

**Special District**

**YOLO COUNTY FLOOD CONTROL &  
WATER CONSERVATION DISTRICT**

**DISTRICT ACT**

**Published in West's Water Code Appendix as Chapter 65**  
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**\*\*Current as of September 13, 2007\*\***

#### **Note**

An Act creating the "Yolo County Flood Control and Water Conservation District" for the acquisition, 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.

(Stats.1951, c. 1657, p. 3772. Amended by Stats.1957, c. 1932 p. 3365; Stats. 1959, c. 1728, p. 4156; Stats.1961, c. 895, p. 2501, eff. June 30, 1961, c. 1511, p. 3356; Stats. 1963, c. 1062, p. 2504, c. 1715, p. 3369; Stats.1965, c. 660, p. 2026, eff. June 15, 1965; Stats.1968, c. 184, p. 471, eff. May 24, 1968; Stats.1975, c. 1276, op. July 1, 1976; Stats.1979, c. 58, eff. May 11, 1979, c. 1081; Stats.1983, c. 1189; Stats.1984, c. 1128; Stats.1994, c. 1010.)

## **§ 1. Creation of district; Name; Boundaries**

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

Beginning at the NW corner of Section 25, T. 9 N., R. 2 E., M.D.M., Yolo County, California, thence East and South along the North and East lines of said Section 25, to the SW corner of Section 30, T. 9 N., R. 3 E., M.D.M.; thence East along the South line of Sections 30 and 29, T. 9 N., R. 3 E., M.D.M., to the NE corner of Section 32, T. 9 N., R. 3 E., M.D.M.; thence South along the East line of Section 32, T. 9 N., R. 3 E., M.D.M., and Sections 5, 8, 17, 20 and 29 of T. 8 N., R. 3 E., M.D.M., to the SE corner of said Section 29; thence West along the South line of Sections 29 and 30, T. 8 N., R. 3 E., M.D.M., to the SW corner of said Section 30; thence North along the West line of Sections 30 and 19, T. 8 N., R. 3 E., M.D.M., to the intersection of the Yolo County line with the West line of said T. 8 N.; thence, along said county line, being in the center of the North Fork of Putah Creek, Westerly to the intersection of Putah Creek with the NEly line of Lot 19, of Rancho Rio Del Los Putos; thence, Northwesterly along said NEly line, to a point on the East line of Section 30, T. 8 N., R. 1 W., M.D.M.; thence, North along the East line of Sections 30, 19, 18 and 7, T. 8 N., R. 1 W., M.D.M., to the NE corner of said Section 7; thence, along the South and East line of Section 5, T. 8 N., R. 1 W., M.D.M., East and North to the NE corner of said Section 5; thence, continuing North along the East line of Section 32, T. 9 N., R. 1 W., to the NE corner of said Section 32; thence, along the North line of said Section 32, West to the North quarter corner of said Section 32; thence, North to the North quarter corner of Section 29,

T. 9 N., R. 1 W.; M.D.M.; thence, West to the SW corner of Section 20, T. 9 N., R. 1 W.; thence, North to the West quarter corner of said Section 20; thence, East to the center of said Section 20; thence, North 461 to the North quarter corner of said Section 20; thence, West along the North line of said Section 20 to the NW corner thereof; thence, along the West line of Section 17, T. 9 N., R. 1 W., M.D.M., North to the NW corner of said Section 17; thence, along the South line of Section 7, T. 9 N., R. 1 W., M.D.M., West to the SW corner of said Section 7; thence, continuing West along the South line of Section 12, T. 9 N., R. 2 W., M.D.M., to the South quarter of said Section 12; thence, North to the North quarter corner of said Section 12; thence, West to the SW corner of Section 2, T. 9 N., R. 2 W., M.D.M.; thence, North to the West quarter corner of said Section 2; thence, East to the East quarter corner of said Section 2; thence, North to the NW corner of section 1, T. 9 N., R. 2 W., M.D.M.; thence, along the South line of Section 35, T. 10 N., R. 2 W., M.D.M., West to the South quarter corner of said Section 35; thence, North to the center of said Section 35; thence, West to the West quarter corner of said Section 35; thence, North along the West line and its Northerly extension of said Section 35, to a point on the Southerly boundary of Rancho Canada De Capay; thence, Northwesterly along said Southerly boundary to a point on the South line of fractional Section 13, T. 10 N., R. 3 W., M.D.M.; thence, West along the South line of said Section 13 and Section 14 to the SW corner of said Section 14; thence, North along the West line of said Section 14, and the West line of fractional Section 11, T. 10 N., R. 3 W., M.D.M., to the Closing Corner No. 10 of Rancho Canada De Capay; thence, Northwesterly along the Westerly boundary of Rancho Canada De Capay, to the South line of fractional Section 27, T. 11 N., R. 3 W., M.D.M.; thence, West and North along the South and West line of said fractional Section 27, to the point of intersection with the Westerly boundary of Rancho Canada De Capay; thence, Northwesterly along said Westerly boundary, to a point on the South line of Section 16, T. 11 N., R. 3 W., M.D.M.; thence, West along the South line of said Section 16, to the South quarter corner thereof; thence, North to the center of fractional Section 16, T. 11 N., R. 3 W., M.D.M.; thence, West to the West quarter corner of said Section 16; thence, North along the West line of said Section 16, to the NW corner thereof; thence, West along the South line of Section 8, T. 11 N., R. 3 W., M.D.M., to the West line of the East half of the East half of said Section 8; thence, North along said West line, to a point on the South line of fractional Section 5, T. 11 N., R. 3 W., M.D.M.; thence, West along the South line of said fractional Section 5, to the South quarter corner thereof; thence, North to a point on the South line of fractional Section 32, T. 12 N., R. 3 W., M.D.M.; thence, West along the South line of said fractional Section 32 and Section 31, T. 12 N., R. 3 W., M.D.M., to the South quarter corner of said Section 31; thence, North through Sections 31 and 30, T. 12 N., R. 3 W., M.D.M., to the center of said Section 30; thence, East to the intersection with the Westerly boundary of Rancho Canada De Capay; thence, Northwesterly along said Westerly boundary, to a point on said Westerly boundary that bears S. 110°30'E., 658 feet more or less from Closing Corner No. 2 of Rancho Canada De Capay; thence leaving said Westerly boundary, along the Ashley Survey Line to a point on the NEly boundary of said Rancho Canada De Capay near Closing Corner on the South line of Section 17, T. 12 N., R. 3 W., M.D.M.; thence, SEly along said Easterly boundary of Rancho Canada De Capay to the point of intersection with the centerline of Cache Creek in Section 5, T. 10 N., R. 2 W., M.D.M.; thence, along the centerline of Cache Creek, Northerly, Easterly and Southerly to a point on the South line of said Section 5; thence, East along the South line of said Section 5 and Section 4, T. 10 N., R. 2 W., M.D.M., to the SE corner of said Section 4; thence, North along the West line of Section 3, T. 10 N., R. 2 W., M.D.M. and Sections 34, 27, 22, T. 11 N., R. 2 W., M.D.M., to the NW corner of said Section 22; thence, East along the North line of said Section 22, to the NW corner of Section 23, T. 11 N., R. 2 W., M.D.M.; thence, East along the North line of Sections 23 and 24 to the NE corner of said Section 24; thence, East along the north line of Sections 19, 20 and 21, T. 11 N., R. 1 W., M.D.M., to the NE corner of said Section 21; thence, South along the East line of Sections 21, 28 and 33, to the SE corner of said Section

33, T. 11 N., R. 1 W., M.D.M.; thence, East along the North line of Sections 3, 2 and 1, T. 10 N., R. 1 W., M.D.M., to the NE corner said Section 1; thence, South along the East line of Sections 1, 12 and 13 to a point on the North boundary of the Guesisosi Grant; thence, Easterly along said North boundary to the NE corner thereof; thence, leaving said Grant line, Northeasterly along the Acacia Canal, to a point due South of the SE corner of Section 16, T. 10 N., R. 1 E., M.D.M.; thence, South to a point on the centerline of Cache Creek; thence, along the centerline of Cache Creek NEly and Easterly to a point on the Northerly extension of the East line of Section 23, T. 10 N., R. 2 E., M.D.M.; thence, South along the East line of Sections 23, 26 and 35 of T. 10 N., R. 2 E., M.D.M., to the SE corner of said Section 35; thence, continuing South along the East line of Sections 2, 11, 14 and 23, T. 9 N., R. 2 E., M.D.M., to the SE corner of said Section 23, being also the NW corner of Section 25, T. 9 N., R. 2 E., M.D.M., the point of beginning of this description.

(Stats.1951, c. 1657, p. 3772, § 1. Amended by Stats.1961, c. 895, p. 2502, § 1, eff. June 30, 1961; Stats.1963, c. 1062, p. 2504, § 1, eff. June 29, 1963.)

