



DEPARTMENT OF
PUBLIC WORKS

OFFICE OF THE DIRECTOR

July 16, 1987

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 207
915 I STREET
SACRAMENTO, CA
95814-2673

916-449-5283

MELVIN H. JOHNSON
DIRECTOR
LESLIE M. FRINK
DEPUTY DIRECTOR
REGINALD YOUNG
DEPUTY DIRECTOR

Law and Legislative Committee
Transportation and Community Development Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: CONSIDERATION OF AB 1751 (LESLIE) RELATING TO FLOOD CONTROL

SUMMARY

AB 1751 by Assemblyman Tim Leslie would create the North Sacramento Flood Control and Water Conservation District. The proposed district would include the Natomas and Robla areas in addition to the unincorporated areas of North Highlands and Elverta. Due to the bill's potential impact on the City, staff is recommending that AB 1751 be placed on the watch list.

BACKGROUND

Detailed information regarding AB 1751 is included in the attached bill referral report.

RECOMMENDATION

No position on AB 1751 is recommended at this time. It is recommended that the bill be placed on the watch list pending further amendments.

Respectfully submitted,

Melvin H. Johnson
Director of Public Works

Recommendation Approved:

Solon Wisham, Jr.
Assistant City Manager

July 16, 1987
Districts 1 and 2

B I L L R E F E R R A L

DATE: July 16, 1987

COMMITTEE ACTION: _____

TO: Law and Legislative Committee
Transportation and Development Committee
FROM: Public Works

DATE: _____

REPLY NO LATER THAN:

A.B. 1751 (Leslie) S.B. Relating to Flood Control

STATUS:

In Assembly Water Parks and Wildlife Committee (2 year bill)

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact me at X5346. This questionnaire should be returned to me for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

AB 1751 would create the North Sacramento Flood Control and Water conservation District with specified powers and duties.

2. Should this measure be: (Please circle desired position)

Supported

Opposed

Supported if Amended

Placed on Watch List

Other (explain)

3. Please explain your reasons for the above determination, including how this measure affects your Department and the fiscal impact of this measure to the City. (Your analysis will be used in communicating with the Governor and the Legislature, so please make your comments in a format that can be used in a letter to those officials.) (Attach additional sheets if necessary.)

See attached.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

N/A.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose? A number of amendments have been suggested to the author, including changing the composition of the District's Board of Directors to include at least one (1) City Council representative and clarifying that the City will retain responsibility for maintaining urban drainage in the Natomas area. Staff will continue to work with the author's office on additional amendments to refine and clarify the bill.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

No position.

7. Does this bill involve a State-mandated local program? If so, does the bill contain an S.B. 90 waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

Yes; SB 90 waiver, as this program was requested by a local agency.

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento?

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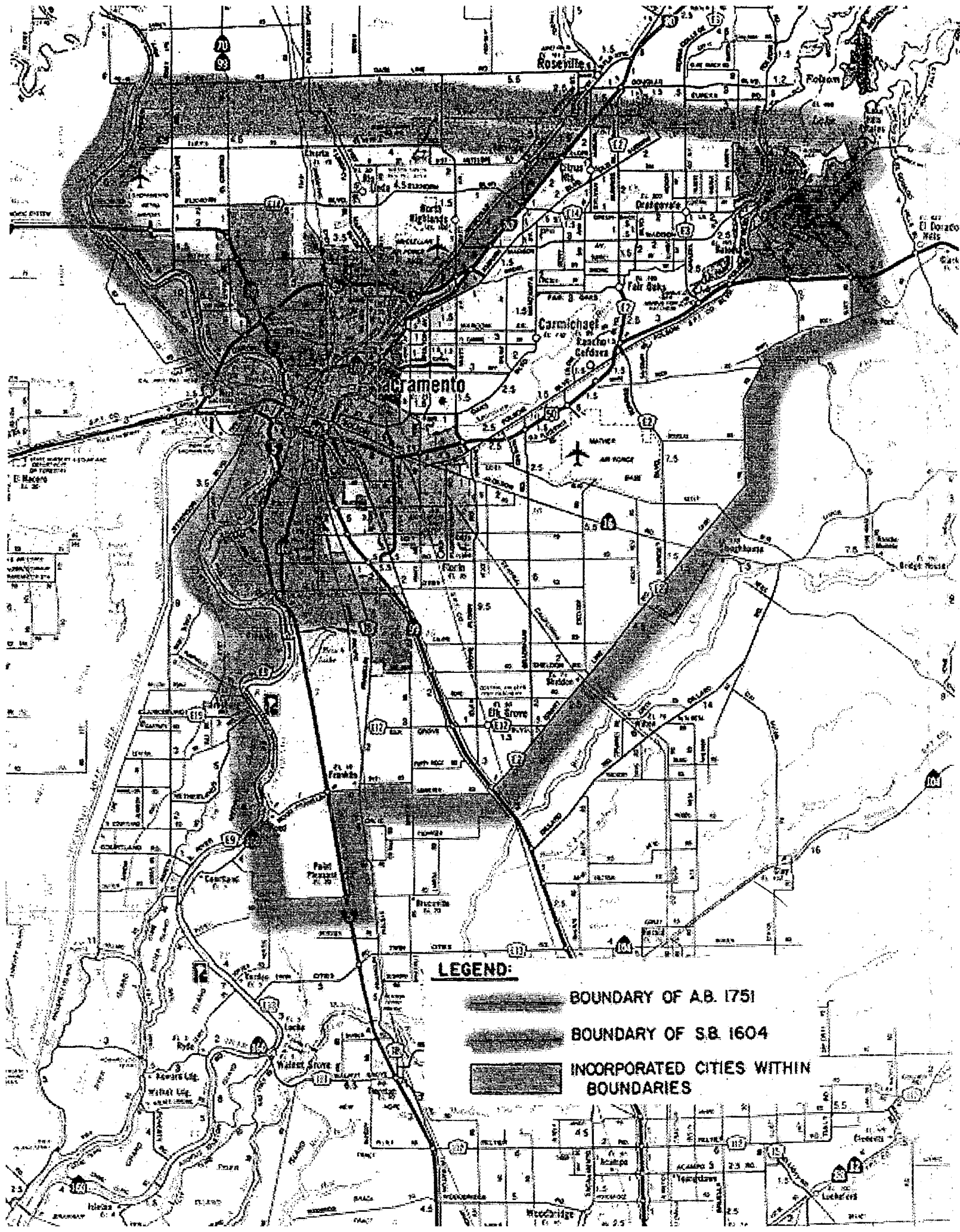
3. CONTINUED:

AB 1751 (Leslie) would create the North Sacramento Flood Control and Water Conservation District. The boundaries for the proposed district are shown on the attached map (along with the boundaries of the flood control district proposed in SB 1604 by Senators Garamendi and Greene). The North Natomas and Robla areas are included in the proposed district along with the unincorporated North Highlands and Elverta areas. The bill establishes the powers and duties of the proposed district and provides for management and financing.

The most recent version of AB 1751 (as amended May 6, 1987) contained a number of provisions of concern to City staff. Specific problem areas included a lack of City representation on the Board of Directors, uncertainty about the responsibility for urban drainage in the Natomas area, and provisions in the bill that would authorize the district to go beyond flood control into areas such as water rights, water supply, and the diversion and delivery of water for beneficial uses.

City staff met with Assemblyman Leslie's staff and other interested parties in an attempt to resolve many of these concerns. As a result of that meeting, the Assemblyman has agreed to amend AB 1751 to include a City representative on the board and to clarify that the City will continue to maintain urban drainage in the Natomas area. As for the water issues, City Charter Section 11 states: "The supply of water for the City of Sacramento for municipal and domestic purposes shall always be owned and controlled by a municipal utility and shall be administered by the City government." Staff is satisfied that this provision will have precedence over any water supply authority in the bill.

If these amendments are made, staff will continue to work with Assemblyman Leslie as well as senators Garamendi and Greene to refine both AB 1751 and SB 1604 in the best interests of the City. While no position on the bill is recommended at this time, staff intends to keep the City Council up to date on this important legislation. It is recommended that AB 1751 be placed on the "watch" list.






