

ps Powers  
p7 unclear

p26 PVP

- Modernization  
- clarity present & stated?  
Environment?  
Sustainability

ACT 7757 (Deering's California Water Code - Uncodified Acts):

SONOMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT

Watershed Based

[Stats 1949 ch 994 p 1793; Amended by Stats 1951 ch 1344 p 3233; Stats 1953 ch 524 p 1766; Stats 1955 ch 345 p 800, effective May 5, 1955; Stats 1st Ex Sess 1956 ch 6 p 284, effective April 5, 1956, ch 43 p 384, effective April 16, 1956; Stats 1957 ch 357 p 1000, ch 1493 p 2818, ch 1515 p 2860, ch 1826 p 3223, effective July 9, 1957; Stats 1959 ch 123 p 3311, ch 1728 p 4156, ch 2126 p 5002; Stats 1961 ch 861 p 2262, effective June 26, 1961, ch 951 p 2593, ch 957 p 2600, ch 1507 p 3354; Stats 1963 ch 1382 p 2922, ch 1715 p 3369; Stats 1965 ch 536 p 1851, effective June 4, 1965, ch 621 p 1957, operative January 1, 1967; Stats 1967 ch 349 p 1548, effective July 20, 1967; Stats 1969 ch 656, Stats 1970 ch 447; Stats 1972 ch 139.]

AN ACT creating the "Sonoma County Flood Control and Water Conservation District" for the controlling, conservation, diversion, storage and disposition of storm, flood, and other surface waters, prescribing the boundaries, organization, operation, management, financing and powers and duties of the district.

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§ 1. Sonoma County Flood Control and Water Conservation District created: Boundaries and territory. A flood control and water conservation district is hereby created, to be called the "Sonoma County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows:

All that territory of the County of Sonoma lying within the exterior boundaries thereof.

§ 2. Definitions. As used in this act: "District" means the Sonoma County Water Agency.

"Sonoma County Flood Control and Water Conservation District" means the Sonoma County Water Agency.

"Board" means the board of directors of the Sonoma County Water Agency.

"Board of directors" means the board of directors of the Sonoma County Water Agency. [Amended by Stats 1969 ch 656 § 1.]

§ 3. Objects and purposes of act: Powers of district. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical for water conservation, the control and disposition of flood, storm and other waters of the district, and the generating electric energy, and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To obtain by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, dedication, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the state, any political subdivision or district thereof.

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of

any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes. All costs of relocating or otherwise changing any portion of a county highway shall be paid from funds available for rights-of-way for flood control purposes, unless the county road commissioner recommends to the board of supervisors that the cost of relocating a particular county highway should be paid from funds appropriated for county highway purposes, and the board of supervisors, upon said recommendation, finds that the relocating of said highway is of general benefit to the county.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(l) To make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(q) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to

construct any and all necessary drains or any other works and do any and every lawful act necessary to be done that the lands and other property within the district may be drained and protected from the effects of water, to maintain, repair, improve or protect any drains or other works which are deemed necessary, to do any and all works necessary for the drainage of the lands of the district, to locate and acquire land needed for rights-of-way, including drains, canals, sloughs, water gates, embankments and watercourses, and to construct works necessary to provide drains, canals, sloughs, water gates, embankments and watercourses and to provide the materials for said construction; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to do any act necessary to furnish sufficient water in the district for any present or future beneficial use, to sell water for the benefit of the district, conserve water for future use, and appropriate, acquire, and conserve water and water rights for any useful purpose, to operate works and exercise water rights, property rights and privileges useful or necessary to convey, supply, sell, or make use of water for any purpose authorized herein, to supply, provide, and transport water for recreational purposes within or without the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; and to fix rates and charges for such purposes, all revenues received from the collection of the rates and charges as fixed to be used as follows: (a) to pay interest on a bonded debt; (b) so far as possible, provide a fund for the payment of the principal of the bonded debt as it becomes due; (c) pay the operating expenses of the district; (d) pay repairs and depreciation of works owned or operated by the district.

(r) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902 and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division II of the Water Code, not inconsistent with the provisions of this act.

(s) To prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise make available, as security or additional security for the payment of any revenue bonds issued by the district any and all revenues received or receivable from any services or facilities furnished by it.

The district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

The district may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the district determines.

The district may provide for a basic penalty of not more than 10 percent for non-payment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for. [Amended by Stats 1951 ch 1344 § 1 p 3234; Stats 1953 ch 524 § 1 p 1766; Stats 1965 ch 536 § 1 p 185, effective June 4, 1965.]

§ 3.5. Same: Adoption of ordinances, resolutions and other legislative acts: Power to contract with United States, State of California, and other political subdivisions, for acquisition of property or construction, maintenance and operation of works. The board of directors of the district shall have the power to adopt ordinances, resolutions, and other legislative acts, as provided in Section 7, and in addition to the power to enter into contracts for and on behalf of the district, as provided in Section 3 of this act, shall have the power to make and enter into contracts for and on behalf of any zone created under and in accordance with the provisions of this act with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights for the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act. [Added by Stats 1957 ch 1515 § 1 p 2860.]

§ 3.6. Power to perform acts necessary to diversion, transportation, etc. of water. The district may construct works and do any and all acts necessary to divert, transport, sell, or otherwise furnish water for beneficial uses within or without the district. [Added by Stats 1959 ch 2126 § 6 p 5007.]

§ 3.7. Power to produce, sell, etc., surface and ground water. The district may produce, store, transmit, distribute, and sell or otherwise dispose of surface and ground water. [Added by Stats 1961 ch 861 § 1 p 2262, effective June 26, 1961.]

§ 3.8. Recreation facilities. The district may provide, operate, and maintain recreation in connection with flood control and water conservation works within the jurisdiction of the district. [Added by Stats 1961 ch 861 § 2 p 2263, effective June 26, 1961.]