## **§ 2. Definitions**

As used in this act:

"District" means the Yolo County Flood Control and Water Conservation District.

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

(Stats.1951, c. 1657, p. 3772, § 2.)

## **§ 3. 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 the control and disposition of the storm and flood waters of said district 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 take 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, 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 exercise the right of eminent domain, either within or without the district, to take any property necessary to carry out any of the objects or purposes of this act.

No action in eminent domain to acquire property or interests therein outside the boundaries of Yolo County shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

**(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. Cost of relocating or otherwise changing any portion of a state highway shall not be paid from funds appropriated for state highway purposes, except that such funds may be used for betterment thereof in connection with such relocation or change.

**(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, powerplants, 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 establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general funds 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 contract 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, or the joint financing or use in whole or in part of any or all works and improvements provided in this act, including contracts with the State of California, the United States or any other public entity (1) for loans to finance planning, acquisition, construction, operation or maintenance of such works and improvements and lands, easements, and rights-of-way therefor, and (2) for grants for recreational or fish and wildlife enhancement benefits of such works and improvements, and to do any and all things required to carry out such contracts.

An action to determine the validity of any such contract may be commenced and prosecuted under the procedure set forth in Section 21 of 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 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, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

Water which is surplus to the needs of the lands and inhabitants within the district may be made available for beneficial use outside the district pursuant to rules and regulations prescribed under subdivision (v) of this Section 3.

**(r)** 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 conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within 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.

**(s)** To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Yolo, in the construction of any work for the controlling of flood or storm waters of or flowing into said

district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

**(t)** To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Yolo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Yolo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

**(u)** To commence, maintain, intervene in, defend and compromise in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any lands situated therein, or involving the wasteful use of water therein, to commence, maintain, intervene in, defend and compromise and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with or diminution of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; or for the declaration or adjudication of rights in such waters; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district

shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district; provided further, that this subdivision (u) shall not limit or impair in any manner whatsoever the right or rights of any landowner to commence, defend, or enter into any compromise agreement in regard to actions or proceedings respecting any water right or rights in which such landowner may have an interest.

**(v)** To prescribe reasonable rules and regulations and to fix and collect rates, tolls or charges for any water or service or facilities furnished, sold or leased by the district.

**(w)** To construct, operate, and maintain works to develop hydroelectric energy and transmission lines for the conveyance thereof. The power generated may be used by the district for its purposes, or for the production or transmission of water, but shall not be offered for sale directly by the district to customers other than to a public utility or another public agency. Notwithstanding any other provision of this act or any other provision of law, the power to construct, operate, or maintain works to develop hydroelectric energy and transmission lines for the conveyance thereof shall not include the acquisition of property or works employed in the generation of hydroelectric energy for public utility purposes, except by mutual agreement between the district and the owner of the property or works.

(Stats.1951, c. 1657, p. 3772, § 3. Amended by Stats.1961, c. 895, p. 2502, § 1.5; Stats. 1963, c. 1062, p. 2506, § 1.5, eff. June 29, 1963; Stats.1965, c. 660, p. 2026, § 1; Stats. 1975, c. 1276, p. 3518, § 29; Stats.1983, c. 1189, § 1.)

### ***§ 3.4. Indebtedness or obligation payable to federal government, agency, or instrumentality thereof; Interest, form, denomination, maturity, conditions***

Notwithstanding any other provision of this act or any law establishing limitations on the rate of interest of any indebtedness or obligation of the district, the rate of interest on any indebtedness or obligation of the district which is payable to the federal government or any agency or instrumentality thereof may be at a rate higher than the limitations established in any other law, if such rate is the rate established by the federal government or any instrumentality thereof. Any such indebtedness or obligation shall be in such form and denomination, have such maturity, and be subject to such conditions as may be prescribed by the federal government or agency or instrumentality thereof.

(Added by Stats.1979, c. 58, p. 140, § 1, eff. May 11, 1979.)

### ***§ 3.5. Power to co-operate and contract with United States; Incidental powers***

In addition to the powers set forth in Section 3, the district shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto, or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and 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 for said purposes the district shall have, in addition to the powers set forth elsewhere in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code.

(Added by Stats.1963, c. 1062, p. 2511, § 2, eff. June 29, 1963.)

### ***§ 3.6. Zones; Establishment by resolution; Boundaries; Projects for benefits of zones; Amendment of boundaries; Proceedings***

The board, by resolutions thereof adopted from time to time, may establish zones of benefit within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitle each of such zones by zone number. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitle each of such zones by zone number.

Proceedings for the establishment of such zones may, but need not, be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones as prescribed in Sections 14 and following of this act.

The assumption of any indebtedness which the district is authorized to incur may be by the entire district, or may be by a zone or zones thereof if less than the entire district will be benefited by the purpose for which such indebtedness is incurred. In the latter event any election required to authorize the indebtedness shall be held only within the affected zone or zones.

(Added by Stats.1963, c. 1062, 2512, § 3, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2031, § 2, eff. June 15, 1965.)

### ***§ 3.7. Zones including all or part of city; Filing resolution to establish zone with governing body of city; Information required in resolution***

If any proposed zone, whether established under Section 3.6 or under Sections 14 and following of this act, includes all or part of the territory of any city, the board shall adopt a resolution of intention to establish such zone and shall file a certified copy of such resolution with the governing body of such city in order that such governing body may be notified of the proposed zone. Said resolution shall include the information required for resolutions under Section 3.6 or Section 14 of this act, as the case may be.

(Added by Stats.1963, c. 1062, p. 2512, § 3.5, eff. June 29, 1963.)

### ***§ 3.8. Annexation to zone or improvement district***

Territory within the district may be annexed to a zone or an improvement district whether or not contiguous thereto, provided that such territory is not part of a zone or an

improvement district constituted for a similar purpose.

(Added by Stats.1979, c. 1081, p. 3872, § 1.)

### ***§ 3.9. Resolution initiating proceedings for annexation; Written protest; Hearing***

Except as provided in Section 3.20, to commence the procedure for annexation to a zone or an improvement district, the board shall adopt a resolution initiating proceedings for an annexation, which resolution shall include the following information:

**(a)** A description of the exterior boundaries of the territory proposed to be annexed.

**(b)** Whether the territory proposed to be annexed is inhabited, in that there reside within the territory 12 or more persons who have been registered to vote within such territory for at least 54 days prior to the date of adoption of the resolution, or uninhabited, in that there reside within the territory less than 12 persons who have been registered to vote within such territory for at least 54 days prior to the date of adoption of the resolution.

**(c)** The reason or reasons for the proposed annexation.

**(d)** Any terms or conditions of the proposed annexation.

**(e)** A time, date, and place of hearing on the proposed annexation.

**(f)** That any interested person desiring to make written protest against the annexation shall do so by written communication filed with the secretary not later than the hour set for the hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him. A written protest by a voter shall contain the residential address of the voter.

(Added by Stats.1979, c. 1081, p. 3872, § 2.)

### ***§ 3.10. Notice of hearing***

The secretary shall give notice of any such hearing by all of the following:

**(a)** Publication of the resolution initiating proceedings for annexation pursuant to Section 6066 of the Government Code in a newspaper of general circulation within the zone or improvement district, or if none, then within the district.

**(b)** Posting of the resolution initiating proceedings for annexation on or near the doors of the meeting place of the board or on any official bulletin board customarily used for the purpose of public notices.

**(c)** Mailing of the resolution initiating proceedings for annexation to all landowners owning land within the territory proposed to be annexed as shown upon the last equalized assessment roll of the county, at the address shown upon such assessment roll, and to all persons and counties, cities, or districts, which shall have theretofore filed a written request for special notice with the secretary.

Publication, posting, and mailing shall be completed at least seven days prior to the date set for hearing. Mailed notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

(Added by Stats.1979, c. 1081, 3872, § 3.)

### ***§ 3.11. Date and time of hearing; Continuations***

The hearing on the proposed annexation shall be held by the board upon the date and time specified in the resolution initiating proceedings for such annexation. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

(Added by Stats.1979, c. 1081, p. 3873, § 4.)

### ***§ 3.12. Hearing; protests, objections and evidence***

At such hearing the board shall hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

(Added by Stats.1979, c. 1081, p. 3873, § 5.)

### ***§ 3.13. Factors to be considered in proposed annexation***

Factors to be considered by the board in a proposed annexation shall include the following:

**(a)** Whether the proposed annexation will be for the interest of landowners and present or future inhabitants within the zone or improvement district and within the territory proposed to be annexed.

**(b)** Any other matters which the board deems material. Except as hereinafter provided, the board shall not be required to make any express recitals or findings concerning any of the factors considered by it.

(Added by Stats.1979, c. 1081, p. 3873, § 6.)

### ***§ 3.14. Power and duty of board to exclude lands***

In any proceedings for the annexation of territory, the board shall have the power and duty to exclude any lands proposed to be annexed which it finds will not be benefited by becoming a part of such zone or improvement district.