Sacramento

Roseville

Carmichael

LEGEND:

-  BOUNDARY OF A.B. 1751
-  BOUNDARY OF S.B. 1604
-  INCORPORATED CITIES WITHIN BOUNDARIES

STATE DEPARTMENT OF AGRICULTURE
DIVISION OF FORESTRY
E. Macero
11-26

1:50,000
NAD 83
UTM
11S
18W

1:50,000
NAD 83
UTM
11S
18W

ASSEMBLY BILL

No. 1751

Introduced by Assembly Member Leslie

March 5, 1987

An act relating to water districts and, in this connection, to create the North Sacramento Flood Control and Water Conservation District to provide for water conservation, development of water resources, and control of drainage, storm, flood, and other waters, and prescribing its organization, powers, and duties.

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, as amended, Leslie. North Sacramento flood control and water conservation.

(1) Under existing law, there is no special flood control and water conservation act for north Sacramento County.

This bill would enact the North Sacramento Flood Control and Water Conservation District Act which would create the North Sacramento Flood Control and Water Conservation District *within a specified area of Sacramento County* to provide for water conservation, development of water resources, and control of drainage, storm, flood, and other waters. *The bill would specify the powers and duties of the district and provide for the management and financing of the district.*

The bill would impose a state-mandated local program by imposing various duties upon the Board of Supervisors of Sacramento County and other county officers.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish*

procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

1 **SECTION 1.** *This act shall be known and may be*

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PART 1. INTRODUCTORY PROVISIONS

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CHAPTER 1. SHORT TITLE

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SECTION 1. This act shall be known and may be cited as the North Sacramento Flood Control and Water Conservation District Act.

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CHAPTER 2. LEGISLATIVE INTENT

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SEC. 20. The Legislature hereby finds that the water and drainage problems in North Sacramento require districtwide water conservation, development of water resources, and control of drainage, storm, flood, and other waters. The Legislature finds that these problems are not general or statewide. The Legislature further finds that agricultural and residential development over widespread portions of the district have created drainage problems which cannot be economically resolved through existing public entities within the district, that to adequately and feasibly conserve the water supply and control the drainage, storm, flood, and other waters of the district, it is necessary to have a political entity within the area of the district, and that the geography of the district is such that there are numerous drainage areas and noncontiguous watersheds therein. Investigation having shown conditions in the district to be peculiar to it, it is hereby declared that a general law cannot be made applicable to the district and that the enactment of this special law is necessary for the conservation,

1 development, control, and use of water for the public
2 good and for the protection of life and property within
3 the district.

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5 CHAPTER 3. CREATION AND TERRITORY
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7 SEC. 40. A flood control and water conservation
8 district is hereby created to be called the North
9 Sacramento Flood Control and Water Conservation
10 District. The district shall consist of all that territory lying
11 within the exterior boundaries of the County of
12 Sacramento as follows: by the Sacramento County Line
13 on the north, and by the county line on the east, by
14 Interstate 80 on the south up to the Western Pacific
15 railroad tracks, then south and west to Highway 160 to the
16 left bank of the American River, then continuing west to
17 the left bank of the Sacramento River following that river
18 west and north to the Sacramento County Line, to the
19 point of beginning.
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21 CHAPTER 4. DEFINITIONS
22

23 SEC. 60. "Board of directors" means the board of
24 directors of the district.

25 SEC. 61. "Board of supervisors" means the board of
26 supervisors of the county.

27 SEC. 62. "County" means the County of Sacramento.

28 SEC. 63. "Eligible voter" means a registered voter
29 residing within the district.

30 SEC. 64. "Evidence of indebtedness" means any
31 warrant, note, or other evidence of indebtedness of the
32 district or any zone.

33 SEC. 65. "General district election" means the
34 district election required to be held in each
35 odd-numbered year to choose a successor for each
36 elective officer, the term of whose office will expire at
37 noon on the last Friday in November following the
38 general district election.

39 SEC. 67. "Special election" means an election held
40 within the district, other than the general district

1 election, called to fill a vacancy on the board of directors
2 or to vote on a ballot question.

3 SEC. 68. "Participating zone" means one of two or
4 more zones benefiting from the same project or projects.

5 SEC. 69. "Project" means a work and all of the
6 activities related to or necessary for acquisition,
7 construction, operation, and maintenance of a work,
8 including, but not limited to, planning, design, financing,
9 and administration.

10 SEC. 70. "Work" or "works" shall include, but shall
11 not be limited to, any of the following: reservoirs, dams,
12 and all conduits and facilities for the control,
13 conservation, diversion, and transmission of water for
14 beneficial uses; drains, levees, and all ditches and facilities
15 for the control and disposal of drainage, storm, and flood
16 waters within the district; power plants, transmission
17 lines, and all facilities for the generation and distribution
18 of hydroelectric power; and all necessary property
19 interests and rights-of-way.

20 SEC. 71. "Zone" means an improvement district,
21 assessment district, or zone of benefit of the district.

22 SEC. 72. "Zone election" means an election held
23 entirely within a zone or participating zone, conducted
24 in the manner prescribed by the board of directors.

25 SEC. 73. "Zone of benefit" means a zone of benefit
26 formed under the provisions of Part 6 (commencing with
27 Section 600).

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CHAPTER 5. GENERAL PROVISIONS

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31 SEC. 80. The Cortese-Knox Local Government
32 Reorganization Act of 1985 (Division 3 (commencing
33 with Section 56000) of Title 6 of the Government Code)
34 shall not apply to the formation of the district or the
35 formation or changes in the boundaries of any zone. For
36 all other purposes, the district shall be a "district" as that
37 term is defined in the Cortese-Knox Local Government
38 Reorganization Act of 1985.

39 SEC. 81. Noncontiguous territory, either within or
40 beyond the boundaries of the county, may be annexed to

1 or detached from the district.

2 *SEC. 82. Any judicial action or proceeding to attack,*
3 *review, set aside, void, annul, or challenge the validity or*
4 *legality of the formation of a zone, any contract entered*
5 *into by the district or a zone, any bond or evidence of*
6 *indebtedness of the district or a zone, or any assessment,*
7 *rate, or charge of the district or a zone shall be*
8 *commenced within 60 days of the effective date thereof.*
9 *Any such action or proceeding shall be brought pursuant*
10 *to Chapter 9 (commencing with Section 860) of Title 10*
11 *of Part 2 of the Code of Civil Procedure. The district may*
12 *bring an action pursuant to Chapter 9 (commencing with*
13 *Section 860) of Title 10 of Part 2 of the Code of Civil*
14 *Procedure to determine the validity of any of the matters*
15 *referred to in this section.*

16
17 **PART 2. INTERNAL ORGANIZATION**

18
19 **CHAPTER 1. THE BOARD OF DIRECTORS**

20
21 *SEC. 200. Upon the formation of the district, the*
22 *board of supervisors shall be ex officio the board of*
23 *directors. Each member of the board of supervisors shall*
24 *serve as a member of the board of directors without*
25 *additional compensation, except for actual, necessary,*
26 *and reasonable expenses.*

27 *SEC. 201. After July 1, 1988, the board of directors*
28 *shall consist of the member of the board of supervisors*
29 *who represents the Dry Creek Watershed area of*
30 *Sacramento County, or the greater part of the land area*
31 *within that watershed, and four directors appointed by*
32 *the board of supervisors. One appointed director shall*
33 *represent business, one appointed director shall*
34 *represent agriculture, one appointed director shall*
35 *represent the construction and building industry, and*
36 *one appointed director shall represent the community at*
37 *large. The terms of two appointed directors, chosen by*
38 *lot, shall expire on the last Friday in November of 1989,*
39 *and the terms of the other two appointed directors shall*
40 *expire on the last Friday in November of 1991. The*

1 successors of the appointed directors shall be elected by
2 the eligible voters of the district at the preceding general
3 district election.

4 SEC. 202. Each elected director shall serve for a term
5 of four years. Directors shall be elected on an at-large
6 basis. Each director, other than members of the board of
7 supervisors acting *ex officio* as directors, shall be an
8 eligible voter of the district at the time of appointment
9 or nomination and during his or her entire term of office.

10 SEC. 203. Prior to taking office, each director shall
11 take the official oath and execute such bond as may be set
12 by the board of directors.

13 SEC. 204. All vacancies occurring in the office of
14 director shall be filled pursuant to Section 1780 of the
15 Government Code.