§ 4. Board of district. The Board of Supervisors of the County of Sonoma shall be, and they are hereby designated as, and empowered to act as, ex officio the board of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. The board may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. The members of the board of directors of the district shall receive no compensation for their services as such, but each shall receive his actual and necessary expenses in the performance of his duties under this act, payable from the fund of said district. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein. [Amended by Stats 1957 ch 1493 § 1 p 2818; Stats 1961 ch 951 § 1 p 2593; Stats 1965 ch 621 § 2 p 1958, operative January 1, 1967.]

§ 5. [Repealed by Stats 1970 ch 447 § 51.]

§ 6. Officers, assistants, deputies, clerks and employees. The county administrator, county clerk, county assessor, county tax collector, county auditor, county treasurer, county counsel, county purchasing agent, district attorney, their successors in office, and their assistants, deputies, clerks, and employees shall be,

unless otherwise provided by the board of directors, ex officio such officials of the district, and shall respectively perform, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act. [Amended by Stats 1963 ch 1382 § 1 p 2922.]

§ 7. Adoption, certification, recordation and publication of ordinances, resolutions and other legislative acts: Exclusion of city territory from ordinance: Initiative and referendum powers granted electors of district. In carrying out the objectives and purposes of this act and exercising the powers of the district, the board may adopt ordinances, resolutions and take such other legislative action as is not in conflict with the Constitution and this act. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

If, prior to taking final action on adoption of an ordinance which would affect and include lands lying within the exterior boundaries of any chartered or incorporated city within the district, the board of directors of the district receives a resolution or ordinance adopted by a majority of the members of the governing body of such city requesting exclusion of such city territory from the ordinance, the board shall exclude such territory from the ordinance. Lacking such request for exclusion from an ordinance, an ordinance adopted by the board of directors of the district shall be equally effective within the incorporated and unincorporated areas of the district.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejection of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties. [Amended by Stats 1957 ch 1515 § 2 p 2860; Stats 1963 ch 1382 § 2 p 2923.]

§ 8. Claims against district. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. [Added by Stats 1959 ch 1728 § 44 p 4167; Amended by Stats 1963 ch 1715 § 142 p 3421.]

See note to Act 6808 § 34.

Former § 8, also relating to claims, was repealed by Stats 1959 ch 1728 § 43 p 4167.

§ 9. Property. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein. If the board determines by resolution duly passed and entered in its minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to water rights held by the district shall not be conveyed or alienated except by vote of the electors at an election held for that purpose; provided, however, that the district may, upon a finding by the board that such disposition will not adversely affect the district in any respect, and without compliance with provisions of law governing sale of property by counties, release or convey any right-of-way or easement to other public agencies, with or without consideration, or, for an adequate consideration, to any nonpublic person, corporation or association. The consideration for any such release or conveyance, or the adequacy thereof, or whether such release or conveyance shall be made

to a public agency without consideration, shall be determined by a four-fifths vote of the board at a meeting of the board after the board has considered such release or conveyance as a scheduled agenda item at not less than two of its regularly scheduled meetings. Nothing contained in this section, however, shall be deemed or construed to prevent the board by majority vote thereof from entering into a contract or contracts binding the district to provide a firm supply of water either within or without the boundaries of the district to any person, firm, corporation, municipal corporation or any other agency whatsoever without either a vote of the electorate or compliance with the law relating to the sale of property of counties. [Amended by Stats 1959 ch 2126 § 1 p 5002; Stats 1965 ch 536 § 2 p 1855, effective June 4, 1965.]

§ 10. Construction contracts. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand five hundred dollars (\$2,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids.

In the event no proposals are received pursuant to advertisement therefor, or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work authorized and required under circumstances referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars (\$2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States or the State of California or other governmental agency under the authority of Section 3, or to a contract authorized by a vote of the electorate of the district.

Nothing contained in this section shall be deemed to preclude the district from, and the district is hereby authorized to, rent or otherwise contract for equipment with or without an operator and use the same upon works of the district; provided, such contract is approved by the board. [Amended by Stats 1959 ch 2126 § 2 p 5003.]

§ 11. Limitation upon indebtedness. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States, the State of California, or other governmental agencies, including the repayment of loans from the United States or the state for projects in which the United States or the state has participated and for the maintenance, operation, and capital improvement of such projects, nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose, nor to the incurring



of any indebtedness or liability repayable entirely out of revenues derived or to be derived from the sale of water pursuant to Section 30.17 or otherwise, nor to the incurring of any indebtedness or liability incurred during one fiscal year and repayable during the following fiscal year to provide funds for highway and utility relocations and purchase of lands, easements, and rights-of-way required for flood control or water conservation projects approved by the United States and the State of California as to which the district is eligible for reimbursement of the cost of highway and utility relocations and lands, easements, and rights-of-way during the following fiscal year under provisions of Part 6 (commencing with Section 12570) of Division 6 of the Water Code [Amended by Stats 1961 ch 957 § 1 p 2600; Stats 1965 ch 536 § 3 p 1856, effective June 4, 1965.]

§ 12. Levy and collection of additional tax: Purposes: Increase of tax rate. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of fifteen cents (\$.15) on each one hundred dollars (\$100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay for the construction of new projects of the district or the maintenance, repair, or extension of any projects in the district or to accumulate reserves to expend for any of such purposes in subsequent fiscal years; or to pay the costs and expenses of surveys, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published; all costs and expenses of legal actions or proceedings; the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes; and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes. [Amended by Stats 1951 ch 1344 § 2 p 3238; Stats 1953 ch 524 § 1.5 p 1770; Stats 1st Ex Sess 1956 ch 43 § 1 p 384, effective April 16, 1956; Stats 1957 ch 1826 § 1 p 3223, effective July 9, 1957; Stats 1965 ch 536 § 4 p 1856, effective June 4, 1965.]

§ 12.1. [Added by Stats 1961 ch 861 § 4 p 2263, effective June 26, 1961; Repealed by Stats 1965 ch 536 § 5 p 1857, effective June 4, 1965.] Former § 12.1, relating to same subject matter, was added by Stats 1st Ex Sess 1956 ch 43 § 2 p 385, effective April 16, 1956, and repealed by Stats 1961 ch 861 § 3 p 2263, effective June 26, 1961.