For the purpose of completing any such proceedings, any land so excluded shall no longer be considered a part of the territory proposed to be annexed.

(Added by Stats.1979, c. 1081, p. 3873, § 7.)

### ***§ 3.15. Abandonment of proposal due to majority protest***

A majority protest shall be deemed to exist and the proposed annexation shall be abandoned if the board shall find and declare by resolution that written protests filed not later than the hour set for the hearing, and not withdrawn prior to the conclusion of the hearing, represent the following:

**(a)** In the case of the annexation of inhabited territory, more than 50 percent of the registered voters residing within such territory.

**(b)** In the case of the annexation of uninhabited territory, more than 50 percent of the assessed value of land therein.

(Added by Stats.1979, c. 1081, p. 3873, § 8.)

### ***§ 3.16. Written protests; Board's determination of sufficiency***

**(a)** A written protest by a resident voter shall contain his signature and a street and number or designation sufficient to enable the place of residence to be readily ascertained. A protest by a landowner shall contain his signature and a description of the land owned by him sufficient to identify the same. A public agency owning land shall be deemed a landowner for the purpose of making a written protest and determining the existence of a majority protest.

**(b)** The board shall determine the sufficiency of written protests as follows:

**(1)** If the protests are signed by resident voters, the secretary shall compare the names of the signers on the protests against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of qualified signers appearing upon the protests.

**(2)** If the protests are signed by landowners, the secretary shall compare the names of the signers on the protests against the names of the persons shown as owners of land on the last equalized assessment roll of the county and ascertain therefrom:

**(A)** The total number of landowners owning land within the territory which is the subject of the proposed annexation and the total assessed valuation of all land within such territory.

**(B)** The total number of landowners represented by qualified signers and the total assessed valuation of land owned by qualified signers.

**(3)** If a protest is signed by a landowner which is a public agency owning land within the territory which is the subject of the proposed annexation, such public agency shall be deemed a landowner for the purpose of the signing and certification of such protest. Any such public agency may authorize such protest to be signed for and on its behalf by any duly authorized officer or employee.

**(4)** In examining any petition signed by a landowner, the secretary shall disregard the signature of any person not shown as owner on the last equalized assessment roll unless prior to certification the secretary shall be furnished with written evidence, satisfactory to the secretary, that such signer is a legal representative of the owner, is entitled to be shown as owner of land on the next assessment roll, is a purchaser of land under a recorded written agreement of sale, or is authorized to sign for and on behalf of any public agency owning land.

**(5)** If any person signing a protest as a landowner shall appear as owner on the last equalized assessment roll but be shown thereon as a partner, joint tenant, tenant in common or as husband or wife, the signature of such person shall be counted as if all such owners shown on such roll had signed.

(Added by Stats.1979, c. 1081, p. 3874, § 9.)

### ***§ 3.17. Adoption of resolution***

In an annexation proceeding, if a majority protest shall not have been filed, the board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution and make one of the following determinations:

**(a)** Disapproving the proposed annexation.

**(b)** Ordering the annexation in accordance with Sections 3.18, 3.19, and 3.20.

(Added by Stats.1979, c. 1081, p. 3875, § 10.)

### ***§ 3.18. Ordering annexation without election or subject to confirmation; Requisite findings***

The board may order such territory annexed to the zone or improvement district either without election or subject to confirmation by the voters upon the question of such annexation. The board shall not order any such annexation without election unless the board finds:

**(a)** In the case of uninhabited territory, that written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning not more than 25 percent of the assessed value of land therein.

**(b)** In the case of inhabited territory, that written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory owning not more than 25 percent of the assessed value of land therein and less than 25 percent of the registered voters residing within such territory.

(Added by Stats.1979, c. 1081, p. 3875, § 11.)

### ***§ 3.19. Resolution provision for election***



In any such resolution ordering an annexation of territory subject to confirmation by the voters, the board may provide for an election or elections to be called, held, and conducted upon such question only within the territory ordered to be annexed, or both within the territory ordered to be annexed and within all of the zone or improvement district.

(Added by Stats.1979, c. 1081, p. 3875, § 12.)

### ***§ 3.20. Annexation procedures where owners have given their written consent***

If all the owners of land within the territory proposed to be annexed have given their written consent to such annexation, the board may, by resolution, order such an annexation (1) without notice and hearing by the board, (2) without an election, or (3) without notice and hearing by the board and without an election.

(Added by Stats.1979, c. 1081, p. 3875, § 13.)

### ***§ 3.21. Resolution contents***

A resolution ordering an annexation shall describe the exterior boundaries of the territory annexed and shall contain all terms and conditions imposed upon such annexation.

(Added by Stats.1979, c. 1081, p. 3876, § 14.)

### ***§ 3.22. Results of election***

After the canvass of the returns of the election or elections on the question of the annexation, the board shall declare by resolution the total number of votes cast in the election or elections, and the number of votes cast for and against the annexation. The board shall adopt a resolution confirming the order of annexation, if a majority of the votes cast upon such questions are in favor of such annexation (a) at an election called only within the territory ordered to be annexed, or (b) at each election where one election was called within the territory ordered to be annexed and another election within all the zone or improvement district.

(Added by Stats.1979, c. 1081, p. 3876, § 15.)

### ***§ 3.23. Bar on renewing annexation proposal after termination***

If the proceedings for annexation are terminated, either by majority protest as provided in Section 3.15 or failure of the majority of voters to confirm the order at an election held pursuant to Section 3.19, no new proposal for the same or substantially the same plan of annexation may be initiated within one year after the date of adoption of the resolution terminating such proceedings.

(Added by Stats.1979, c. 1081, p. 3876, § 16.)

### ***§ 3.24. Filing of annexation resolution***

After the adoption of a resolution ordering such annexation, or a resolution confirming an order of annexation following an election thereon, the secretary shall file a certified copy thereof with a map of the territory thus annexed with the county tax collector and shall also make such filings as may be required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

(Added by Stats.1979, c. 1081, p. 3876, § 17.)

### ***§ 3.25. Annexed territory as subject to bond indebtedness***

Territory annexed to a zone or an improvement district shall be subject to existing bond issues and indebtedness of the zone or improvement district from and after the filing with the county tax collector specified in Section 3.24.

(Added by Stats.1979, c. 1081, p. 3876, § 18.)

### ***§ 3.26. Dissolution of zone or improvement district***

**(a)** Any zones or improvement districts created pursuant to this act may be dissolved in the following manner:

**(1)** The board may adopt a resolution specifying its intention to dissolve a zone or improvement district and fixing the time and place for a public hearing on the resolution; or

**(2)** A petition requesting dissolution signed by not less than 25 percent of the owners of the total assessed valuation of the real property within the zone or improvement district as shown by the last equalized assessment roll, or 25 percent of the registered voters residing within the zone or improvement district, may be addressed to and filed with the board. The petition may be filed in sections. Each section shall comply with all the requirements for a petition, except that any one section need not contain or repeat all the signatures required for the entire petition. Upon presentation and filing of a proper petition, the board shall fix the time and place for a public hearing thereon.

**(b)** A resolution or petition shall state the following:

**(1)** The name and number of the zone or improvement district.

**(2)** The reasons for dissolving the zone or improvement district.

**(3)** The facts showing compliance with subdivisions (e), (f), and (g) of this section.

**(c)** The board shall give notice of the resolution or petition prior to the date set for hearing by publication thereof in a newspaper of general circulation within the zone or improvement district, or if none, within the district, pursuant to Section 6066 of the Government Code. The notice shall state the following:

(1) The name of the zone or improvement district.

(2) That a resolution has been passed by the board declaring its intention to dissolve the zone or improvement district, or that a petition has been filed with the board requesting dissolution of the zone or improvement district.

(3) That the resolution or petition may be inspected at the district's office.

(4) The time and place for the public hearing on the resolution or petition.

(5) That protests will be considered at the hearing.

(d) At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the dissolution of the zone or improvement district. After the conclusion of the hearing, the board may by resolution dissolve the zone or improvement district. If no effective date for the dissolution is specified in the resolution, the dissolution shall be deemed effective as of the date of the resolution. If the zone or improvement district is not so dissolved, it shall be deemed to be continued in uninterrupted existence.

(e) A zone or improvement district may not be dissolved pursuant to this section until one of the following conditions exists:

(1) All debts, obligations and liabilities are paid in full.

(2) There is sufficient cash in the county or district treasury standing to the credit of such zone or improvement district to pay all debts, obligations, and liabilities in full as they become due.

(f) The dissolution of a zone or improvement district shall not relieve the property in such zone or improvement district from any debts, obligations, or liabilities for which it was liable at the time of the dissolution.