16 SEC. 205. Each director, other than members of the
17 board of supervisors acting *ex officio* as directors, shall be
18 entitled to receive compensation in an amount set by the
19 board of directors and recorded in its official minutes, not
20 to exceed one hundred dollars (\$100) per day for each
21 day's attendance at meetings of the board of directors or
22 for each day's service rendered as a director by request
23 of the board of directors, not exceeding a total of six days
24 in any calendar month, together with actual, necessary,
25 and reasonable expenses incurred in the performance of
26 duties required or authorized by the board of directors.

27 SEC. 206. The member of the board of supervisors
28 representing the Dry Creek Watershed area shall serve
29 as chairperson of the board of directors. The board of
30 directors may elect a vice chairperson from its members.

31 SEC. 207. The board of directors shall hold one or
32 more regular meetings each month at the time and place
33 as it may set by resolution. No change in the date of the
34 regular meeting shall be effective until notice thereof has
35 been published in a newspaper of general circulation
36 within the county at least seven days prior to the effective
37 date of the change. Special meetings of the board of
38 directors may be called and conducted in the manner
39 provided for in the Ralph M. Brown Act (Chapter 9
40 (commencing with Section 54950) of Part 1 of Division 2

1 of Title 5 of the Government Code).

2 SEC. 208. A majority of the board of directors shall
3 constitute a quorum for the transaction of business.

4 SEC. 209. The vote of a majority of the directors
5 present at any meeting attended by a quorum shall be
6 necessary to take action, unless otherwise specified in this
7 act or by law.

8

9 CHAPTER 2. OTHER OFFICERS AND EMPLOYEES

10

11 SEC. 220. Any county employee designated by the
12 board of supervisors shall be an ex officio employee of the
13 district, and shall perform without additional
14 compensation the same duties for the district as for the
15 county in order to carry out the provisions of this act,
16 during the time the board of supervisors serves ex officio
17 as the board of directors. Thereafter, a county employee
18 may serve as an ex officio employee of the district with
19 the consent of the board of supervisors and the board of
20 directors.

21 SEC. 221. The board of directors may employ and
22 appoint any agents, officers, employees, and consultants
23 as may be required, prescribe their duties, fix their
24 salaries, and prescribe the terms and conditions of their
25 employment.

26

27

PART 3. ELECTIONS

28

29

CHAPTER 1. GENERAL PROVISIONS

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31 SEC. 300. All district elections shall be conducted in
32 conformance with the Uniform District Election Law
33 (Part 3 (commencing with Section 23500) of Division 14
34 of the Elections Code), to the extent applicable, unless
35 otherwise provided herein.

36 SEC. 301. Only eligible voters shall vote at district
37 elections.

38 SEC. 302. Except as otherwise provided in this act,
39 the county clerk shall conduct all elections within the
40 district. The board of directors may, by resolution,

1 *determine that the district shall conduct an election and*
2 *an officer designated by the district shall perform the*
3 *duties of the county clerk in conducting the election.*

4 *SEC. 303. The board of directors may, by resolution,*
5 *direct that any district election be conducted by*
6 *all-mailed ballot under the procedure for mailed ballot*
7 *elections set forth in the Elections Code. If the general*
8 *district election is to be conducted by all-mailed ballot, it*
9 *shall be conducted in accordance with Section 23509.5 of*
10 *the Elections Code. If a special election is to be*
11 *conducted by all-mailed ballot, other than a special*
12 *election consolidated with the general district election*
13 *which is also to be conducted by all-mailed ballot, it may*
14 *be conducted on any Tuesday, unless it is the day before*
15 *or the day after a state holiday or unless it is one of the*
16 *established election dates set forth in Section 2500 of the*
17 *Elections Code. A special election to be conducted by*
18 *all-mailed ballot may be consolidated with the general*
19 *district election if it is also to be conducted by all-mailed*
20 *ballot, and may be held on the date set forth in Section*
21 *23509.5 of the Elections Code.*

22

23 *CHAPTER 2. GENERAL DISTRICT ELECTIONS*

24

25 *SEC. 320. The general district election shall be held*
26 *on the date provided for in the Uniform District Election*
27 *Law for general district elections. The first general*
28 *district election shall be held after the board of*
29 *supervisors, acting ex officio as the board of directors,*
30 *either appoints a board of directors or adopts a resolution*
31 *calling the election as provided in Section 201.*

32

33 *CHAPTER 3. SPECIAL ELECTIONS*

34

35 *SEC. 340. Special elections may be called and*
36 *conducted in the same manner as the general district*
37 *election within the entire district or an affected*
38 *supervisorial district or zone. The special election shall be*
39 *held on one of the established election dates set forth in*
40 *Section 2500 of the Elections Code or, if conducted by*

1 all-mailed ballot, in the manner provided for in this act.
2 SEC. 341. In the alternative to calling a special
3 election within a zone under the provisions of the
4 Uniform District Elections Law, the board of directors
5 may call a zone election for any of the following purposes:
6 to elect a zone council or to vote on proposals for the
7 issuance of bonds, the approval of projects, or the levy of
8 benefit assessments affecting the zone. A zone election
9 may be held on any Tuesday, unless it is the day before
10 or the day after a state holiday or unless it is one of the
11 established election dates set forth in Section 2500 of the
12 Elections Code. A zone election shall be conducted in the
13 manner prescribed by the board of directors in its
14 resolution calling the zone election. The resolution shall,
15 among other things, set forth the term of office for zone
16 council members to be elected, the notice requirements
17 for the election, the period during which nominations for
18 zone council may be filed, and whether the election will
19 be conducted by all-mailed ballot. Except to the extent
20 provided to the contrary in the resolution, the zone
21 election will be conducted in the same manner as special
22 elections in the district.

23
24 PART 4. POWER AND PURPOSES

25
26 CHAPTER 1. POWERS GENERALLY

27
28 SEC. 400. The district shall have the power generally
29 to perform all acts necessary or proper to carry out fully
30 the provisions of this act.

31 SEC. 401. The district may commence and maintain
32 any action or proceeding to carry out its purposes or
33 protect its interests and may defend any action or
34 proceeding brought against it.

35 SEC. 402. The district may execute, by its chairperson
36 and secretary, all contracts and other documents
37 necessary to carry out the powers and purposes of the
38 district.

39 SEC. 403. The district shall have perpetual succession.

40 SEC. 404. The district shall have the power to adopt

1 a seal and alter it at its pleasure.

2 SEC. 405. The powers of the district shall, except as
3 otherwise provided, be exercised by the board of
4 directors.

5 SEC. 406. As used in this section, "special district"
6 means a city, irrigation district, water district,
7 reclamation district, drainage district, or any other
8 special district or mutual water company which has any
9 of the powers enumerated in Sections 409, 410, 411, 412,
10 413, and 417. The district shall not exercise within the
11 boundaries of a special district any power enumerated in
12 Section 409, 410, 411, 412, 413, 415, or 417 which is
13 common to the power of the special district, without the
14 prior agreement of the governing body of the special
15 district.

16 SEC. 407. The district shall have the power to take
17 absolutely or on condition, by grant, purchase, gift,
18 devise, lease, with or without the privilege of purchasing,
19 or otherwise, real and personal property of every kind, of
20 any interest in real or personal property within or outside
21 of the district, necessary to the full exercise of its powers,
22 and to hold, use, enjoy, and to lease or dispose of the same
23 subject to the limitations set forth in this act.

24 SEC. 408. All contracts for the construction of any
25 unit of work, except as provided, estimated to cost in
26 excess of ten thousand dollars (\$10,000) shall be let to the
27 lowest responsible bidder in the manner as provided.

28 The board shall advertise by three insertions in a daily
29 newspaper of general circulation or two insertions in a
30 weekly newspaper of general circulation published in the
31 district, inviting sealed proposals for the construction of
32 the work before any contract shall be made therefor, and
33 may let by contract separately any part of the work. The
34 board shall require the successful bidder to file with the
35 board good and sufficient bonds to be approved by the
36 board conditioned upon the faithful performance of the
37 contract and upon the payment of the claims for labor
38 and material in connection therewith. The board may
39 reject any and all bids.