§ 12.2. Levy and collection of additional tax: Tax to pay costs under California Water Plan. The board in any year shall have the power to levy a tax upon the taxable property in the district, which shall be in addition to other taxes of the district levied pursuant to Section 12 of this act and shall be in addition to other taxes of the district or any zone within the district levied pursuant to any other provision of this act. The tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, to pay or otherwise meet the district's contractual obligation or undertaking to the federal government or the federal government and the State of California of the project for Russian River, Dry Creek, California, as authorized by act of Congress approved October 23, 1962, Public Law 87--874, 87th Congress, 2d Session, 76 Stat 1173, and the proposed project in Knights Valley, Russian River Basin, with dams on Maacama and Franz Creeks, and the proposed project on Big Sulphur Creek, or to the State of California of the cost of construction, operation, and maintenance of elements of the California Water Plan to the extent that the elements of that plan may be constructed, operated and maintained, as a cooperative undertaking with Napa and Solano Counties and local retail water agencies in Sonoma County, to deliver water to the district. [Added by Stats 1961 ch 861 § 6 p 2263, effective June 26, 1961; Amended by Stats 1963 ch 1382 § 3 p 2923; Stats 1965 ch 536 § 6 p 1857, effective June 4, 1965.]

Former § 12.2, relating to same subject matter, was added by Stats 1959 ch 1231 § 1 p 3311 and repealed by Stats 1961 ch 861 § 6 p 2263 effective June 26, 1961.

§ 13. [Repealed by Stats 1951 ch 1344 § 3 p 3238.]

§ 13.1. Establishment of zones within district: Annexation of territory: Withdrawal of territory or termination. The board may establish zones, or annex new territory to an existing zone, within the district to undertake any project or works of improvement. As used in Sections 13.1 to 13.9, inclusive, of this act, "works of improvement" includes, without limitation as to the generality thereof, construction of new works, and repair, or reconstruction of existing works.

Proceedings for the establishment of a zone or annexation of territory to a zone may be instituted by the board, by resolution, on its own initiative and shall be instituted by the board upon receipt of a petition requesting the formation, or annexation to, of a zone and signed by not less than 25 percent of the owners of real property in the territory proposed to be included within the zone as shown by the last equalized assessment roll of the county. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to number of signatures.

The procedure for undertaking projects or works of improvement through the creation of zones, or annexation to zones is an alternate method for undertaking district projects and shall not affect or limit any other provisions of law authorizing or providing for undertaking such projects or works of improvement by the district as a whole.

A zone may be created and exist within a zone under this act. A zone including all or any part of an existing zone may be created and exist without destruction of such existing zone, except that the aggregate zone tax on such land included within two or more zones shall not exceed twenty-five cents (\$.25) on each one hundred dollars (\$100) of assessed valuation, exclusive of any tax to pay principal and interest on bonded indebtedness of a zone, unless such excess tax is authorized by a majority of votes cast at an election held as follows within such area of land included within two or more zones. The board may, by resolution, call an election within an area included within two or more zones created under this act for the purpose of proposing the question whether or not assessments in excess of twenty-five cents (\$.25) on each one hundred dollars (\$100) of assessed valuation shall be levied within such area so included within two or more zones, prescribing the notice, time, place and manner of conducting the election which shall be as nearly as practicable in conformity with the provisions of the Elections Code relating to general elections. Notice of the time, places and purpose of the election shall be given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places within such area.

Where all or any part of an area within a second or subsequent zone is also within the boundaries of a pre-existing zone or zones, the limit of the assessment for such zone, exclusive of any tax to pay principal and interest on bonded indebtedness of a zone, shall not exceed an amount equal to the difference between the assessments of the pre-existing zone or zones and twenty-five cents (\$.25) on each one hundred dollars (\$100) of assessed valuation unless a higher rate is authorized by a majority of the vote cast at an election held as provided in this section within the area of the land included in two or more zones. The question of whether or not assessments may be made in excess of twenty-five cents (\$.25) on each one hundred dollars (\$100) may be submitted to the voters at the time of the formation of the zone or at any time thereafter.

Withdrawal of territory from a zone or termination after payment of all debts of a zone may be accomplished on order of the board after notice and hearing before the board and findings by the board as hereinafter indicated either upon the board's own initiative or after receiving of a petition therefor signed by owners of not less than 25 percent of the assessed valuation or by not less than 25 percent of the owners of real property in the territory proposed to be withdrawn or the zone proposed to be

terminated as the case may be, and determination by the board that the territory proposed to be withdrawn will receive no benefit from remaining within the zone or that the land included within a zone will receive no benefit from continuation of the zone as the case may be. Within 30 days after receiving such a petition bearing the requisite number of signatures or immediately upon determination on its own initiative that proceedings for withdrawal of territory from a zone or termination of a zone should be instituted the board shall adopt a resolution of intention to consider the withdrawal of territory or termination of zone setting forth the name of the zone and describing the territory proposed to be withdrawn or stating the proposal to terminate the zone as the case may be and stating the time and place for a public hearing at which the board will consider such proposal, which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution. The clerk of the board shall publish the resolution which shall constitute a notice of hearing at least once not closer than seven days prior to the date of the hearing in a newspaper of general circulation printed and published within the district. Copies of such resolution entitled "Notice of Hearing" in bold letters at least one inch in height shall also be posted in not less than three public places within the zone at least two weeks before the date set for hearing. If written protest is filed with the clerk by the owners of real property within the zone in excess of 50 percent of the owners of land within the zone as shown by the last equalized assessment roll of the county, the proceeding shall be abandoned. In the absence of such protest the board shall hear all persons interested in or protesting the proposal and if in the opinion of the board the territory proposed to be withdrawn will receive no benefit from remaining in the zone or the land included within a zone will receive no benefit from continuation of the zone as the case may be the board shall enter its order withdrawing such territory from the zone or terminating the zone as the case may be. Any territory withdrawn from a zone shall remain liable for assessment pursuant to Section 28 of this act for payment of interest and principal on any bonded indebtedness of the zone and discharge of contractual obligations existing or authorized prior to such withdrawal, except that land removed from one zone and attached to another zone pursuant to the authority of Section 13.15 of this act may be relieved of liability for assessment for discharge of contractual obligations other than bonded indebtedness of the zone from which said land is so removed by such boundary adjustment. All assets of a zone which is terminated shall be paid and belong to any remaining zone whose boundaries overlap those of the terminated zone or, should there be more than one, to all remaining zones in proportion to the area overlapping the terminated zone, or, if no zone remains, to the general fund of district.