(g) Upon dissolution of a zone or improvement district, the right, title, and interest to any property or funds owned or controlled by, or held for or for the benefit of the zone or improvement district, whether in the county or district treasury or in any other place or manner, shall vest absolutely in the district and may be used for any district purposes. The successor district shall, immediately following the dissolution of a zone or improvement district, record with the county recorder of any county in which real property is located, a memorandum describing by metes and bounds all parcels of real property which have by reason of this section vested in the successor district and the name of the zone or improvement district which is dissolved.

(Added by Stats.1979, c. 1081, p. 3876, § 19.)

#### **§ 4. Power of board to levy and collect ground water charge for production of ground water within zone or zones; When election required**

The board shall have the power, in addition to the powers enumerated elsewhere in this act,

to levy and collect a ground water charge for the production of water from the ground water supplies on any and all land within the district, the ground water supply of which will be benefited from the recharge of underground water supplies or the distribution of imported water in the district. Said ground water charge shall take into consideration and be based upon the existence and amount of benefit to the ground water supply of the land as a result of such recharge or such distribution of imported water. Nothing contained herein shall prohibit the establishment of such charge or charges by a zone or zones of the district as established pursuant to Section 3.6 of this act, rather than by individual ownerships of land, provided the foregoing standard of benefit is adhered to and the amount of benefit to all land within each such zone is substantially the same. A ground water charge to be used to help repay the principal and interest of bonds authorized under Section 16 of this act may not be levied outside the zone or zones which authorized the issuance of said bonds at an election held under said Section 16.

(Stats.1951, c. 1657, p. 3776, § 4. Amended by Stats.1963, c. 1062, p. 2512, § 4, eff. June 29, 1963; Stats.1965, c. 660, p. 2031, § 3, eff. June 15, 1965.)

#### ***§ 4.1. Definitions***

As used in connection with the ground water charge, the following words shall mean:

"Person" or "operator" means public agencies, federal, state, and local, private corporations, firms, partnerships, limited liability companies, individuals or groups of individuals, whether legally organized or not; "owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

"Groundwater" means all water beneath the earth's surface, but does not include water which is produced with oil in the production of oil and gas, or in a bona fide mining operation, or during construction operations. "Production" or "producing" means the act of extracting ground water by pumping or otherwise.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the groundwater supplies within the district or a zone thereof.

"Water year" means April 1 of one calendar year to March 31 of the following calendar year.

"Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

(Added by Stats.1963, c. 1062, p. 2513, § 5, eff. June 29, 1963. Amended by Stats.1994, c. 1010, § 231 (SB 2053).)

#### ***§ 4.2. Resolution of intention to establish ground water charge; Contents; Publication of resolution***

Prior to the establishment of any ground water charge, the board shall adopt a resolution stating its intention to do so, describing the lands of the district in which it is proposed that such charges be levied, and requiring the registration of all water-producing facilities

located within such described lands as provided in Section 4.4 of this act. Said resolution shall be published once a week for three successive weeks in a newspaper of general circulation published in the district. Any such lands may be described by reference to the zone or zones in which such land is located.

(Added by Stats.1963, c. 1062, p. 2513, § 6, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2032, § 4.)

***§ 4.3. Ground water charges declared to be in furtherance of district activities in protection and augmentation of water supplies; Facilities subject to charges; Persons to be benefited by charges; Use of proceeds***

Ground water charges levied pursuant to this act are declared to be in furtherance of district activities in the protection and augmentation of the water supplies of the district which are necessary for the public health, welfare and safety of the people of this state. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, on lands within the district, the ground water supply of which is benefited by the recharge of underground water supplies or the distribution of imported water into the district.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies on such lands of the district are authorized and shall be used exclusively by the board for the following purposes:

(a) To pay the costs of acquiring, constructing, maintaining and operating facilities which will import water into the district which will benefit such lands, including payments made under any contract between the district and the State of California, the United States of America, or any public, private or municipal utility.

(b) To pay the costs of purchasing water for importation into the district which will benefit such lands, including payments made under any contract with the State of California, the United States of America, or any public, private or municipal utility.

(c) To pay the costs of acquiring, constructing, maintaining, and operating facilities which will conserve water for distribution, or which will distribute water to such lands, including facilities for surface storage, ground water recharge, surface distribution, and drainage of waste or return flow from such water.

(d) To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district for any of the purposes set forth in subdivisions (a), (b), and (c) of this section.

The district may apply to any one or more of the purposes set forth in subdivisions (a), (b), (c) and (d) of this section any or all revenues received by the district from the furnishing, selling, or leasing of any water, service or facilities pursuant to this act.

(Added by Stats.1963, c. 1062, p. 2513, § 7, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2032, § 5.)

***§ 4.4. Registration of water-producing facilities in affected zones; Time; Registration of new facilities; Failure to register as misdemeanor; Punishment; Information required***

Within six months after the last date of publication of the resolution provided for in Section 4.2 of this act, all water-producing facilities located within the lands described in said resolution shall be registered with the district by the operator of each such facility. Any new water-producing facility, constructed or reestablished on such lands after such date, shall be registered with the district by the operator of such facility within 30 days after the completion or reestablishment thereof.

Failure to register any such water-producing facility is a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

(Added by Stats.1963, c. 1062, p. 2514, § 8, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2033, § 6.)

***§ 4.5. Annual investigation and report by district engineer on ground water conditions in district and zones; Information to be included***

After adoption of the resolution provided for in Section 4.2 of this act, the district engineer shall annually prepare an investigation and report upon ground water conditions of the district and the zones thereof. The investigation and report shall include, among other information which the district may desire, information on ground water conditions and the availability of surface and ground water in the district and recommendations of the district engineer as to whether a ground water charge or charges shall be levied and what such charges shall be during the ensuing water year.

(Added by Stats.1963, c. 1062, p. 2514, § 9, eff. June 29, 1963.)

***§ 4.6. Same; Delivery to clerk of board; Publication of notice of receipt of report and of public hearing; Contents of notice; Public hearing on ground water conditions; Who may be heard***

On the second Monday in December of each year the engineering investigation and report shall be delivered to the clerk of the district board in writing. Said clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Monday of January in a newspaper of general circulation printed and published within the district, at least 10 days prior to the

date at which the public hearing regarding said engineering investigation and report shall be held, and shall also mail a copy of said notice to each city in the district. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district to call at the offices of the district to examine said engineering investigation and report.

There shall be held by the board on the second Monday of January of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility within the district, or any person interested in the condition of the ground water supplies or the surface water supplies of the district, may in person, or by representative, appear and submit evidence concerning the ground water conditions and the surface water supplies of the district. Appearances also may be made supporting or protesting said written engineering investigation and report.

(Added by Stats.1963, c. 1062, p. 2515, § 10.)

***§ 4.7. Determination whether to levy ground water charges; Levy of charges; Charges as additional to general tax or assessment; Effect of clerical errors on charges***

Within five weeks from the close of said hearing, the board shall determine whether or not, in the interests of the most beneficial conjunctive operation of the ground water and surface water supplies of the district, a ground water charge or charges should be levied on lands within the district, the ground water supply of which the board has determined will be benefited under the standard of benefit set forth in Section 4 of this act. If the board determines that a ground water charge or charges should be so levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities on such lands within the district during the ensuing water year. The charges shall be in accordance with the benefits to the ground water supply of the various lands and zones so that the rates per acre-foot may be different in different lands and different zones, but where said benefits are substantially the same the charges shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water; provided, that with respect to small water-producing facilities which have a discharge opening not greater than a size specified by the board and which do not provide water for an area in excess of that specified by the board, for administrative convenience the board may provide for either a flat annual charge or for no charge in lieu of a charge computed at such fixed and uniform rate. Such fixed and uniform rate shall not exceed two dollars (\$2) per acre-foot.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the ground water charge.

(Added by Stats.1963, c. 1062, p. 2515 § 11, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2033, § 7.)

***§ 4.8. Notice of ground water charge to operators of water-producing facilities***

The district, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the lands within the district in which such charge or charges are levied as disclosed by the records of said district, which notice shall state the rate for each class of water of the ground water charge applicable to said water-producing facility for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

Any person interested in land or in a water-producing facility within the district and aggrieved by a decision of the board respecting the establishment or levying of a ground water charge or charges may obtain court review thereof in the Superior Court of the State of California in and for the County of Yolo by filing a petition for a writ of mandate not later than 30 days after the mailing of the notice provided for in this section. The proceeding shall be governed by Code of Civil Procedure Section 1094.5 and the superior court shall exercise its independent judgment on the evidence.

(Added by Stats.1963, c. 1062, p. 2516, § 12, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2034, § 8.)

***§ 4.9. Right of entry to obtain information; Owners of water-producing facilities to provide certain records or duplicates to district***

The district shall have the right to enter onto any property in the district to ascertain whether water-producing facilities are located thereon and to make such tests and measurements and otherwise obtain such information as in the judgment of the board may be useful in determining the quantities of ground water produced by any such facilities and used. Without limiting the generality of the foregoing, such information may include the size, type and efficiency of the water-producing facility, the pumping level of such facility, the type of water use, the number of acres and types of crops irrigated, the number of people served, and any other relevant data.