40 If all proposals are rejected or no proposals are

1 received pursuant to advertisement therefor, or where
2 the estimated cost of the work does not exceed the sum
3 of ten thousand dollars (\$10,000) or where the work
4 consists of channel protection, or maintenance work, or
5 emergency work necessary in order to protect life and
6 property from impending flood damage, the board, by
7 unanimous vote of all members present, may, without
8 advertising for bids therefor, have the work done by force
9 account. The district may purchase in the open market,
10 without advertising for bids thereof, materials and
11 supplies for use in any work either under contract or by
12 force account.

13 The provisions of this section have no application to a
14 contract entered into with the United States or to a
15 contract authorized by a vote of the eligible voters of the
16 district or a zone.

17 The district shall comply with Chapter 2 (commencing
18 with Section 21000) of Part 3 of Division 2 of the Public
19 Contract Code, which shall control over the provisions of
20 this act to the extent of any inconsistency.

21 *SEC. 409.* The district shall have the power to do any
22 and every lawful act necessary in order that sufficient
23 water may be available for any present or future
24 beneficial use or uses of the land or inhabitants within the
25 district, including, but not limited to, the acquisition,
26 storage, and distribution for irrigation, domestic, fire
27 protection, municipal, commercial, industrial, and all
28 other beneficial uses. Water which is surplus to the needs
29 of the lands and inhabitants within the district may be
30 made available for beneficial use outside the district.

31 *SEC. 410.* The district shall have the power to control
32 drainage, flood, and storm water within the district and
33 drainage, flood, and storm water of streams outside of the
34 district which flow into the district; to conserve the water
35 by storage and surface reservoirs, and to divert and
36 transport the water for beneficial uses within the district;
37 to release the water from surface reservoirs in order to
38 replenish and augment the supply of water in natural
39 underground reservoirs, to save or conserve in any
40 manner all or any of the water; to reduce the waste of

1 water; to provide subsurface drainage to alleviate
2 conditions of high groundwater levels within the district;
3 and to protect the watercourses, watersheds, public
4 highways, and life and property within the district from
5 damage from any such drainage, flood, or storm water.

6 SEC. 411. The district shall have the power to
7 authorize an engineering investigation and report on any
8 existing or potential groundwater problem. The report
9 shall include, but not be limited to, a description of the
10 existing and potential future conditions of and changes in
11 the depth, quality, yield, and operation of the
12 groundwater basin in question. The investigation shall
13 indicate any conditions and changes in the groundwater
14 basin which are or will be detrimental or beneficial to
15 overlying lands, and shall indicate the areal extent of the
16 effects, which shall constitute the project area. The
17 report shall offer recommendations of what actions, if
18 any, could be initiated to improve groundwater
19 conditions within the project area. Upon review of the
20 report, if the board of directors determines that specific
21 actions are necessary to improve groundwater
22 conditions, notwithstanding the provisions of Section 642,
23 those actions shall not be implemented unless approved
24 by two-thirds of the votes cast in an election conducted
25 among eligible voters within the project area. Any actions
26 to be implemented shall give the following priority for
27 use of groundwater:

28 (a) Use on overlying lands within the project area.

29 (b) Use on nonoverlying lands within the district.

30 (c) Export from the district.

31 SEC. 412. The district shall have the power to
32 construct, operate, and maintain works to develop
33 hydroelectric energy and transmission lines for the
34 conveyance thereof. The power generated may be used
35 by the district for its purposes, or for the production or
36 transmission of water, but shall not be offered for sale
37 directly by the district to customers other than a public
38 utility or public agency.

39 The power to construct, operate, and maintain works
40 to develop hydroelectric energy shall not include, and

1 nothing in this act shall be construed to permit, the
2 acquisition of property already employed in the
3 generation of hydroelectric energy for public utility
4 purposes, except by mutual agreement between the
5 district and the owner of that property.

6 SEC. 413. The district shall have the power within or
7 outside the district to construct, purchase, lease, or
8 otherwise acquire works, and to purchase, lease,
9 appropriate, or otherwise acquire surface waters and
10 water rights, useful and necessary to make use of water
11 for any purposes authorized by this act.

12 The power to purchase, lease, or acquire water rights
13 set forth in this section may be exercised only with regard
14 to those rights that may be offered for sale, lease, or
15 acquisition by the person possessing them. The power to
16 appropriate water rights set forth in this section is
17 restricted to those rights that are not appropriated by
18 another at the time the power is exercised.

19 SEC. 414. Any property or work of the district may be
20 leased for a use or purpose which the board finds will not
21 interfere with or be inconsistent with district uses or
22 purposes, upon terms which appear to the board to be for
23 the best interests of the district.

24 SEC. 415. The district may, within or outside the
25 district within the state, acquire by purchase,
26 condemnation, or other legal means all property or rights
27 in property necessary or proper for district works and
28 purposes of the district. Eminent domain proceedings
29 may be brought by the district for these purposes
30 pursuant to Title 7 (commencing with Section 1230.010)
31 of Part 3 of the Code of Civil Procedure.

32 SEC. 416. The district shall have the power to operate
33 and maintain any work. This power shall include the right
34 to repair, modify, alter, adjust, and replace any work.

35 SEC. 417. The district shall have the power to make
36 surveys and investigations for works relating to control of
37 drainage, storm, and flood water within or flowing into
38 the district, of the water supply and resources of the
39 district, or for hydroelectric development. The district
40 may carry on and perform technical and other

1 investigations of all kinds, make measurements, colle-
2 data, and make analyses, studies, and inspections
3 pertaining to water supply, water, water rights, use of
4 water both within and outside of the district, or to the
5 control of drainage, storm, and flood water both within
6 and which now flow into the district, or to hydroelectric
7 development. For these purposes, the district shall have
8 the right of access through its authorized representative
9 to all properties within the district.

10 SEC. 418. The district may disseminate information
11 to the public concerning the rights, properties, and
12 activities of the district.

13

14

CHAPTER 2. RATES AND CHARGES

15

16 SEC. 440. The board of directors shall, by resolution
17 following notice and public hearing, fix rates and charges
18 for services provided by the district, reflecting the
19 reasonable cost and value of providing the service. The
20 resolution shall be published one time in a newspaper of
21 general circulation in the district at least seven days
22 before the effective date of the rate or charge.

23 SEC. 441. The district shall have authority, by
24 resolution following notice and public hearing, to levy
25 standby or carrying charge, not to exceed ten dollar
26 (\$10) per acre or fraction of acre per year, against each
27 acre of land or fraction thereof to which a service
28 provided by the district is available, irrespective of
29 whether the service is actually used. However, no
30 standby or carrying charge for water service shall be
31 applied to lands situated more than one-quarter of a mile
32 from an available main or service connection. The
33 resolution shall be published one time in a newspaper of
34 general circulation in the district at least seven days
35 before the effective date of the standby charge.

36 SEC. 442. Rates and charges, including standby
37 charges, when due are a lien on the landowner's land to
38 whom the service is provided or made available, in the
39 nature of assessments, and may be collected and enforced
40 in the manner provided in this act for the collection and

1 enforcement of assessments.
 2 SEC. 443. Rates and charges, including standby
 3 charges, may be made payable in advance. The district
 4 may, by resolution, provide that rates and charges which
 5 remain unpaid for a period of not less than 30 days after
 6 they have become due shall be delinquent, and a
 7 one-time penalty not in excess of 10 percent shall be
 8 added on each charge as it becomes delinquent, and all
 9 delinquent rates and charges and penalties shall bear
 10 interest at a rate not in excess of 18 percent per year.

11
 12 CHAPTER 3. CONTRACTS WITH THE UNITED STATES
 13 AND OTHER AGENCIES
 14

15 SEC. 460. The district shall have the power to
 16 cooperate and contract with the United States, the State
 17 of California, or any department or agency of either, or
 18 with any other district or political subdivision of the state
 19 empowered by law to appropriate water and deliver
 20 water to users, or control drainage, storm, flood, or other
 21 waters, for the purposes of acquisition, construction,
 22 purchase, extension, operation, or maintenance of works,
 23 whether for irrigation, drainage, flood control, water
 24 conservation, hydroelectric development, or any other
 25 beneficial use of water, or for a water supply for any
 26 beneficial use, or for the carrying out of any of the
 27 purposes of the district, and to carry out and perform the
 28 terms of any contract so made.