The board shall be and it is hereby designated as, and empowered to act as, ex officio the board of directors of any zone created under this act and shall exercise the powers of any zone created under this act, and may perform all other acts necessary or proper, in its discretion, to accomplish the purposes of such a zone created under this act. [Added by Stats 1953 ch 524 § 2 p 1770; Amended by Stats 1957 ch 1515 § 3 p 2860; Stats 1959 ch 2126 § 3 p 5004; Stats 1965 ch 536 § 7 p 1857, effective June 4, 1965.]

§ 13.2 Same: Petition: Requisites. A petition requesting the formation of a zone for the institution of a project of works of improvement shall:

- (a) Request the board to institute proceedings to establish the zone.
- (b) Describe the boundaries of the territory which is proposed for inclusion in the zone.
- (c) State the specific project or works of improvement for which the zone is to be created. [Added by Stats 1953 ch 524 § 3 p 1771.]

§ 13.3 Same: Submission of proposed boundaries. Before a petition is circulated, the proposed boundaries of the zone shall be submitted to the county boundary commission for recommendation and report as provided in Chapter 3, Title 6, of the Government Code. [Added by Stats 1953 ch 524 § 4 p 1771.]

§ 13.4 Same: Engineer's report. Prior to the hearing on the proposal to establish any zone or annex territory to a zone, the board shall direct the chief engineer of the district to make and file a report with the board which shall show a general description of the type of project or works of improvement for which the zone is to be created or extended.

The report shall be considered by the board which may either accept the report as filed or refer it back to the chief engineer of the district for consideration of such modification or change as the board deems necessary in the best interests of the district. [Added by Stats 1953 ch 524 § 5 p 1771; Amended by Stats 1957 ch 1515 § 4 p 2862; Stats 1959 ch 2126 § 4 p 5006.]

§ 13.5 Same: Resolution of intention to establish zone or annex additional territory thereto. Within 30 days after receiving an engineer's report on the proposal to establish a zone or annex additional territory to a zone, which report is satisfactory to the board, the board shall adopt a resolution of intention to establish a zone or annex additional territory to a zone as the case may be, which resolution shall contain the following:

(a) A statement that a zone is proposed to be established or expanded as the case may be under the terms of this act and describing the boundaries of the territory proposed for inclusion in the zone.

(b) A statement as to the name proposed for the zone in substantially the following form: "Sonoma County Flood Control and Water Conservation District, Zone No. . . . ."

(c) A general description of the type of project or works of improvement for which the zone is to be created and a general estimate of the rate of assessment which must be levied to secure funds for the type of project or works of improvement proposed, which will be levied annually upon all taxable real property within the zone.

(d) A statement of the time and place for a public hearing at which the board will consider the establishing or expanding of the zone which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution. [Added by Stats 1953 ch 524 § 5.5 p 1771; Amended by Stats 1957 ch 1515 § 5 p 2862; Stats 1959 ch 2126 § 5 p 5006.]

§ 13.6 Same: Notice of hearing; Contents; Publication; Posting. The clerk of the board of supervisors shall publish a notice of hearing in the county pursuant to Section 6061 of the Government Code, at least seven days prior to the date of the hearing. Notice of the hearing shall also be posted in not less than three public places in the zone at least two weeks before the date of the hearing. The notice shall contain:

(a) The text of the resolution.

(b) A statement of the time and place of the hearing.

(c) A statement as to the place where the engineer's report may be examined.

(d) A statement that at the hearing all written protests against establishment of the zone will be considered and testimony of all interested persons for or against the establishment of the zone will be heard. [Added by Stats 1953 ch 524 § 6 p 1772; Amended by Stats 1957 ch 357 § 250 p 1112.]

§ 13.7 Same: Hearing and determination; Levy and expenditure of tax. At the hearing the board shall hear testimony of all interested persons for or against the establishment of the zone, the inclusion therein of any lands that would not be benefited or the failure to include any lands which would be benefited, and the undertaking of the project or works of improvement. The board shall also receive any written protests by any interested person concerning the establishment of the zone which are filed with the clerk of the board on or before the time fixed for the hearing. Written protests may be withdrawn at any time before the hearing. The hearing may be continued from time to time for a period not to exceed 60 days. At the conclusion of the hearing the board shall consider all testimony and protests presented to it concerning the establishment of the zone, and may, if it determines

it to be in the best interests of the district, establish the zone. If the board determines to establish the zone, it shall, by resolution, so declare and fix the boundaries and designate the projects or works of improvement to be performed therein. No land which will not be benefited in the opinion of the board or which was not described in the resolution of intention within the boundaries of the proposed zone shall be included in any zone or annexed to any existing zone. The board may without notice and hearing undertake additional works of improvement within an existing zone and all zones created under this act shall be deemed to be created for the purpose of undertaking any works of improvement authorized to be undertaken by the Sonoma County Flood Control and Water Conservation District or a zone created under this act which in the opinion of the board will be beneficial to the zone. The board may levy and use up to five cents (\$.05) of the tax authorized by Section 13.9 for undertaking such additional works of improvement. [Added by Stats 1953 ch 524 § 7 p 1772; Amended by Stats 1957 ch 1493 § 2 p 2818.]

§ 13.8 Written protests: Effect. If at any time before the establishment of a zone there is a written protest filed with the clerk by the owners of real property in excess of 50 percent of the assessed valuation of such property within the zone as shown by the last equalized assessment roll of the county, the proceedings shall be forthwith abandoned and the board shall not, for a period of one year from the filing of the written protest, initiate any proceedings to establish a zone for the same project or works of improvement as that proposed. [Added by Stats 1953 ch 524 § 8 p 1773.]

