shall appoint a secretary to the advisory committee, two operating engineers, and a dispatcher. Compensation for personnel of the Diablo Vista Water System may be established by resolution.

b. Terms of appointment. The operating personnel serve at the pleasure of the city council. However, the city council shall maintain these positions until such time as it finds that full time city personnel can perform these functions more economically.”

Section 4. This ordinance shall be effective 30 days after its adoption.

Section 5. Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 7th day of June, 2004, by the following vote:

AYES: Angeli, Durant, Escover
NOES: None
ABSENT: Harris
RECUSED: Williamson

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the 21st day of June, 2004, by the following vote:

AYES: Angeli, Durant, Escover
NOES: None
ABSTAIN: Harris
RECUSED: Williamson


CHARLES C. ESCOVER, Mayor

ATTEST:


DORIS P. NILSEN, City Clerk

APPROVED AS TO FORM:


DEBRA S. MARGOLIS, City Attorney



CITY OF PLEASANT HILL

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on June 21, 2004, the Pleasant Hill City Council adopted Ordinance No. 785, Amending Sections 13-1.2 and 13-1.3 and Adding a New Section 13-1.10 to the Pleasant Hill Municipal Code Regarding the Diablo Vista Water System.

Copies of this notice have been posted in the following locations:

Pleasant Hill Library - 1950 Oak Park Boulevard, Pleasant Hill

Pleasant Hill Recreation & Park District Community Center -
320 Civic Drive, Pleasant Hill

Pleasant Hill Police Department - 330 Civic Drive, Pleasant Hill

Copies of this Ordinance are available at Pleasant Hill City Hall. For further information, contact the City Clerk's office at 671-5237.


Linda J. Stehr, Deputy City Clerk

CITY OF PLEASANT HILL

AFFIDAVIT OF POSTING

I, the undersigned, hereby declare:

That I am over the age of 18 years;

That I am a citizen of the United States;

That I am a resident of Contra Costa County;

That on the 2nd day of July, 2004

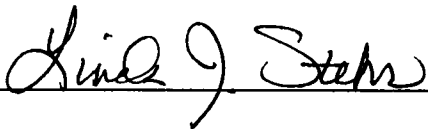
I conspicuously posted a true copy of the attached

Ordinance No. 785

in the following four public places in the City of Pleasant Hill, as designated by resolution of the City Council:

Pleasant Hill City Hall	100 Gregory Lane
Pleasant Hill Library	1750 Oak Park Boulevard
Pleasant Hill Police Department	330 Civic Drive
Pleasant Hill Community Center	320 Civic Drive

I declare that the foregoing is true under penalty of perjury.

Signature: 

Title: Deputy City Clerk

Date: July 6, 2004