29
 30 CHAPTER 4. RULES AND REGULATIONS
 31

32 SEC. 480. The board of directors shall have authority
 33 to adopt, by ordinance, reasonable rules and regulations
 34 to implement the provisions of this act. Any person guilty
 35 of violating any provisions of the rules and regulations
 36 shall be guilty of a misdemeanor.

37
 38 PART 5. FINANCIAL PROVISIONS
 39

40 CHAPTER 1. FUNDS AND ACCOUNTS
 41

1 SEC. 500. Any funds of the district may be deposited
 2 in the county treasury subject to disbursement as county
 3 funds are disbursed, provided that the disbursal shall be
 4 pursuant to the provisions of this act, under the direction
 5 of the county auditor or such other fiscal officer as is
 6 appointed by the board of directors.

7 SEC. 501. The district may establish and maintain any
 8 separate funds and accounts which it deems necessary in
 9 carrying out its powers and purposes under this act.

10 SEC. 502. The district may make any transfers, for the
 11 purposes of a loan, from one fund to another fund of the
 12 district, or from one fund to another fund of a zone, upon
 13 such terms and conditions as the board of directors deems
 14 appropriate and to the extent permitted by law.

15 SEC. 503. The county auditor or other fiscal officer
 16 appointed by the board of directors may invest any funds
 17 of the district or zone in any security, debenture, bond,
 18 or deposit permitted and allowed by law for the
 19 investment of funds of a political subdivision of the state.

20
 21 CHAPTER 2. IMPROVEMENT BONDS

22
 23 SEC. 520. The district shall have the power, in any
 24 year, to issue improvement bonds in accordance with and
 25 pursuant to the provisions and procedures of the
 26 Improvement Act of 1911 (Division 7 (commencing with
 27 Section 5000) of the Streets and Highways Code), the
 28 Improvement Bond Act of 1915 (Division 10
 29 (commencing with Section 8500) of the Streets and
 30 Highways Code), the Municipal Improvement Act of
 31 1913 (Division 12 (commencing with Section 10000) of
 32 the Streets and Highways Code), or the Refunding
 33 Assessment Bond Act of 1935 (Chapter 732 of the Statutes
 34 of 1935).

35
 36 CHAPTER 3. SPECIAL BENEFIT BONDS

37
 38 SEC. 525. The board of directors may determine that
 39 a bonded indebtedness should be incurred to pay the cost
 40 of any project which will confer a special benefit on the

1 district as a whole, or a special benefit on any zone or
2 participating zone. The principal and interest on the
3 special benefit bonds shall be paid by revenue derived
4 from an annual benefit assessment levied on the land
5 benefited by the project for which the bonds were issued
6 in the manner set forth in Chapter 1 (commencing with
7 Section 700) of Part 7. Before adopting a resolution
8 issuing special benefit bonds, the board of directors shall
9 adopt a resolution of intention stating the intention to
10 issue the special benefit bonds, the proposed amount of
11 the bonds, the proposed denomination and maximum
12 rate of interest of the bonds, a description of the proposed
13 project for which the bonds shall be issued, and a
14 description of the area which shall receive a special
15 benefit from the proposed project and in which special
16 benefits shall be levied to pay the principal and interest
17 on the bonds. The resolution shall also state the time and
18 place for a hearing by the board of directors on the
19 proposal, at which time any interested person may
20 appear and be heard.

21 SEC. 526. Notice of the hearing shall be given by
22 publishing a copy of the resolution of intention in a
23 newspaper of general circulation published in the
24 district, pursuant to Section 6066 of the Government
25 Code, the first publication to be at least 14 days prior to
26 the time fixed for the hearing. The hearing may be
27 consolidated with a hearing on any other proposal
28 affecting the same area. At the time and place so fixed,
29 or at any time or place to which the hearing is continued,
30 the board of directors shall hold the hearing provided for
31 by the resolution, at which time any interested person
32 may appear and be heard concerning any matter set forth
33 in the resolution or any matter material thereto. Upon
34 the conclusion of the hearing, the board may abandon the
35 proposal, or order the election on the proposal within the
36 area affected, unless prior to the conclusion of the
37 hearing, or any continued hearing, written protest
38 against the proposal signed by a majority in number of
39 the eligible voters within the affected area are filed with
40 the board, in which event further proceedings relating to

1 the proposal shall be suspended for not less than six
2 months following the date of the conclusion of the
3 hearing. If there is no majority protest, the board of
4 directors shall not proceed with the proposal before
5 holding an election within the affected area. A majority
6 of the votes cast at the election shall be required to
7 approve the proposal to issue the bonds.

8 SEC. 527. Any defect or irregularity in the
9 proceedings in the calling or conduct of the special bond
10 election shall not affect the validity of the bonds
11 authorized by the election.

12 SEC. 528. The board of directors shall, pursuant to the
13 provisions of this act, prescribe by resolution the form of
14 the bonds, which shall include a designation of the
15 district, zone, or participating zone affected, and of the
16 interest coupons attached thereto. The bonds shall be
17 payable annually or semiannually at the discretion of the
18 board each and every year on a day and date at a place
19 or places to be fixed by the board and designated in the
20 bonds, together with interest on all sums unpaid on that
21 date until the whole of the indebtedness shall be paid.

22 SEC. 529. The board of directors may divide the
23 principal amount of any issue into two or more series and
24 fix different dates for the bonds of each series. The bonds
25 of one series may be made payable at different times
26 from those of another series. The maturity of each series
27 shall comply with this section. The board may fix a date
28 not more than two years from the date of issuance for the
29 earliest maturity of each issue or series.

30 SEC. 530. The bonds shall be issued in such
31 denomination as the board of directors shall determine.

32 SEC. 531. The bonds shall be payable on the date at
33 the place fixed in the bonds, and at the interest rate
34 specified in the bonds, and shall be made payable
35 annually or semiannually.

36 SEC. 532. The bonds shall be numbered
37 consecutively and shall be signed by the chairperson of
38 the board of directors and countersigned by the auditor
39 or other fiscal officer of the district, and the seal of the
40 district shall be affixed thereto. Either or both signatures

1 may be printed, engraved, or lithographed.

2 *SEC. 533. The interest coupons, if any, of the bonds*
3 *shall be numbered consecutively and signed by the*
4 *auditor or other fiscal officer, or by his or her printed,*
5 *engraved, or lithographed signature.*

6 *SEC. 534. The proceeds from the sale of bonds shall*
7 *be paid into the district treasury, placed to the credit of*
8 *the project fund, and expended only for the purpose for*
9 *which the indebtedness was created. In the alternative,*
10 *the proceeds of the sale of the bonds may be placed in the*
11 *treasury of the county to the credit of the district and the*
12 *respective zone, or participating zones thereof, for the*
13 *uses and purposes of the district, zone, or participating*
14 *zones voting the bonds, and the proper record of the*
15 *transaction shall be placed upon the books of the county*
16 *treasurer, and the bond funds shall be applied exclusively*
17 *to the purposes and objects mentioned in the resolution*
18 *calling for the special bond election, subject to the*
19 *provisions of this act. Payments from bond funds shall be*
20 *made upon demands prepared, presented, allowed, and*
21 *audited in the same manner as demands upon the funds*
22 *of the district. Unexpended bond proceeds may be*
23 *invested in any manner permitted by law for district*
24 *investments, and any interest earned thereon shall be*
25 *credited to the project fund and expended only for the*
26 *purpose for which the indebtedness was created.*

27 *SEC. 535. Any bonds issued under the provisions of*
28 *this chapter, and the interest thereon, shall be paid solely*
29 *by revenue derived from annual benefit assessments*
30 *levied as provided in this act. No zone nor the property*
31 *therein shall be liable for the bonded indebtedness of any*
32 *other zone, nor shall any moneys derived from*
33 *assessments in any of the several zones be used in*
34 *payment of principal, or interest, or otherwise, of the*
35 *bonded indebtedness chargeable to any other zone.*

36 *SEC. 536. Whenever bonds have been authorized by*
37 *the district, and the proceeds of the sale thereof have*
38 *been expended as authorized, and the board of directors*
39 *shall by resolution determine that additional bonds shall*
40 *be issued for carrying out any of the purposes of this act,*

1 the board of directors may again proceed as provided in
2 this chapter for the issuance of bonds.