The owner or operator of each water-producing facility shall furnish to the district from time to time, as may be required by the district, the records, notices or bills, or duplicates thereof, respecting the amount of electric power used in operating such facility, as received by such owner or operator from the utility or agency which furnishes such electric power.

(Added by Stats.1963, c. 1062, p. 2516, § 13, eff. June 29, 1963.)

***§ 4.10. Determination of water produced and used by facility since last determination; Computation of charge; Bill; Mailing of bill; Interest on delinquent accounts***

On the basis of the information acquired pursuant to Section 4.9 of this act and any other relevant information and utilizing such methods of determination and computation as the board determines to be reasonable in the circumstances, the district shall periodically



determine the amount of water produced by each water-producing facility and used since the previous determination thereof, and shall compute the ground water charge payable therefor. The district shall send a bill for such charge by certified mail, with postage prepaid by the district, addressed to the operator of each such facility at his address as disclosed by the records of the district. If such bill is not paid within 30 days after mailing thereof, the district shall charge interest at the rate of one percent (1%) each month thereafter on the delinquent amount until paid.

(Added by Stats.1963, c. 1062, p. 2516, § 14, eff. June 29, 1963.)

#### ***§ 4.11. Annual record of water production and ground water charges; Contents***

The district shall prepare each year a record called: "The Record of Water Production and Ground Water Charges" in which shall be entered a general description of the property upon which each water-producing facility is located, and identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

(Added by Stats.1963, c. 1062, p. 2516, § 15, eff. June 29, 1963.)

#### ***§ 4.12. Remedies against operator of water-producing facility who fails to register or pay charges; Temporary restraining order; Injunction; Service of process; Remedies as additional; Procedure; Bond requirement***

The superior court of the county in which the district lies may issue a temporary restraining order upon the filing by the district with said court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or that such defendant is delinquent in the payment of a ground water charge. Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the district or that the defendant is delinquent in payment of ground water charges thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure, regarding injunctions shall be followed except insofar as it may herein be otherwise

provided. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

(Added by Stats.1963, c. 1062, p. 2517, § 16, eff. June 29, 1963.)

***§ 4.13. Protest of ground water charges; Conclusiveness of charges in absence of protest; Form of protest; Hearing; Notice of hearing; Notice of determination; Method of giving notice***

The determination of the ground water charge as set forth in the bills mailed by the district as provided in Section 4.10 of this act shall be conclusive unless within 10 days after mailing of such bill, a written protest is filed with the board by the owner or operator of the water-producing facility, setting forth the ground or grounds of protest. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water produced and used and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant, who shall then have 20 days from the date of mailing to pay the ground water charge and any interests or penalties provided by the provisions of this act.

Notice as required in this section shall be given by certified mail, postage prepaid, addressed to the person on whom it is served at his name and address as disclosed by the records of the district. The service is complete at the time of deposit.

(Added by Stats.1963, c. 1062, p. 2517, § 17, eff. June 29, 1963.)

***§ 4.14. Suit to collect delinquent charge; Allowance of interest and penalties; Bond requirement for attachment***

The district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the district for the collection of any delinquent ground water charge. The court having jurisdiction of said suit, may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Section 4.9. Should the district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided for in Chapter 4 (commencing with Section 537), Title 7, Part 2 of the Code of Civil Procedure.

(Added by Stats.1963, c. 1062, p. 2518, § 18, eff. June 29, 1963.)

***§ 4.15. Illegality of producing water without registering facility; Punishment; Each day separate offense***

It shall be unlawful to produce water from any water-producing facility required to be

registered pursuant to the terms of this act unless such water-producing facility has been registered with the district within the time required by the provisions of this act.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

(Added by Stats.1963, c. 1062, p. 2518, § 19, eff. June 29, 1963.)

#### ***§ 4.16. Tampering with water-measuring device affixed to water-producing facility so as to cause improper measurement; Punishment***

Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water-producing facility, so as to cause said water-measuring device to improperly or inaccurately measure and record said water production, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

(Added by Stats.1963, c. 1062, p. 2518, § 20, eff. June 29, 1963.)

### **§ 5. Board of directors; Members; Appointment; Powers; Residence requirement; Terms; Removal; Vacancies; Rules and regulations; Employees; Compensation of employees; Compensation of directors; Expenses; Chairman; Administration of oaths; Quorum; Vote required for action; Interest in contracts; When permitted**

There is a district board of directors of five members appointed by the board of supervisors of Yolo County which 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. Said directors shall be residents of the district.

Of the members first appointed, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. Thereafter all members shall be appointed for a term of four years. Any member of the board of directors may be removed from office at any time, with or without cause, by the board of supervisors, a majority of the entire membership concurring. All vacancies in the membership of the board of directors shall be immediately filled by appointment by the board of supervisors for the unexpired portion of the term in which they occur.

The board of directors 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. Each member of the board of directors shall serve without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. 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.

No director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

(Stats.1951, c. 1657, p. 3777, § 5. Amended by Stats.1963, c. 1062, p. 2519, § 21, eff. June 29, 1963.)

## **§ 6. Ex officio officers, etc.; Duties**

The county clerk, county assessor, county tax collector, county auditor, county treasurer, county surveyor, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by said board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

(Stats.1951, c. 1657, p. 3777, § 6.)

## **§ 7. Legislative acts; Adoption, certification, recordation and publication; Initiative and referendum powers**

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.

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.

(Stats.1951, c. 1657, p. 3777, § 7.)

## **§ 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, c. 1728, p. 4170, § 64. Amended by Stats.1963, c. 1715, p. 3422, § 147. Former § 8, relating to claims, was repealed by Stats.1959, c. 1728, p. 4170, § 63.)

## **§ 9. Title to property; Authority of board; Sale, lease, or other disposition**

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 the 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 the property, or lease the same, in the manner provided by law for the disposition and sale of property of counties pursuant to Article 8 (commencing with Section 25520) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code. As an alternative to selling or disposing of district property in the manner provided for the sale or disposition of county property, the district may, upon the unanimous vote of the board, negotiate the sale or disposition upon the best terms available to the district. If the board determines by resolution duly passed and entered in its minutes that any district property, real or personal, may be leased or an interest granted therein for a use or purpose that will not interfere with or be inconsistent with the uses and purposes of the district, the board may thereafter lease or grant an interest in the property for that use or purpose in the manner provided by law for the lease of or grant of interests in property of counties pursuant to Article 8 (commencing with Section 25520) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code. As an alternative to leasing or granting an interest in the property in the manner provided for the lease of or grant of interests in county property, the district may, upon the unanimous vote of the board, negotiate the lease or grant of interest in the property for that use or purpose upon the best terms available to the district.

(Stats.1951, c. 1657, p. 3772, § 9. Amended by Stats.1961, c. 895, p. 2506, § 2, eff. June 30, 1961; Stats.1983, c. 1189, § 2.)

## **§ 10. Repealed by Stats.1984, c. 1128, § 111.]**

(Added by Stats.1983, c. 1189 § 4, related to bids on contracts. See Pub. Con. Code §§ 21201-21204. Former § 10, similar to present Pub. Con. Code §§ 21201-21204, was added by Stats.1951, c. 1657, § 10 and repealed by Stats.1983, c. 1189 § 3.)

## **§ 11. Maximum indebtedness or liability; Application of section**

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 or the State of California, the issuance of temporary negotiable notes, 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.

(Stats.1951, c. 1657, p. 3779, § 11. Amended by Stats.1961, c. 895, p. 2507, § 3, eff. June 30, 1961.)

### ***§ 11.5. Issuance of negotiable notes***

The district may issue temporary negotiable notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes unless paid from other available funds of the district; and provided further, that the maturity shall not be later than four years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed value of the taxable property in the district.

(Added by Stats.1961, c. 895, p. 2507, § 4, eff. June 30, 1961.)

## **§ 12. Levy and collection of taxes; Time and manner; Maximum rate; Purposes**

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 ten cents (\$0.10) 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 the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, financial and, without limitation by the foregoing, any and all other necessary services, 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, and also 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.

(Stats.1951, c. 1657, p. 3779, § 12. Amended by Stats.1961, c. 895, p. 2507, § 5, eff. June 30, 1961.)

### **§ 13. Levying of taxes within zones**

The board shall have the power, as provided for in this act, to cause taxes to be levied within any of the zones hereinafter created, for the purpose of paying any obligation of the district and to accomplish the purpose of the district and of this act.

(Stats.1951, c. 1657, p. 3779, § 13.)