§ 13.9 Fixing rates of zone assessments: Levy of assessment. Each year at the time the board of supervisors fixes and levies taxes for county purposes, they shall also fix the rates of zone assessments and shall levy the assessment upon the zone. The rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, during the current fiscal year. The assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents (\$.25) on each one hundred dollars (\$100) of assessed valuation for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

The assessments levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other district taxes and assessments. All funds collected by reason of the assessment shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone assessment in excess of twenty-five cents (\$.25) on each one hundred dollars (\$100) of assessed valuation it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question as to whether or not the assessments in excess of twenty-five cents (\$.25) for each one hundred dollars (\$100) of excess valuation shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places in the zone. [Added by Stats 1953 ch 524 § 9 p 1773; Amended by Stats 1957 ch 357 § 25 p 1113; Stats 1965 ch 536 § 8 p 1860, effective June 4, 1965.]

§ 13.10 Resolution of necessity for issuance of bonds: Bond election: Votes necessary for issuance of bonds.

(1) Whenever the board determines that a bonded indebtedness should be

incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amount of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and maximum rate of interest of said bonds. The board shall cause a copy of the resolution duly certified by the clerk to be filed for record in the office of the Recorder of Sonoma County within five days after its issuance. From and after said filing of said copy of said resolution, the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether bonds shall be issued in the amount or amounts determined in said resolution for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from the revenue derived from annual taxes or assessments levied as provided in Section 13.14.

(3) Said board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such object and purposes and refer to the recorded copy of the resolution adopted by said board and on file with the county recorder for particulars; and the resolution calling the election shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness and shall fix the date on which such special election shall be held and the form and content of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 6 percent per annum. For the purpose of said election, the board shall, in its resolution calling the election, establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct and shall designate a polling place and appoint one inspector and one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements, and cause the said map to be posted in a prominent place in the county courthouse for public inspection at least 30 days before the date fixed for such election. The resolution calling the special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation published in the district, and deemed by the board most likely to give notice to the voters, for six consecutive times if published in a daily newspaper of general circulation or two times if published in a weekly newspaper of general circulation. No other notice of such election need be given nor need any polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election.

Where a project affects a single zone only, if at such election two-thirds of the vote cast in said zone on the proposition of incurring bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in the proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds of the

votes cast on the proposition in each such participating zone are in favor of incurring bonded indebtedness to be undertaken by such zone. [Added by Stats 1st Ex Sess 1956 ch 6 § 1 p 284, effective April 5, 1956; Amended by Stats 1969 ch 656 § 2.]

§ 13.11 Form of bonds: Time and place of payment: Series bonds: Final maturity date: Denominations: Rate of interest: Signatures: Coupons. The board shall, pursuant to the provisions of this act, prescribe by resolution the form of the bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semi-annually at the discretion of the board each and every year on a day and date at a place or places to be fixed by said board and designated in such bonds, together with interest on all sums unpaid on such date until the whole of said indebtedness shall be paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of another series. The maturity of each series shall comply with this section. The board may fix a date not more than two years from the date of issuance for the earliest maturity of each issue or series of bonds beginning with the date of the earliest maturity of each issue or series; not less than one-fourtieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board shall determine except that no bond shall be of a less denomination than one hundred dollars (\$100) nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the date at the place fixed in said bonds and at the interest rate specified in said bonds, which rate shall not be in excess of 6 percent per annum and shall be made payable annually or semiannually. Said bonds shall be numbered consecutively and shall be signed by the chairman of the board and countersigned by the auditor of said district and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of such bonds shall be numbered consecutively and signed by said auditor or by said auditor by his printed, engraved or lithographed signature. In case any such officer whose signature or countersignatures appearing on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons and signatures and countersignatures shall nevertheless be valid and legal for all purposes. [Added by Stats 1st Ex Sess 1956 ch 6 § 2 p 286, effective April 5, 1956; Amended by Stats 1969 ch 656 § 3.]

§ 13.12 Issuance and sale of bonds: Disposition of proceeds. The board may issue and sell the bonds of any such zones authorized as hereinbefore authorized at not less than par value plus interest to date of delivery and the proceeds of the sale of such bonds shall be placed in the Treasury of the County of Sonoma to the credit of said district and the respective participating zones thereof for the uses and purposes of the zone or zones voting said bonds, and the proper record of such transaction shall be placed upon the books of said county treasurer and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the resolution calling for such special bond election as aforesaid subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Sonoma. [Added by Stats 1st Ex Sess 1956 ch 6 § 3 p 287, effective April 5, 1956.]

§ 13.13 Source of revenue for payment of bonds and interest: Liability for indebtedness of other zone: Use for payment of indebtedness of other zone forbidden. Any zone bonds issued under the provisions of this act and the interest thereon shall be paid by revenue derived from an annual tax or assessment levied as provided in Section 13.14 of this act. No zone nor the property therein shall be liable for the

bonded indebtedness of any other zone nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest, or otherwise of the bonded indebtedness chargeable to any other zone. [Added by Stats 1st Ex Sess 1956 ch 6 § 4 p 287, effective April 5, 1956.]

§ 13.14 Tax for payment of interest and principal: Levy and collection:  
Manner of payment of principal and interest. The board shall levy a tax or assessment each year, which shall be in addition to any assessment levy under Section 13.9 of this act, sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time of making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes and when collected shall be paid in to the County Treasury of said Sonoma County to the credit of the zone of issuance and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer of said Sonoma County in a manner provided by law for the payment of principal and interest on bonds of said county. [Added by Stats 1st Ex Sess 1956 ch 6 § 5 p 287, effective April 5, 1956.]