3 SEC. 537. The board of directors may by resolution
4 determine that new bonds should be issued for the
5 purpose of refunding any or all of the bonds outstanding
6 of the district or any zone or participating zone. The
7 procedure shall be the same as the procedure upon an
8 original issue of bonds. The refunding bonds may be
9 issued and sold in the manner and form prescribed for an
10 original issue of bonds, and may, if the holders of bonds
11 of an original issue and the board of directors so agree, be
12 exchanged for the original bonds. The face value of the
13 refunding bonds exchanged shall not exceed the face
14 value of the original bonds. The board of directors may
15 raise money to pay principal and interest of the refunding
16 bonds in the same manner as prescribed for the payment
17 of bonds of an original issue.

18 SEC. 538. Any bonds, original or refunding, may be
19 made callable by resolution of the board of directors
20 adopted at, or prior to, the time of issuing the bonds, and
21 providing for the calling and redemption of the bonds, in
22 numerical order, or by lot, on any interest payment date
23 prior to their fixed maturity, at a premium not exceeding
24 6 percent above the par value thereof and accrued
25 interest. If any bonds are so made callable, a statement to
26 that effect shall be set forth on the face of the bond.
27 Notice of any redemption shall be published in the
28 district pursuant to Section 6063 of the Government
29 Code. The first publication of the notice shall be not less
30 than 30 nor more than 90 days prior to the date fixed for
31 the redemption. After the date fixed for the redemption,
32 if the district shall have provided funds available for
33 payment of the principal and interest of the bonds so
34 called, interest on the bonds shall thereafter cease.

35 SEC. 539. The bonds shall be sold at a public sale to
36 the lowest bidder, after notice of the sale has been given
37 by publication in the district, pursuant to Section 6061 of
38 the Government Code, at least one week prior to the sale
39 and after any other notice which the board of directors
40 may deem proper.

1 The manner of making, submitting, and opening bids,
2 and conducting the sale, and the terms thereof, shall be
3 determined by the board of directors. The board is
4 hereby given the right to reject any and all bids which in
5 the judgment of the board are not in the best interest of
6 the district. If no bids are received, or if all bids are
7 rejected, the board may either readvertise or sell the
8 bonds at private sale.

9 SEC. 540. If a proposition for issuing bonds submitted
10 at any election under this chapter fail to receive the
11 requisite number of votes of the eligible voters voting at
12 the election to incur the indebtedness for the purpose
13 specified, the board of directors shall not for six months
14 after the election, call or order another election in the
15 same area for incurring indebtedness and issuing bonds
16 under this chapter, for the same objects and purposes.

17 SEC. 541. Any bond issued under this chapter shall be
18 free and exempt from all taxation within the State of
19 California. It is hereby declared that the district is a
20 district within the meaning of Section 1 $\frac{3}{4}$ of Article XIII
21 and Section 13 of Article XI of the California Constitution.

22 SEC. 542. Any bond issued under the provisions of
23 this chapter shall be legal investments for all trust funds,
24 and for the funds of all insurance companies, banks both
25 commercial and savings, and trust companies, for state
26 school funds, and whenever any money or funds may by
27 law now or hereafter enacted be invested in bonds of
28 cities, cities and counties, counties, school districts, or
29 municipalities in the State of California, the money or
30 funds may be invested in bonds of the district, issued in
31 accordance with the provisions of this act, and whenever
32 bonds of cities, cities and counties, counties, school
33 districts, or municipalities, may by law now or hereafter
34 enacted be used as security for the performance of any
35 act, the bonds of the district may be so used.

36 This section is intended to be and shall be considered
37 the latest enactment with respect to the matters herein
38 contained.

39 SEC. 543. The repeal or amendment of this act, or the
40 dissolution or change in the boundaries of the district or

1 any zone or participating zone shall not in any way affect
2 or release any of the land in the district or zone from its
3 liability on or from the obligations of any outstanding
4 bonds or indebtedness or contracts for which the land is
5 in any way security, until all the bonds and outstanding
6 indebtedness and contracts have been fully paid or
7 discharged.

8 SEC. 544. The provisions of this chapter shall apply
9 only to the issuance of special benefit bonds issued in
10 accordance with the provisions of this chapter.

11

12 CHAPTER 4. REVENUE BONDS

13

14 SEC. 550. If the board of directors by resolution
15 determines that a bonded indebtedness to pay for the
16 acquisition or construction of any project or work for any
17 purposes of the district, zone, or participating zone or for
18 refunding any outstanding bonds, should be incurred and
19 can be repaid and liquidated as to both principal and
20 interest from revenues designated by the board, the
21 district is authorized and shall have the power to define
22 the project or work as an "enterprise" consistent with the
23 definition in Section 54309 of the Government Code, and
24 to issue revenue bonds all in the manner and as provided
25 in the Revenue Bond Law of 1941, and for such purpose
26 the district shall be considered a "local agency," as
27 defined in Section 54307 of the Government Code.

28

29 CHAPTER 5. SHORT-TERM BORROWING

30

31 SEC. 560. The district may borrow money and incur
32 indebtedness in the manner set forth in this chapter by
33 action of the board of directors and without the necessity
34 of calling and holding an election in the district.

35 SEC. 561. Indebtedness may be incurred pursuant to
36 this chapter for any purpose for which the district is
37 authorized to expend funds.

38 SEC. 562. Indebtedness incurred under this chapter
39 shall be evidenced by warrants of the district payable not
40 to exceed five years from their date and bearing interest

1 at a rate not to exceed the maximum interest permitted
2 for the sale of bonds of the district.

3 *SEC. 563. The warrants shall be issued by the district*
4 *after the adoption by a four-fifths vote of all of the*
5 *members of the board of directors of a resolution setting*
6 *forth the form of the warrant, the maturity date or dates*
7 *thereof, and the manner of execution thereof.*

8 *SEC. 564. The board of directors may in its resolution*
9 *provide that the warrant shall be subject to call and*
10 *redemption prior to maturity, at the option of the district,*
11 *at such price as may be fixed in the resolution, not*
12 *exceeding a premium of 6 percent of the par value of the*
13 *warrants so subject to redemption. The resolution shall fix*
14 *a method of giving notice of redemption to the holders*
15 *of warrants to be redeemed and the price at which the*
16 *warrants shall be subject to redemption. Warrants so*
17 *subject to call and redemption prior to maturity shall*
18 *contain a recital to that effect on their face.*

19 *SEC. 565. The warrants issued shall be offered for*
20 *public sale upon notice inviting sealed bids therefor. The*
21 *notice shall be given by publication once in a newspaper*
22 *of general circulation in the county and the sale shall not*
23 *be held before 10 days after the publication. The board*
24 *of directors may reject all bids received on public sale and*
25 *either readvertise or sell the warrants at private sale. The*
26 *district may sell the warrants at a price below par value*
27 *not to exceed 6 percent of the par value thereof.*

28

29

CHAPTER 6. COUNTY FUNDING

30

31 *SEC. 580. For the purpose of supplementing the*
32 *general operating revenues of the district, upon request*
33 *made by the board of directors, the board of supervisors*
34 *is authorized to grant funds from the county general fund*
35 *to the district without reimbursement from the district,*
36 *for use for any purpose of the district for which the*
37 *county is itself authorized to expend funds, and including,*
38 *but not limited to, expenses incurred or estimated to be*
39 *incurred during the next fiscal year for each of the*
40 *following:*

1 (a) The formation and administration of the district.
2 (b) The preparation of a comprehensive water
3 resources and drainage management plan for the district
4 for coordinating and managing the supply and
5 distribution of water for all beneficial uses within the
6 district and for coordinating and managing the control
7 and disposal of drain, flood, and storm water within the
8 district, and the formation of zones within the district for
9 those purposes.

10 (c) The acquisition, development, distribution, and
11 sale of water to the inhabitants of the district for all
12 beneficial uses, including the acquisition of water rights
13 by purchase or condemnation and the acquisition,
14 construction, repair, operation, and maintenance of
15 works therefor.

16 (d) The acquisition, construction, repair, operation,
17 and maintenance of works for control and disposal of
18 drain, storm, and flood water within the district.

19 (e) Cooperation with flood control and water
20 conservation districts in other counties for the purposes
21 of flood control and water conservation.