### **§ 14. Estimate of funds necessary for construction or purchase of works; Surveys, etc.; Resolution and order; Division of district into zones**

The board may 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 may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay (a) all costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of such works, property and rights, and (b) all engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said 480 bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction. 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 may 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, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor. Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district to be divided into zones, if in its opinion such division is necessary because of varying benefits to the property within the district, together with a statement as to the percentages or amounts of the sum to be raised from each of the zones for the payment of the principal and interest of the bonds of the district. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. The board may determine that no percentage or amount should be raised from a zone if in the board's determination no benefit will result to said zone from such project. Each zone shall be designated on a map or plat of the district filed

in the office of the board and such designation shall show the separate boundaries of each zone and a statement of the percentage or amount, if any, to be raised from each zone.

For additional bonded indebtedness, the board may establish different zones which may overlap those established for prior bonded indebtedness.

(Stats.1951, c. 1657, p. 3779, § 14. Amended by Stats.1961, c. 895, p. 2508, § 6, eff. June 30, 1961.)

## **§ 15. Notice of hearing; Objections; Determination of zones**

Upon the filing of such map, as in Section 14 provided, the board shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the zones into which the district is divided, or to the percentage or amount to be raised from each of said zones. All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board on or before the date fixed for such hearing. Upon such hearing, the board may change or modify any of the zones or the percentages or amounts to be raised therefrom and shall distribute proportionately the percentage or amount to be raised in each zone in accordance with the benefits received therefrom. Such hearing may be continued from time to time by the board by an order entered on its minutes. At the conclusion of the hearing the board shall make a final determination as to the extent and boundaries of the zones and the percentages or amounts to be raised therefrom.

The location and extent of the zones within the district and the percentages or amounts to be raised therefrom shall be finally established and determined by the board and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the board as to the extent and boundaries of the zones and the percentages or amounts to be raised therefrom shall be final and conclusive subject to ratification by the electors as herein provided.

(Stats.1951, c. 1657, p. 3780, § 15. Amended by Stats.1961, c. 895, p. 2509, § 7, eff. June 30, 1961.)

### ***§ 15.5. Alternative procedure for formation of zones***

This section sets forth an alternative procedure for the formation of zones within the district and the levy of assessments therein.

**(a)** The board may establish zones within the district without reference to the boundaries of other zones. The land comprising a zone need not be contiguous. A zone shall be established only with respect to a project for the benefit of the zone. Whenever the board determines that a zone should be formed for the purposes set forth in this act, the board shall adopt a resolution of intention which shall state the following:

**(1)** The intention of the board to form the proposed zone.



- (2)** The purpose for which the proposed zone is to be formed.
- (3)** The estimated expense of carrying out the purpose, if known.
- (4)** That assessments for carrying out the purpose shall be levied exclusively upon the lands in the proposed zone.
- (5)** That a map showing the exterior boundaries of the proposed zone, which map shall govern for all details as to the extent of the proposed zone, is on file with the district secretary and is available for inspection by any interested person.
- (6)** The time and place for a hearing by the board on the matters set forth in the resolution of intention.
- (7)** That at the time and place specified any interested person may appear and be heard.
- (b)** Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in the County of Yolo, pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for the hearing.
- (c)** At the time and place so fixed, or at any time and place to which the hearing is continued, the board shall hold the hearing provided for by the resolution of intention, at which time any interested person may appear and be heard concerning any matter set forth in the resolution of intention or any matters material thereto. Upon the conclusion of the hearing, the board may abandon the proposal, modify it, or proceed with the proposal unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposal signed by persons owning a majority of the assessed value of lands within the proposed zone shall be filed with the board, in which event further proceedings relating to the proposal shall be suspended for not less than six months following the date of the conclusion of the hearing.
- (d)** At the conclusion of the hearing, the board may, by resolution, order the zone formed for the purpose and with the exterior boundaries described therein. The resolution ordering formation shall state the estimated expense of carrying out the purpose described therein, if known. The resolution shall also number and designate the zone substantially as "Zone No. \_\_\_\_\_ of the Yolo County Flood Control and Water Conservation District."
- (e)** The district shall be authorized to levy benefit assessments on land only within any zone. The benefit assessment may be levied in any manner which reasonably reflects the benefit that will accrue to the area being assessed for the purpose of the assessment.
- (f)** Benefit assessments may be levied within a zone for expenditures made, or expenditures estimated to be required during the next calendar or fiscal year, for any lawful purpose of the district, including, but not limited to, the following purposes:
- (1)** The formation and administration expenses of the zone.
- (2)** Engineering and other expenses in connection with the investigation and preparation of a plan for a work or project of the zone.
- (3)** Acquisition or construction of any work or project of the zone.

**(4)** Operation and maintenance of any work or project of the zone.

**(5)** Payment of principal and interest on bonds issued for any work or project of the zone.

Revenues derived from the benefit assessment shall be used for no purpose other than the purpose specified at the time of levy of the assessment.

**(g)** The board may adopt a resolution of intention to levy a benefit assessment. The resolution shall set forth the proposed amount, manner of levy, and purpose of the proposed benefit assessment, shall designate by a map or otherwise the boundaries of the area to be assessed, and shall state the time and place for a hearing by the board on the matters set forth in the resolution of intention.

**(h)** At the time and place so fixed, or at any time or place to which the hearing is continued, the board shall hold the hearing provided for by the resolution, at which time any interested person may appear and be heard concerning any matter set forth in the resolution. Upon the conclusion of the hearing, the board may terminate further proceedings on the proposed assessment, modify the proposed assessment, order an election on the assessment within the area to be assessed, or levy the assessment, unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposed assessment signed by persons owning a majority of the assessed value of lands within the area to be assessed are filed with the board, in which event further proceedings related to the proposed assessment shall be suspended for not less than six months following the date of the conclusion of the hearing. The board shall not levy the assessment without an election unless persons owning at least a majority of the assessed value of lands within the area to be assessed have filed with the board written consent to the levy of the assessment. If any election is held, each voter shall have one vote for each one hundred dollars (\$100) of assessed valuation or fraction thereof of land owned by him or her within the area in which the election is to be held. Assessed valuation shall be determined from the county's last equalized assessment roll. For land in multiple ownership, the owner shall designate, in writing to the district before the election, one owner of the land for voting purposes. Where applicable, the owner shall designate, in writing to the district before the election, the legal representative who shall be entitled to vote on behalf of the owner. A majority of the votes cast at the election shall be required to approve the assessment.

**(i)** Assessments may be collected and enforced in the same manner as standby charges, in accordance with Sections 27.7 to 27.12, inclusive, of this act.

(Added by Stats.1983, c. 1189, § 5.)

## **§ 16. Election; Propositions; Contents of resolution; Publication of resolution; Defects in proceedings; Favorable vote; Additional bonded indebtedness**

After the adoption of said report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages or amounts of the sum to be raised for the payment of the principal and interest of the bonds from each of such zones, the board shall call a special election and submit the following proposition to the qualified voters of those zones of said district in which any portion of the sum for payment of the bonds is to be raised:

Shall such zones of the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election 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 such zones 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 Yolo as residing within such zones of the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days a week. 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 such zones of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Additional bonded indebtedness may be authorized and the bonds issued, sold, and paid for, and the proceeds used, as provided in this act for original bonded indebtedness, and all other provisions of this act relating to bonds shall apply to additional bonded indebtedness.

(Stats.1951, c. 1657, p. 3781, § 16. Amended by Stats.1961, c. 895, p. 2509, § 8, eff. June 30, 1961; Stats.1968, c. 184, p. 471, § 1, eff. May 24, 1968.)

## **§ 17. 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 one year after such election call or order another election in the district for the same purposes.

(Stats.1951, c. 1657, p. 3781, § 17.)

## **§ 18. Contract by municipal corporation or political subdivision to pay amount of assessment; Cancellation of charges; Additional contract provisions; Option of board**

Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within said district and the percentages or amounts to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 14, but before the calling of the bond election as provided in Section 16 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of said municipality or political subdivision. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid, and thereafter the electors residing within said zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by said municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

(Stats.1951, c. 1657, p. 3782, § 18. Amended by Stats.1961, c. 895, p. 2510, § 9, eff. June 30, 1961.)

## **§ 19. Form and provisions of bonds**

The board may determine and provide by resolution for (a) the number of series in which the bonds are to be issued, (b) the date the bonds are to bear, (c) the maturity dates of the bonds, not exceeding 50 years from their respective dates, (d) the issuance of any bonds or a series in the form of serial or term maturities, (e) the interest of the bonds, not exceeding 6 percent a year, (f) the denomination of the bonds, (g) the form of the bonds, coupon or registered, (h) the registration and conversion privileges of the bonds, (i) the manner in which the bonds are to be executed, (j) the medium and place of payment, and (k) the terms of redemption or call, with or without a premium, which premium shall not exceed 6 percent of the par value of the bonds.

(Stats.1951, c. 1657, p. 3782, § 19. Amended by Stats.1961, c. 895, p. 2511 § 10, eff. June 30, 1961.)