§ 13.15 Ratification and validation of prior proceedings creating zones:  
Description of zones. Proceedings heretofore had under this act creating the following described zones within the Sonoma County Flood Control and Water Conservation District are hereby ratified, confirmed and validated and, in addition thereto, said zones are hereby declared to exist for the purposes of and with the powers necessarily incident to the undertaking within the boundaries of said zone of any projects or works of improvement authorized to be undertaken by the Sonoma County Flood Control and Water Conservation District or which could be authorized to be undertaken by a zone created under this act notwithstanding any defect in or lack of ability to obtain such broad powers for such zones through said proceedings heretofore had; provided, that the zone assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents (\$0.25) on each one hundred dollars (\$100) of assessed valuation for any and all of such zone projects or works of improvement exclusive of the tax necessary to pay principal and interest on such zone bonded indebtedness, unless the excess has been authorized at an election as provided in Section 13.9 of this act.

Such zones created and declared are particularly described as follows:

Zone No. 1-A, Laguna-Mark West. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River through Mark West Creek and/or the Laguna de Santa Rosa together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 1-A, Laguna-Mark West" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 3, Sonoma County Records.

Zone No. 2-A, Petaluma Basin. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to San Pablo Bay through Petaluma Creek otherwise known as Petaluma River together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 2-A, Petaluma Basin" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 8, Sonoma County Records.

Zone No. 3-A, Valley of the Moon. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed of Sonoma Creek which lies generally to the north of Shellville together with certain neighboring abutting land thereto, such land being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 3-A, Valley of the Moon" description of boundaries recorded in the office of the



County Recorder of Sonoma County in Official Records, Book 2252, beginning at page 718, Sonoma County Records.

Zone No. 5-A, Lower Russian River. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River downstream from State Highway 101 bridge at Healdsburg together with certain neighboring closely abutting lands thereof excluding the lands tributary to the Russian River through Mark West Creek and Laguna de Santa Rosa and through Dry Creek, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 5-A, Lower Russian River" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 14, Sonoma County Records.

Zone No. 7-A, North Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, northerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 7-A, North Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 19, Sonoma County Records.

Zone No. 8-A, South Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, southerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 8-A, South Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 21, Sonoma County Records.

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that fifty percent (50%) or more of the area of a particular parcel of land in one ownership lies within another of the foregoing zones instead of the zone within which it has theretofore been contained and upon request for adjustment of zone boundaries made by the owners of record of such parcel, subdivide said parcel and appropriately adjust the boundaries of said zones to include within each the land lying within the principal watersheds thereof or transfer the entire parcel into the zone within which more than fifty percent (50%) of the area of such parcel is contained notwithstanding any other provision of this act.

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that all of the area of a particular parcel of land in one ownership lies outside of the watershed of the zone within which it is contained and upon request of the owner of record thereof that said land be excluded from such zone, exclude said land from said zone notwithstanding any other provision of this act. [Added by Stats 1959 ch 2126 § 7 p 5007; Amended by Stats 1965 ch 536 § 9 p 1861, effective June 4, 1965; Stats 1967 ch 349 § 1 p 1548, effective June 20, 1967.]

§ 14. Bonds: Estimate and determination of amount necessary to carry out provisions of act. The board must estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

The surveys, examinations, drawings, plans, and estimate may provide that the works necessary for a completed project may be constructed progressively during a period of years. Such report may cover one or more separate projects or works of improvement all designed to carry out the provisions of this act.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board shall determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, shall make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient may be included to cover the cost of inspection of works in course of construction. [Amended by Stats 1951 ch 1344 § 4 p 3238; Stats 1955 ch 345 S 1 p 801, effective May 5, 1955.]

*Note--Stats 1955 ch 345 also provides § 5. All acts and proceedings taken by or on behalf of the board of the Sonoma County Flood Control and Water Conservation District under the Sonoma County Flood Control and Water Conservation District Act for or in connection with the calling or holding of any election for the issuance of bonds of said district are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of said board and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization of such bonds. If any election has heretofore been called for the purpose of submitting to the voters of the district the proposition of issuing bonds in order to carry out the provisions of said act, such bonds, if authorized by the required vote in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of said district.*

§ 15. [Repealed by Stats 1951 ch 1344 § 5 p 3238.]

§ 16. Same: Propositions to be submitted to voters: Election. After the adoption of said report and estimate of the amount of money required to be raised the board shall call a special election and submit to the qualified voters of said district a proposition or propositions of incurring bonded indebtedness in order to carry out the provisions of this act.

Several separate propositions of incurring bonded indebtedness may be submitted separately to the voters at the same election if such respective propositions are separately stated in the resolution calling the election and on the ballot to be used at the election.

The resolution calling the special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes; and said resolution shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 6 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election all persons whose names appear on the last great register of County of Sonoma as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published in the district pursuant to Section 6062 of the Government Code. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election, two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Notwithstanding any other provision of this act, a majority vote shall be sufficient to authorize the issuance of revenue bonds, except when a vote of the electorate is not required by the provisions of Section 30.17, and a two-thirds vote shall be required only for the issuance of general obligation bonds. [Amended by Stats 1951 ch 1344 § 6 p 3238; Stats 1953 ch 524 § 10 p 1774; Stats 1955 ch 345 § 2 p 801, effective May 5, 1955; Stats 1957 ch 357 § 252 p 1113; Stats 1961 ch 861 § 7 p 2264, effective June 26, 1961; Stats 1969 ch 656 § 4.]  
See note to § 14.

§ 17. Same: Failure of proposition: Subsequent election. Should the proposition be submitted to the electorate as provided in Section 16 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for six months after such election call or order another election in the district for the same purposes. [Amended by Stats 1951 ch 1344 § 7 p 3239.]

§ 18. [Repealed by Stats 1951 ch 1344 § 8 p 3239.]

§ 19. Same: Form of bonds and coupons: Interest rate: Maturity: Places of payment. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 6 percent per annum. The board may divide any authorized issue into one or more series and fix different dates for the bonds of each such series. The bonds of each such series shall mature serially and become payable in not to exceed 40 years from the date of each such series in such amounts as the board may fix; provided, that the earliest maturity of bonds of any series shall not be more than five years from the date of such series. The board shall fix the place, or places (which may be within or without the State of California and which shall be designated in said bonds) where said bonds together with the interest thereon shall be payable.