22 SEC. 581. The district shall keep any county funds in
23 a separate account and, upon demand of the county,
24 demonstrate that expenditures made therefrom were
25 used only for the purposes enumerated in this chapter.

26

27 CHAPTER 7. MAXIMUM INTEREST AND DISCOUNT
28 RATES

29

30 SEC. 590. Notwithstanding any other provision of
31 law, a bond or evidence of indebtedness of the district, or
32 zone or participating zone, as defined in this act, may
33 bear interest at a rate or rates as determined by the board
34 of directors in its discretion, but not to exceed 12 percent
35 per year, unless some higher rate is permitted by law.

36 SEC. 591. In addition to interest paid on a bond or
37 evidence of indebtedness of the district, the board of
38 directors in its discretion may sell the bond or evidence
39 of indebtedness at less than its par or face value not to
40 exceed 6 percent of the par or face value thereof.

PART 6. ZONES

CHAPTER 1. FORMATION OF ZONES

1
2
3
4
5 *SEC. 600. Improvement districts may be formed in*
6 *the district in the same manner as improvement districts*
7 *are formed in irrigation districts under Part 7*
8 *(commencing with Section 23600) of Division 11 of the*
9 *Water Code. In the alternative, improvement districts*
10 *may be formed in the same manner as zones of benefit.*
11 *Assessment districts may be formed in the district under*
12 *the Improvement Bond Act of 1915 (Division 10*
13 *(commencing with Section 8500) of the Streets and*
14 *Highways Code), and the Municipal Improvement Act of*
15 *1913 (Division 12 (commencing with Section 10000) of*
16 *the Streets and Highways Code). Improvement districts*
17 *and assessment districts may be formed within the*
18 *boundaries of any zone of benefit.*

19 *SEC. 601. If at any time it is desired to annex land to,*
20 *or detach land from, a zone, a petition for that purpose*
21 *signed by the owners of the land to be annexed or*
22 *detached shall be filed with the board of directors, who*
23 *shall commence proceedings thereon. In the alternative,*
24 *the board of directors may initiate a proposal for a zone*
25 *annexation or detachment. The board shall conduct a*
26 *hearing on the proposal with the same notice and in the*
27 *same manner as the hearing on the affected zone. For*
28 *purposes of protests and an election on the proposal, the*
29 *affected area shall consist of the land to be annexed to or*
30 *detached from the zone. The board of directors may*
31 *prescribe any reasonable condition to which the*
32 *annexation or detachment shall be subject, if approved.*

33 *SEC. 602. The board of directors may establish zones*
34 *of benefit within the district without reference to the*
35 *boundaries of other zones. The land comprising a zone of*
36 *benefit need not be contiguous. A zone of benefit shall be*
37 *established only with respect to a project for the benefit*
38 *of the zone of benefit and proceedings for the*
39 *establishment of the zone of benefit may be conducted*
40 *concurrently with, and as a part of, proceedings for the*

1 instituting of projects relating to the zone of benefit, the
2 issuance of special benefit bonds, and the levy of benefit
3 assessments.

4 SEC. 603. Whenever the board of directors
5 determines that a zone of benefit should be formed for
6 the purposes set forth in this chapter, the board shall
7 adopt a resolution of intention which shall state the
8 following:

9 (a) The intention of the board to form the proposed
10 zone of benefit.

11 (b) The purpose for which the proposed zone of
12 benefit is to be formed.

13 (c) The estimated expense of carrying out the
14 purpose, if known.

15 (d) That assessments for carrying out the purpose shall
16 be levied exclusively upon the lands in the proposed zone
17 of benefit.

18 (e) That a map showing the exterior boundaries of the
19 proposed zone of benefit, which map shall govern for all
20 details as to the extent of the proposed zone of benefit,
21 is on file with the district secretary and is available for
22 inspection by any interested person or persons.

23 (f) The time and place for a hearing by the board on
24 the formation on the proposed zone of benefit, the extent
25 thereof, the purpose for which it is to be formed, the
26 benefit to land within the proposed zone of benefit from
27 carrying out that purpose, the estimated expense of
28 carrying out that purpose, if known, or any other matter
29 relating to any of the foregoing.

30 (g) That at the time and place specified any interested
31 person, including all persons owning land in the district
32 or in the proposed zone of benefit, may appear and be
33 heard.

34 SEC. 604. Notice of the hearing shall be given by
35 publishing a copy of the resolution of intention in a
36 newspaper of general circulation published in the
37 district, pursuant to Section 6066 of the Government
38 Code, the first publication to be at least 14 days prior to
39 the time fixed for the hearing.

40 SEC. 605. At the time and place so fixed, or at any

1 time or place to which the hearing is continued, the
2 board of directors shall hold the hearing provided for by
3 the resolution of intention, at which time any interested
4 person may appear and be heard concerning any matter
5 set forth in the resolution of intention or any matters
6 material thereto. Upon the conclusion of the hearing, the
7 board may abandon the proposal, modify it, or proceed
8 with the proposal unless prior to the conclusion of the
9 hearing, or any continued hearing, written protests
10 against the proposal signed by a majority in number of
11 the eligible voters within the proposed zone of benefit
12 shall be filed with the board, in which event further
13 proceedings relating to the proposal shall be suspended
14 for not less than six months following the date of the
15 conclusion of the hearing.

16 SEC. 606. At the conclusion of the hearing, the board
17 of directors may, by resolution, order the zone of benefit
18 formed for the purpose and with the exterior boundaries
19 described therein. The resolution ordering formation
20 shall state the estimated expense of carrying out the
21 purpose described therein, if known. The resolution shall
22 also number and designate the zone of benefit
23 substantially as "Zone of Benefit Number _____ of the
24 North Sacramento Flood Control and Water
25 Conservation District."

26

27

CHAPTER 2. ZONE COUNCIL

28

29 SEC. 620. After a zone has been formed, the board of
30 directors may, by resolution, order the creation of a zone
31 council within the zone. The resolution shall set forth the
32 number of members of the council and their term of
33 office. The zone council for a zone which consists entirely
34 of the territory of an incorporated city may be comprised
35 of the city council of the incorporated city. The members
36 of all other zone councils shall be eligible voters of the
37 zone in which the council is established and shall be
38 elected to the council by the eligible voters of the zone.
39 The resolution establishing the zone council shall set
40 forth the procedure for conducting the election.

1 *SEC. 621. Members of the zone council shall take*
2 *office immediately upon certification of their election,*
3 *filing of the official oath, and execution of a bond, if any,*
4 *in an amount set by the board of directors. At its first*
5 *meeting, the zone council shall elect from its members a*
6 *chairperson and a vice chairperson and shall fix their*
7 *terms of office. A majority of the zone council shall*
8 *constitute a quorum for the transaction of business. The*
9 *vote of a majority of the zone council members present*
10 *at any meeting attended by a quorum shall be necessary*
11 *to take action, unless otherwise specified in this act.*
12 *Meetings of the zone council shall be conducted in*
13 *accordance with the provisions of the Ralph M. Brown*
14 *Act (Chapter 9 (commencing with Section 54950) of Part*
15 *1 of Division 2 of Title 5 of the Government Code). The*
16 *zone council shall, by resolution, set the time and place*
17 *for holding regular meetings. Zone councils shall receive*
18 *compensation, if any, in an amount set by the board of*
19 *directors.*

20 *SEC. 622. The purpose of a zone council is to assist the*
21 *board of directors in the planning, acquisition,*
22 *construction, operation, maintenance, and*
23 *administration of projects within the zone in which it is*
24 *established, and to coordinate the activity of the district*
25 *within the zone with the activities of other public entities*
26 *within the zone. The board of directors shall determine*
27 *the specific responsibilities and powers of a zone council*
28 *and may delegate to the zone council any of the authority*
29 *of the board with respect to the planning, acquisition,*
30 *construction, operation, maintenance, or administration*
31 *of a project within the zone.*

32 *SEC. 623. In the case of projects for the benefit of two*
33 *or more zones, the board of directors may establish a*
34 *participating zone council for the project, selected by*
35 *either (1) the appointment by each zone council of an*
36 *equal number of representatives selected from its*
37 *membership, with one additional member of the*
38 *participating zone council to be appointed by the board*
39 *of directors or mutually selected by the two affected zone*
40 *councils, or (2) any other method mutually agreed upon*

1 by the two affected zone councils.