## **§ 20. Bond denominations; Interest; Signing; Interest coupons; Validity of signature or countersignature of former officer**

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 principal and interest of bonds shall be payable on the day and at place or places fixed therein. 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.

(Stats.1951, c. 1657, p. 3782, § 20. Amended by Stats.1961, c. 895, p. 2511, § 11, eff. June 30, 1961.)

## **§ 21. Action to determine validity of bonds**

An action to determine the validity of any bonds authorized by this act may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(Stats.1951, c. 1657, p. 3783, § 21. Amended by Stats.1961, c. 895, p. 2512, § 12, eff. June 30; Stats.1961, c. 1511, p. 3356, § 2.)

## **§ 22. Sale of bonds; Minimum price; Notice of sale; Readvertisement; Registration of bonds**

The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original 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.

(Stats.1951, c. 1657, p. 3783, § 22.)

## **§ 23. Temporary investment of sinking fund; Reinvestment**

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 reinvested 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 canceled 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.

(Stats.1951, c. 1657, p. 3784, § 23.)

## **§ 24. Bonds as conclusive evidence of regularity, validity, etc.; Absence of invalidity from error, defect, etc.; Source of payment of bonds and interest**

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 zones of the district, in which any portion of the sum for payment of the bonds is to be raised except to the extent that other revenues of the district are or are expected to become available therefor, and all the taxable property in such zones of the district shall be and remain liable to be assessed for such payment as hereinafter provided.

(Stats.1951, c. 1657, p. 3784, § 24. Amended by Stats.1961, c. 895, p. 2512, § 13, eff. June 30, 1961.)

## **§ 25. 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 this 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.

(Stats.1951, c. 1657, p. 3784, § 25.)

## **§ 26. Deposit of proceeds of sale of bonds; use of excess proceeds**

All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Yolo, 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.

(Stats.1951, c. 1657, p. 3785, § 26.)

## **§ 27. Refunding bonds**

The district may provide for the issuance, sale or exchange of refunding bonds to redeem or retire bonds issued by it upon the terms, at the times, and in the manner which the board determines. All the provisions of this act relating to the issuance of bonds are applicable to refunding bonds and their issuance, sale, or exchange, except that the report submitted to the voters for ratification under Section 16 of this act shall concern the necessity or desirability and the proposed terms, times and manner of issuing refunding bonds instead of the nature and cost of works, property and rights to be constructed and acquired.

(Stats.1951, c. 1657, p. 3785, § 27. Amended by Stats.1961, c. 895, p. 2513, § 14, eff. June 30, 1961.)

### ***§ 27.5. Fixing rates and charges***

So far as possible, the board shall fix the rates and charges (including the ground water charge) for water, service and benefit from its operation so as to pay such portion of the expenses of the district as the board determines to be justly apportionable to the furnishing of such water, service and benefit; provided, that the board shall not be precluded by this provision from using the tax authorized by Section 12 to help pay such expenses. The expenses to be paid include:

**(a)** The operating expenses of the district.

**(b)** Provision for a fund for repairs and depreciation of works owned or operated by the district.

**(c)** The interest on any bounded debt.

**(d)** Provision for a fund for payment of the principal of the bonded debt as it becomes due.

**(e)** Any other costs and expenses of constructing, maintaining, operating, purchasing or leasing works used in providing such water, service and benefit.

It is intended by this section that such rates and charges for water, service and benefit together with the tax authorized by Section 12 of this act shall be fixed so as to be sufficient to pay the interest and principal of any bonded debt incurred to finance the construction and acquisition of the works which provide such water, service and benefit; provided, that this section shall in no way impair the district's general obligation to bondholders to pay the interest and principal of bonds authorized under Section 16 of this act.

The district may, by resolution, provide that rates, charges, and assessments which remain unpaid for a period of not less than 30 days after they have become due shall be delinquent, and a one-time penalty not in excess of 10 percent shall be added on each rate, charge, or assessment as it becomes delinquent, and all delinquent rates, charges, and assessments and penalties shall bear interest at a rate not in excess of 18 percent per year.

Delinquent rates, charges, and assessments, and penalties and interest thereon, are a lien on the land to which the service is provided or made available or for which the rate, charge, or assessment was levied, and may be enforced in the same manner as county tax liens.

(Added by Stats.1963, c. 1062, p. 2519, § 22, urgency, eff. June 29, 1963. Amended by Stats.1965, c. 660, p. 2034, § 9; Stats.1983, c. 1189, § 6.)

### ***§ 27.6. Water standby or availability charge***

**(a)** The board may fix a water standby or availability charge for land within the district to which water is made available for any purpose by the district, whether the water is actually used or not. The charges may be restricted to lands lying within one or more improvement districts or zones or any portion thereof within the district. The charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within the district or any improvement district or zone thereof or ten dollars per year for any parcel of less than one acre. The board may establish schedules varying the charges depending upon, but not limited to, factors such as land uses, water uses, the cost of transporting the water to the land, and the degree of water availability.

**(b)** In order to fix the charges, the board shall first adopt a resolution initiating proceedings, which resolution shall include the following information:

**(1)** A description of the area to be subject to the charges.

**(2)** Whether the area is inhabited, in that there are 12 or more persons who reside and have been registered to vote within the area for at least 54 days prior to the date of adoption of the resolution, or uninhabited, in that there are less than 12 persons who reside and have been registered to vote within the area for at least 54 days prior to the date of adoption of the resolution.



**(3)** The proposed charges.

**(4)** A time, date, and place of hearing.

**(5)** That any interested person desiring to make written protest shall do so by written communication filed with the district not later than the hour set for the hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him. A written protest by a voter shall contain the residential address of the voter.

**(c)** The secretary shall give notice of any hearing by the following:

**(1)** Publication of the resolution initiating proceedings pursuant to Section 6066 of the Government Code in a newspaper of general circulation within the area, or if none, within the district.

**(2)** Posting of the resolution initiating proceedings on or near the doors of the meeting place of the board or on any official bulletin board customarily used for the purpose of posting of public notices.

Publication and posting shall be completed at least seven days prior to the date set for hearing.

**(d)** The hearing on the proposed charges shall be held by the board upon the date and time specified in the resolution initiating proceedings. The hearing may be continued from time to time. At the hearing, the board shall hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed. Any person who filed a written protest may withdraw the protest at any time prior to the conclusion of the hearing.

**(e)** A majority protest shall be deemed to exist and the proposed charges shall not be adopted if the board finds and declares by resolution that written protests filed not later than the hour set for the hearing, and not withdrawn prior to the conclusion of the hearing, represent the following:

**(1)** In the case of an inhabited area, more than 50 percent of the registered voters residing within the area.

**(2)** In the case of an uninhabited area, more than 50 percent of the assessed value of land therein.

A written protest by a resident voter shall contain his signature and a street and number of designation sufficient to enable the place of residence to be readily ascertained. A protest by a landowner shall contain his signature and a description of the land owned by him sufficient to identify the same. A public agency owning land shall be deemed a landowner for the purpose of making a written protest and determining the existence of a majority protest.

**(f)** The board shall determine the sufficiency of written protests as follows:

**(1)** If the protests are signed by resident voters, the secretary shall compare the names of the signers on the protests against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of qualified signers appearing upon the protests.

**(2)** If the protests are signed by landowners, the secretary shall compare the names of the signers on the protests against the names of the persons shown as owners of land on the last equalized assessment roll of the county and ascertain therefrom:

**(A)** The total number of landowners owning land within the area which is the subject of the proposed charges and the total assessed valuation of all land within the area.

**(B)** The total number of landowners represented by qualified signers and the total assessed valuation of land owned by qualified signers.

**(3)** If a protest is signed by a landowner which is a public agency owning land within the area which is the subject of the proposed charges, the public agency shall be deemed a landowner for the purpose of the signing and certification of the protest. Any such public agency may authorize the protest to be signed for and on its behalf by any duly authorized officer or employee.

**(4)** In examining any petition signed by a landowner, the secretary shall disregard the signature of any person not shown as owner on the last equalized assessment roll unless, prior to certification, the secretary is furnished with written evidence, satisfactory to the secretary, that the signer is a legal representative of the owner, is entitled to be shown as owner of land on the next assessment roll, is a purchaser of land under a recorded written agreement of sale, or is authorized to sign for and on behalf of any public agency owning land.

**(5)** If any person signing a protest as a landowner shall appear as owner on the last equalized assessment roll but be shown thereon as a partner, joint tenant, tenant in common, or husband or wife, the signature of the person shall be counted as if all the owners shown on the roll had signed.

**(g)** If a majority protest shall not have been filed, the board, not later than 30 days after the conclusion of the hearing, shall adopt a resolution and make one of the following determinations:

**(1)** Disapproving the proposed charges.

**(2)** Fixing the proposed charges in the area described.

(Added by Stats.1979, c. 1081, p. 3878, § 20. Amended by Stats.1983, c. 1189, § 7.)