Callable bonds may be redeemed in such amounts and manner and at such prices as the board may prescribe by resolution [Amended by Stats 1953 ch 524 § 11 p 1775; Stats 1955 ch 345 § 3 p 802, effective May 5, 1955; Stats 1969 ch 656 § 5.]  
See note to § 14.

§ 20. Same: Denominations: Payment: Signatures and countersignatures. The bonds shall be issued in such denominations as the said board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one instalment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the

delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

§ 21. Same: Action to determine validity of bonds. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. [Amended by Stats 1961 ch 1507 § 1 p 3354.]

§ 22. Same: Sale of bonds. The district may sell the whole, or from time to time any part, of the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication pursuant to Section 6061 of the Government Code of notice of sale, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof. [Amended by Stats 1953 ch 524 § 12 p 1775; Stats 1955 ch 345 § 4 p 803, effective May 5, 1955; Stats 1957 ch 357 § 253 p 1114.]  
See note to § 14.

§ 23. Same: Temporary investment of sinking fund. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily re-invested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be cancelled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

§ 24. Same: Bonds as evidence of regularity of proceedings: Errors, etc., not to void proceedings: Payment of bonds. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

§ 25. Same: Bonds to be legal investments. Any bonds which shall be issued under the provisions of this act, shall be legal investments for all trust

funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within the State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used.

§ 26. Same: Disposition of proceeds of sale of bonds. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Sonoma, and be paid out by him only upon authority of the board and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Notwithstanding any other provisions of this act the board may, in a resolution relating to the issuance of revenue bonds, designate a trustee, fiscal agent or depository to receive the proceeds of sale of said revenue bonds or all or a part of any revenues received or to be received by the district from any enterprise of the district or from any services or facilities furnished or to be furnished the district, all as set forth in such resolution. Any such trustee, fiscal agent, or depository shall be a bank or trust company qualified to do business in the State. [Amended by Stats 1953 ch 524 § 13 p 1775.]

§ 27. Refunding bonds. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the

date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 28, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 25.

§ 28. Levy and collection of tax for payment of bonds. The board shall, at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied only upon all taxable real property, including both land and improvements thereon, within the district excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Sonoma as the basis for district taxes and have its taxes collected by the county officials of said county. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all real property within the district, which value shall be ascertained from the equalized roll of such county for that year.

The board shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax, and designate the number of cents upon each one hundred dollars (\$100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected, the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same

manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district shall be fixed by agreement between the board of supervisors of the County of Sonoma, and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund. [Amended by Stats 1951 ch 1344 § 9 p 3240; Stats 1953 ch 524 § 14 p 1775.]

§ 29. [Repealed by Stats 1951 ch 1344 § 10 p 3241.]

§ 30. [Amended by Stats 1951 ch 1344 § 11 p 3241; Repealed by Stats 1957 ch 1826 § 2 p 3223, effective July 9, 1957.]

§ 30.1 Improvements in streets and other public places for water supply and flood control: Assessment of cost. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights of way owned by the district, any work or improvement for supplying or distributing an irrigation, domestic, or other water supply or for fire protection or any work or improvement for controlling flood and storm waters within the district, or for providing, supplying, and transporting water for recreational purposes, any work or improvement in draining and protecting lands and other property within the district from the effects of water, and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any improvement district to be assessed therefor, which improvement district need not be composed of lands contiguous to each other. [Added by Stats 1951 ch 1344 § 12 p 3241.]

§ 30.2 Same: Assessment in accordance with Improvement Act of 1911. The work or improvement done pursuant to Section 30.1 shall be done and the cost thereof assessed and collected in accordance with the procedure and in pursuance of the provisions of the Improvement Act of 1911. [Added by Stats 1951 ch 1344 § 13 p 3242.]

§ 30.3 Municipal Improvement Act of 1913: Street Opening Act of 1903: Applicability. The Municipal Improvement Act of 1913 and the Street Opening Act of 1903 are also applicable to the district. [Added by Stats 1951 ch 1344 § 14 p 3242.]

§ 30.4 Improvement Bond Act of 1915: Applicability. The Improvement Bond Act of 1915 is also so applicable for use in conjunction with the improvement Act of 1911 or with other improvement acts. [Added by Stats 1951 ch 1344 § 15 p 3242.]

§ 30.5 Use of acts: Discussion of board of directors. Such acts or any of them may be used in the discretion of the board of directors in the construction of any work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder. [Added by Stats 1951 ch 1344 § 16 p 3242.]

§ 30.6 Additional notice under act. As an additional notice, a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor, if the improvement district or any part thereof is in unincorporated territory, and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory, and shall remain an official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof. [Added by Stats 1951 ch 1344 § 17 p 3242.]

§ 30.7 Improvement Act of 1911: Transfer of improvement to municipality. The district may enter into an agreement with any municipality within the district whereby any work or improvement constructed pursuant to the provisions of the Improvement Act of 1911 may be transferred to the municipality for operation and maintenance. The power to make such an agreement is conditioned upon a finding by the board that the residents of the district would be better served by such municipal operation and maintenance.[Added by Stats 1951 ch 1344 § 18 p 3242.]

§ 30.8 Meaning of terms when acts referred to in preceding sections apply. In the application of the acts referred to in all of the preceding sections 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, and 30.7, the terms used in those acts shall have the following meanings:

- (a) "City" refers to the Sonoma County Flood Control and Water Conservation District.
- (b) "City council" or "legislative body" refers to the Board of Directors of the Sonoma County Flood Control and Water Conservation District.
- (c) "Mayor" refers to the Chairman of the Board of Directors of the Sonoma County Flood Control and Water Conservation District.
- (d) "Clerk" refers to the Secretary of the Board of Directors of the Sonoma County Flood Control and Water Conservation District.
- (e) "Council chambers" refers to the place designated by the Board of Directors of the Sonoma County Flood Control and Water Conservation District for holding its regular meetings.
- (f) "Treasurer" refers to the Treasurer of the Sonoma County Flood Control and Water Conservation District.
- (g) "Auditor" refers to the Auditor of the Sonoma County Flood Control and Water Conservation District.
- (h) "Tax collector" means county tax collector.
- (i) "Superintendent of streets" or "street superintendent" and "city engineer" refer to the Engineer of the Sonoma County Flood Control and Water Conservation District.
- (j) "Right of way" refers to any parcel of land to which a right of way has been granted to the Sonoma County Flood Control and Water Conservation District.
- (k) All words relating to municipal officers and matters refer to the corresponding officers of the Sonoma County Flood Control and Water Conservation District.[Added by Stats 1951 ch 1344 § 19 p 3243.]