2 SEC. 624. A zone council or a participating zone
3 council shall be dissolved upon four-fifths of all members
4 of the board of directors or upon a majority vote of all of
5 the members of the board of directors and a majority vote
6 of all of the members of the zone council.

7

8

CHAPTER 3. SELECTION OF PROJECTS

9

10 SEC. 640. The board of directors shall determine
11 which projects shall be carried out and shall determine,
12 as to each project, that it is either: (1) for the common
13 benefit of the district as a whole, or (2) for the benefit of
14 a single zone, whether in existence or not, or (3) for the
15 common benefit of participating zones, whether in
16 existence or not.

17 SEC. 641. The district may institute districtwide
18 projects, projects for single zones, and joint projects for
19 participating zones for studying, planning, financing,
20 constructing, acquiring, maintaining, operating,
21 extending, or repairing any work of common benefit to
22 the district as a whole, to the zone, or to the participating
23 zones, as the case may be. All powers of the district may
24 be exercised or performed on behalf of and within a zone.
25 Before proceeding with any project, the board of
26 directors shall adopt a resolution of intention setting forth
27 the proposed boundaries designating the benefitted area
28 and stating its intention to undertake the project,
29 together with an estimate of the cost of the project to be
30 borne by the district as a whole, or a particular zone, or
31 participating zones, as the case may be, and fixing a time
32 and place for public hearing on the resolution. The
33 resolution shall refer to a map or maps showing the
34 general location of the project and shall generally
35 describe the project. Notice of the hearing shall be given
36 in the same manner as for a resolution of intention to
37 form a zone of benefit. The proceedings on the resolution
38 proposing the project may be consolidated with the
39 proceedings on a resolution proposing formation of a
40 zone of benefit.

1 *SEC. 642. The hearing may be consolidated with a*
2 *hearing on the formation of a zone, the issuance of special*
3 *benefit bonds, or the levy of benefit assessments affecting*
4 *the same area. At the time and place so fixed, or at any*
5 *time or place to which the hearing is continued, the*
6 *board of directors shall hold the hearing provided for by*
7 *the resolution, at which time any interested person may*
8 *appear and be heard concerning any matter set forth in*
9 *the resolution or any matters material thereto. Upon the*
10 *conclusion of the hearing, the board may abandon the*
11 *proposal, modify it, order an election on the proposal*
12 *within the area affected, or proceed with the proposal,*
13 *unless prior to the conclusion of the hearing, or any*
14 *continued hearing, written protests against the proposal*
15 *signed by a majority in number of the eligible voters*
16 *within the affected area shall be filed with the board, in*
17 *which event further proceedings relating to the proposal*
18 *shall be suspended for not less than six months following*
19 *the date of the conclusion of the hearing. The board of*
20 *directors shall not proceed with the proposal without an*
21 *election unless a majority in number of the eligible voters*
22 *within the affected area have filed with the board written*
23 *consent to the proposal. If the election is held, a majority*
24 *of the votes cast at the election shall be required to*
25 *approve the proposal.*

26

27

PART 7. ASSESSMENTS

28

29

CHAPTER 1. BENEFIT ASSESSMENTS

30

31 *SEC. 700. The district shall be authorized to levy*
32 *benefit assessments on a districtwide basis or within any*
33 *zone or participating zone. The benefit assessment may*
34 *be levied in any manner which reasonably reflects the*
35 *benefit that will accrue to the area being assessed for the*
36 *purpose of the assessment, including, but not limited to:*
37 *(1) per acre or fraction thereof basis, or (2) for benefit*
38 *assessments related to drain, storm, or flood control*
39 *purposes, the proportionate water runoff from each*
40 *parcel assessed.*

1 *SEC. 701. Benefit assessments may be levied for*
2 *expenditures made, or expenditures estimated to be*
3 *required during the next calendar or fiscal year, for any*
4 *lawful purpose of the district, including, but not limited*
5 *to, the following purposes:*

6 (i) *The formation and administration expenses of the*
7 *districts.*

8 (ii) *The formation and administration expenses of any*
9 *zone.*

10 (iii) *Engineering and other expenses in connection*
11 *with the investigation and preparation of a resource*
12 *management plan or plan for a work or project.*

13 (iv) *Acquisition or construction of any work or project.*

14 (v) *Operation and maintenance of any work or*
15 *project.*

16 (vi) *Payment of principal and interest on special*
17 *benefit bonds issued in the manner set forth in Chapter*
18 *3 (commencing with Section 525) of Part 5.*

19 *The revenues derived from the benefit assessment*
20 *shall be used for no purpose other than the purpose*
21 *specified at the time of levy of the assessment.*

22 *SEC. 702. The board of directors may adopt a*
23 *resolution of intention to levy a special benefit*
24 *assessment on land only. The resolution shall set forth the*
25 *proposed amount, manner of levy, and purpose of the*
26 *proposed benefit assessment and designate by a map or*
27 *otherwise the boundaries of the area proposed for*
28 *assessment, and shall designate a time and place of*
29 *hearing on the resolution.*

30 *SEC. 703. Notice of the hearing shall be given by*
31 *publishing a copy of the resolution of intention in a*
32 *newspaper of general circulation published in the district*
33 *pursuant to Section 6066 of the Government Code, the*
34 *first publication to be at least 14 days prior to the time*
35 *fixed for the hearing.*

36 *SEC. 704. At the time and place so fixed, or at any*
37 *time or place to which the hearing is continued, the*
38 *board of directors shall hold the hearing provided for by*
39 *the resolution, at which time any interested person may*
40 *appear and be heard concerning any matter set forth in*

1 the resolution or any matters material thereto. Upon the
2 conclusion of the hearing, the board may terminate
3 further proceedings on the proposed assessment, modify
4 the proposed assessment, order an election on the
5 assessment within the area to be assessed, or levy the
6 assessment, unless prior to the conclusion of the hearing,
7 or any continued hearing, written protests against the
8 proposed assessment signed by a majority in number of
9 the eligible voters within the area to be assessed shall be
10 filed with the board, in which event further proceedings
11 relating to the proposed assessment shall be suspended
12 for not less than six months following the date of the
13 conclusion of the hearing. The board of directors shall not
14 levy the assessment without an election unless a majority
15 in number of the eligible voters within the affected area
16 have filed with the board written consent to levy the
17 assessment. If an election is held, a majority of the votes
18 cast in the area to be assessed shall be required to approve
19 the assessment.

20 *SEC. 705.* After its approval, the benefit assessment
21 shall be levied, collected, and enforced at the same time
22 and in the same manner as county taxes.

23 *SEC. 800.* No reimbursement is required by this act
24 pursuant to Section 6 of Article XIII B of the California
25 Constitution because this act is in accordance with the
26 request of a local agency or school district which desired
27 legislative authority to carry out the program specified in
28 this act.

29 cited as the North Sacramento Flood Control and Water
30 Conservation District Act.

31 *SEC. 2.* The Legislature hereby finds that the water
32 and drainage problems in north Sacramento County
33 require water conservation, development of water
34 resources, and control of drainage, storm, flood, and other
35 waters. The Legislature finds that these problems are not
36 general or statewide. The Legislature further finds that
37 agricultural and residential development over
38 widespread portions of the area have created drainage
39 problems which cannot be economically resolved
40 through existing public entities within the area, that to

1 adequately and feasibly conserve the water supply and
2 control the drainage, storm, flood, and other waters of the
3 area; it is necessary to establish a political entity within
4 prescribed geographical limits. Investigation having
5 shown conditions in the district to be peculiar to it, it is
6 hereby declared that a general law cannot be made
7 applicable to the district and that the enactment of this
8 special law is necessary for the conservation,
9 development, control, and use of water for the public
10 good and for the protection of life and property within
11 the district.

12 **SEC. 3.** A flood control and water conservation
13 district is hereby created to be called the North
14 Sacramento Flood Control and Water Conservation
15 District. The district shall consist of that territory of the
16 County of Sacramento within an area bounded by the
17 Sacramento County line on the north, the Sacramento
18 County line on the east, Interstate 80 on the south, and
19 the Sacramento River on the west.

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