### ***§ 27.7. Election to have standby or availability charges collected on tax roll with county taxes; Written report; Filing***

The board may elect to have all, or any standby or availability charges or delinquent charges collected on the tax roll in the same manner, by the same persons, and at the time as, together with and not separately from, taxes for county purposes. In such event, the district shall cause a written report to be prepared and filed with the secretary which report shall contain a description of each parcel of real property and the amount of the standby or availability charge, or delinquency for each parcel for the year.

(Added by Stats.1979, c. 1081, p. 3880, § 21.)

### ***§ 27.8. Notice of filing and of hearing***

The board shall cause notice of the filing of the report and of a time and place of hearing thereon to be published, pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, and shall cause a notice in writing of the filing of the report and of the time and place of hearing to be mailed to each person to whom any parcel or parcels of real property described in such report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the district.

(Added by Stats.1979, c. 1081, p. 3880, § 22.)

### ***§ 27.9. Hearing; Determinations by board***

At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce, or modify any charges or delinquencies, or overrule any or all objections. The board shall make its determination upon each charge or delinquency as described in the report, which determination shall be final.

(Added by Stats.1979, c. 1081, p. 3881, § 23.)

### ***§ 27.10. Filing report with county auditor***

On or before the tenth day of August of each year following such final determination, the board will cause a copy of the report to be filed with the county auditor with the statement endorsed thereon over an authorized signature that it has been finally adopted by the board and the auditor shall enter the amount of the charges or delinquencies against the respective lots or parcels of land as they appear on the current assessment roll.

(Added by Stats.1979, c. 1081, p. 3881, § 24.)

### ***§ 27.11. Charge as lien against lot or parcel***

The amount of the charges or delinquencies shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the first day of March immediately preceding the fiscal year for which the charges are levied; provided, however, if the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes appears on the roll, then the charge or delinquency assessed pursuant to this section shall not result in

a lien against such property, but instead shall be transferred to the unsecured roll for collection.

(Added by Stats.1979, c. 1081, p. 3881, § 25.)

***§ 27.12. Inclusion by tax collector of charges on bill for real estate taxes; Applicable laws***

The county tax collector shall include the amounts of the charges or delinquencies on bills for taxes levied against the respective lots and parcels of land. The amount of the charges or delinquencies shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, taxes for county purposes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of taxes for county purposes, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such charges or delinquencies.

(Added by Stats.1979, c. 1081, p. 3881, § 26.)

**§ 28. Levy and collection of taxes for payment of bonds; Levy on property in zones according to percentage; Application of general tax laws; Assessment, levy, and collection by county; Lien; Compensation of county**

To the extent that revenues of the district from sources other than taxes are or are expected to be insufficient to pay the principal and interest of bonds due each year, 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. 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 upon all taxable property 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.

If the district has been divided into zones and the percentage or amount of the sum to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said sum of said tax levied shall be divided according to said percentage or amount, and the percentage or amount to be raised from

the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

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 Yolo as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the percentage or amount of the sum to be raised from each zone. 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 property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

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 for each zone, 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 sum 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 for each zone into which the district may be divided 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 Yolo 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.

(Stats.1951, c. 1657, p. 3786, § 28. Amended by Stats.1961, c. 895, p. 2513, § 15, eff. June 30, 1961.)

## **§ 29. District validly created; Assessment and taxation for 1951-1952; Equalization of assessments; Procedure for 1951-1952**

Notwithstanding Sections 54900 to 54903, inclusive, of the Government Code, the district is validly created for the purposes of assessment and taxation. The creation of any zone in the district shall not be effective for purposes of assessment or taxation for the Fiscal Year 1951-1952 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Sections 54900 to 54903, inclusive, of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which 488 the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the district.

For the Fiscal Year 1950-1951, but for no other fiscal year, notwithstanding Section 28 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1951-1952 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1951-1952 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1951, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1951-1952, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Board of Supervisors of Yolo County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The Board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1951-1952. Except as provided in this

section, Section 28 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1951-1952.

(Stats.1951, c. 1657, p. 3788, § 29.)

### **§ 30. Levy of tax after first bonds authorized; Purposes; Control of expenditures; Maximum tax rate; Division of district into zones**

After the first bond election in the district at which bonds shall be authorized by the electors of said district the board shall have power, in any year, to levy a tax upon the taxable property in said district as provided in Section 28 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents (\$0.05) on each one hundred dollars (\$100) of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If said district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

(Stats.1951, c. 1657, p. 3789, § 30.)

### **§ 31. Certain provisions deemed 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 installment 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.

(Stats.1951, c. 1657, p. 3789, § 31.)

### **§ 32. Changes of organization**

Changes of organization shall be governed by the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code). Noncontiguous territory may be annexed to or detached from the district.

(Added by Stats. 1983, c. 1189, § 9. Former § 32, added by Stats.1951, c. 1657, § 32,

amended by Stats.1957, c. 1932, § 514, relating to exclusion of territory, was repealed by Stats.1983, c. 1189, § 8.)

### ***§ 32.1. Revenue bonds***

If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the district or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the district is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941 (commencing with Section 54300 of the Government Code), except that the maturity dates of such bonds may be 50 years from their respective dates.

If the interest and principal of the revenue bonds and all charges to protect or secure them have been paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and, subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the district, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the district and the purchase or obtaining of additional water supplies.

All revenue bonds issued by the agency may be certified as legal investments, pursuant to the District Securities Commission Law (commencing with Section 20000 of the Water Code), in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

(Added by Stats.1961, c. 895, p. 2515, § 16, eff. June 30, 1961.)

### ***§ 32.2. Work or improvement benefiting lots and lands fronting on streets or public places***

**(a)** 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 collecting, treating, and disposing of waste and storm waters, and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other.

**(b)** The work or improvement 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 (commencing with Section 5000 of the Streets and Highways Code). The Municipal Improvement Act of 1913 (commencing with Section 10000 of the Streets and Highways Code), and the Street Opening Act of 1903 (commencing with Section 4000 of the Streets and Highways Code), are also applicable to the district. The Improvement Bond Act of 1915



(commencing with Section 8500 of the Streets and Highways Code), is also so applicable for use in conjunction with the Improvement Act of 1911 (commencing with Section 5000 of the Streets and Highways Code), or with other improvement acts. 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.

**(c)** As 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.

**(d)** 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 (commencing with Section 5000 of the Streets and Highways Code), 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.1961, c. 895, p. 2515, § 17, eff. June 30, 1961.)

### ***§ 32.3. Agreement for district indebtedness repayable from revenues; Approval by voters***

In addition to the other powers provided in this act, the district by agreement authorized by resolution of the board may incur indebtedness for acquisition or construction of any works or property, including water or water rights, for any purposes of the district, to be repaid and liquidated as to both principal and interest only from revenues designated in such agreement which are produced from the collection of rates, tolls or charges for any water or service or facilities furnished, sold or leased by the district or from the ground water charge authorized by Sections 4 et seq., of this act, provided the proposal to incur such indebtedness is first approved at a special district election at which there is submitted to the qualified voters of the district the proposition whether such indebtedness shall be incurred. Such election shall be held as nearly as practicable in accordance with the procedures set forth in Section 16 of this act, except that the incurring of such indebtedness shall be approved if a majority or more of the votes cast on such proposition are in favor thereof. The maximum rate of interest to be paid on said indebtedness shall not exceed 6 per cent per annum. In the agreement incurring said indebtedness, the district may pledge to the payment of the amounts to become due thereunder all or any part of the revenue from which such amounts are payable. In connection with such pledge the agreement may contain such covenants, promises, restrictions and provisions as the district may deem necessary or desirable, including but not limited to covenants, promises, restrictions and provisions relating to (a) the operation, maintenance and preservation of the works or property so acquired or constructed, (b) the rates, tolls or charges from which said indebtedness is to be repaid, (c) the incurring of additional indebtedness payable from the revenue pledged, and (d) the establishment, maintenance and use of reserve funds,

maintenance and operation funds, funds for the payment of amounts due under the agreement and other funds for the security of the one to whom the indebtedness is owed.

(Added by Stats.1965, c. 660, p. 2035, § 10, eff. June 15, 1965.)

### **§ 33. Construction of act; Errors in procedure; Effect**

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.

(Stats.1951, c. 1657, p. 3791, § 33.)

### **§ 34. 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.

(Stats.1951, c. 1657, p. 3791, § 34.)

### **§ 35. Title of act**

This act shall be known as the "Yolo County Flood Control and Water Conservation District Act."

(Stats.1951, c. 1657, p. 3772, § 35.)

### **§ 36. District as "irrigation district"**

The district shall be considered an "irrigation district" under the provisions of Section 831.8 of the Government Code.

(Added by Stats.1983, c. 1189, § 10.)