§ 30.9 Appointment of officer to serve as street superintendent or city engineer in laws referred to in § § 30.1 to 30.7. The board may appoint an officer, other than the engineer, without compensation as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in any law referred to in Sections 30.1 to 30.7, inclusive.[Added by Stats 1951 ch 1344 § 20 p 3243.]

§ 30.10 Engineer of work: Duties. The board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in any law referred to in Sections 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, and 30.7 shall be performed by the engineer of work whose compensation and expenses shall constitute an incidental expense in the cost of the work.[Added by Stats 1951 ch 1344 § 21 p 3243.]

§ 30.11 Same: Provisions for authority: Engineer's assessment. The board may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the materials used shall comply with his specifications and be to his satisfaction, and that he shall submit an assessment to board for confirmation.[Added by Stats 1951 ch 1344 § 22 p 3244.]

§ 30.12 Contract by engineer: Assessment and warrant recorded in engineer's office. The contract shall be entered into by the engineer, and the assessment and



warrant, when confirmed, shall be recorded in the office of the engineer.[Added by Stats 1951 ch 1344 § 23 p 3244.]

§ 30.13 Improvement districts: Manner of formation and government. Improvement districts may be formed in the district in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts. [Added by Stats 1951 ch 1344 § 24 p 3244.]

§ 30.14 Same: Rights, powers, duties, responsibilities of board. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the district as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.[Added by Stats 1951 ch 1344 § 25 p 3244.]

§ 30.15 Improvement district assessments: Levy, collection, and enforcement. Assessments in an improvement district in the district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.[Added by Stats 1951 ch 1344 § 26 p 3244.]

§ 30.16 Proceedings pursuant to Special Assessment Investigation, Limitation and Majority Protest Act of 1931: Prerequisite to action under § § 30.1-30.15. Notwithstanding any other provision of this act, no construction of any work or improvements shall be made or assessments levied or bonds issued therefor, under Sections 30.1 to 30.15, inclusive, of this act, without proceedings taken pursuant to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. [Added by Stats 1951 ch 1344 § 27 p 3244.]

§ 30.17 Issuance and sale of bonds pursuant to Gov C Div 2 Pt 1 Ch 6 Tit 5. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving, or financing any one or more revenue-producing enterprises for any one or more of the purposes for which the district has been formed. "Enterprise" as used in the section means a revenue-producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 of the Government Code and inasmuch as the district has previously authorized, issued, and sold general obligation bonds for the acquisition and construction of water production and transmission facilities pursuant to a vote of the electorate, the district may authorize, issue, and sell revenue bonds for the acquisition and construction, or acquisition or construction, of any water production and transmission, or water production or transmission, improvements in the following manner:

(a) The issuance of said bonds shall be authorized by ordinance adopted by not less than four-fifths of all the members of the board following a public hearing with notice as provided in this subdivision at which time all interested parties shall be given the opportunity to be heard. Such ordinance shall take effect upon its publication. Notice of the public hearing shall be published once in a newspaper of general circulation in the district not less than 30 days prior to the date of the hearing. An election need not be held within the district and it is unnecessary to secure the approval of the electors within the district for the issuance of bonds for the purposes and within the limitations of this Section 30.17.

(b) The clerk shall publish said ordinance once in a newspaper of general circulation printed in the district.

(c) Said ordinance shall specify the total amount, denomination, method of maturity, and the rate or maximum rate of interest of said bonds, and in general terms,

the acquisitions and improvements to be constructed thereby; and, in addition, shall contain such other and further provisions as in the judgment of the board are deemed advisable.

(d) The proceeds of said bonds shall be placed in an account in the treasury of the district to be entitled "Revenue Construction Fund No.....", and used exclusively for the objects and purposes mentioned in the ordinance.

(e) Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and in Articles 4, (commencing with Section 54400) to 11 (commencing with Section 54660), inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

Amended by Stats 1972 ch 139 § 1.

§ 31. Provisions of act directory: Errors in computation. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or instalment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

§ 32. Construction of act: Errors, etc., not affecting jurisdiction of board. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

§ 33. Separability provision. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 34. Citation of act. This act shall be known as the "Sonoma County Flood Control and Water Conservation District Act."

§ 35. Declaration of necessity for special law. The area of the district is subject to periodical floods during the rainy seasons precipitated by run-off of water through inadequate natural channels, stream beds and rivers, including but not limited to the waters of the Russian River and the streams tributary thereto, which waters are an important potential source of water for domestic, industrial and agricultural uses inside and outside the watersheds. During the dry season, said river would be without water if it were not for the foreign waters turned into the river. Recognizing this fact, the United States Army Engineers have made studies and recommendations for a proposed plan of improvement for flood control and allied purposes on the Russian River drainage basin located within the area of the district, and upon such recommendations, it is necessary that the district be zoned in such a manner to determine the varying benefits to property located within the district, of the percentage of costs to be split among the zones created, and that no general law contains provisions for the issuance of bonds and for the purpose of raising funds to assist in such work. The cost of adequate flood control and water conservation is beyond the means of the property owners and taxpayers of the district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is

recommended by the United States Government and it is desirable to immediately form a political entity to satisfactorily deal with the agency of the United States Government.

Investigation having shown conditions In the County of Sonoma to be peculiar to that county, it is hereby declared that a general law cannot be made applicable thereto and that the enactment of this special law is necessary for the conservation, development, control and use of said waters for the protection of life and property therein and for the public good. [Amended by Stats 1951 ch 1344 § 28 p 3244; Stats 1957 ch 1515 § 6 p 2863.]