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CHAPTER 49

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT

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An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve, purchase and sell such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district. (Stats.1945, c. 1294, p. 2426, as amended Stats.1959, c. 2045, p. 4724, § 1.)

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Cross References

Boundary of county, see Government Code § 23140.
Constitutional provisions relating to water rights, see Const. Art. 10, § 5 et seq.
Emergency flood control, declaration by state, see Government Code § 14120 et seq.
Fish and game districts in county, see Fish and Game Code § 11009.
Flood control in general, see Water Code § 8000 et seq.
Procedure for letting contracts, see Public Contract Code § 21101.
Storm drain maintenance district act, see Water Code App. § 42-1 et seq.

§ 49-1. Title

Section 1. This act shall be known and may be cited as the San Luis Obispo County Flood Control and Water Conservation District Act.
(Stats.1945, c. 1294, p. 2426, § 1.)

Law Review and Journal Commentaries

Evolution of forms of water users' organizations in California. Albert T. Henley, 45 Cal. L.Rev. 665 (1957).

§ 49-2. Creation; name; boundaries; district

Sec. 2. A flood control district is hereby created to be called the San Luis Obispo County Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of San Luis Obispo lying within the exterior boundaries of said county except such islands of said county as lie in the Pacific Ocean. As used in this act "district" means the San Luis Obispo County Flood Control and Water Conservation District.
(Stats.1945, c. 1294, p. 2427, § 2. Amended by Stats.1959, c. 2045, p. 4725, § 2.)

Library References

Levees and Flood Control ⇨5, 7. WESTLAW Topic No. 235. C.J.S. Levees and Flood Control §§ 14, 15, 17, 19, 27.

§ 49-2.5. Establishment of zones

Sec. 2.5. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in either the manner prescribed in Section 3 or the manner prescribed in Section 3.1 of this act.
(Added by Stats.1965, c. 785, p. 2369, § 1, eff. July 6, 1965.)

Library References

Levees and Flood Control ⇨9. WESTLAW Topic Nos. 235, 405.
Waters and Water Courses ⇨228. C.J.S. Levees and Flood Control § 24 et seq.

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C.J.S. Waters § 321.

§ 49-3. Institution of zone and joint zone projects; notice and hearing; objections; abandonment; persons entitled to protest

Sec. 3. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of the hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven (7) days before the date of the hearing. Said notice shall designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of the project or joint projects may be seen by any interested person. Said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

At the hearing, or at any time to which it may be adjourned, the board may sustain any or all of the objections filed and change or alter the boundaries of the proposed zone to conform to the needs of the zone, and to exclude any land that will not be benefited by the formation of the zone. Any owner of lands adjacent to the zone may, by written application filed with the board at or before the time of the hearing, in the discretion of the board have such lands included within the proposed zone. Except as in this act hereinafter set forth,

other lands not included in the proposed zone by the original resolution may not be included in the zone.

In all matters in this section referred to, the last equalized assessment roll of the County of San Luis Obispo next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his coowners or representatives or partners so to do, duly acknowledged by the consenting coowners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to coowners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the

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conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

(Stats.1945, c. 1294, p. 2427, § 3. Amended by Stats.1959, c. 2045, p. 4725, § 3; Stats.1965, c. 785, p. 2370, § 2, eff. July 6, 1965.)

Library References

Levees and Flood Control ⇨9.
Waters and Water Courses ⇨228.
WESTLAW Topic Nos. 235, 405.

C.J.S. Levees and Flood Control § 24 et seq.
C.J.S. Waters § 321.

§ 49-3.1. Alternative procedure for establishment of zones

Sec. 3.1. As an alternate procedure, zones may also be established in the following manner:

(a) The board shall adopt a resolution specifying its intention to establish a zone and fixing the time and place for public hearing on said resolution, which public hearing may be held at any place within the district. The resolution shall refer to a map or maps showing the location and outline of said zone and notice of said hearing shall be given as hereinafter provided; or

(b) A petition signed by ten percent (10%) or more of the landowners, as defined in Section 3 hereof, 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 it need not contain all the signatures required for the petition. Before publication of the notice of hearing on the petition, a petitioner may withdraw his signature by filing with the clerk a signed statement of his intention to withdraw his signature from the petition.

The petition shall:

1. State the name for the zone.
2. Set forth the zone boundaries or describe the land situated in the zone and refer to a map or maps showing the outline and location of said zone.
3. Request that the zone be formed pursuant to this act.
4. Request that a time and place be fixed for a public hearing upon said petition.

Upon presentation and filing of the said petition, the board shall fix a time and place for a public hearing thereon. Such public hearing may be held at any place within the district.

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App. § 49-3.1

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If there is a newspaper of general circulation in the territory proposed to be formed into a zone, notice shall be given by publication in said newspaper once a week for two (2) consecutive weeks prior to the hearing, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places in the said territory. The said notice of hearing shall state the following:

- (a) The name of the proposed zone.
- (b) The boundaries of the proposed zone.
- (c) That the resolution or petition may be inspected at the clerk's office.
- (d) A public place in the proposed zone where a copy of a map of the proposed zone may be seen.
- (e) The time and place for the public hearing.
- (f) That protests will be considered at the hearing.
- (g) That written requests for exclusion from or inclusion of land in the proposed zone will be heard and considered.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the creation of the proposed zone. Upon the conclusion of the hearing, the board may abandon the proposed zone or proceed with the same.

At the hearing, any owner of land in the proposed zone may present to the board a written request for the exclusion of all or part of such land, and any owner of land outside the proposed zone may present to the board a written request for inclusion of such land, and the board may include such land within the zone.

At the conclusion of the public hearing, the board may, by resolution, create and establish the zone, excluding any land which it finds will not be benefited, and including lands which it finds will be benefited, except that it may not include any land not included in the original resolution or petition unless the owner or owners of such land consent in writing to the inclusion thereof. The said resolution may specify the effective date of the creation of such zone or, in the absence of such specification, the zone will conclusively be deemed to have been created and established as of the date of the adoption of such resolution.

(Added by Stats.1959, c. 2045, p. 4727, § 4.)

§ 49-3.2. Annexation and exclusion of land

Sec. 3.2. Any parcel, parcels, or tract of land may be annexed to a zone if the land will be benefited, and any parcel, parcels, or tract of land within any zone may be excluded if not benefited. Proceedings for annexation or exclusion may be instituted by the board by resolution specifying its intention to annex or exclude such parcel, parcels, or tract of land, describing the proposed land to be annexed or excluded and specifying a time and place for public hearing on said resolution, which public hearing may be held at any place

within the district, and directing the clerk to give notice of such public hearing, as hereinafter provided. In the alternative, such proceedings may be instituted by the filing with the board of a petition signed by ten percent (10%) or more of the owners, as defined in Section 3, of the land to be annexed or excluded. The petition shall contain:

- (a) The name of the zone affected by the annexation or exclusion.
- (b) The reason for annexation or exclusion of the land.
- (c) A description of the land to be annexed or excluded.
- (d) The assent of the petitioners to the annexation or exclusion.
- (e) A request that the described land be annexed to or excluded from the zone.

When the petition has been filed with the board, the board shall fix a time and place for a hearing thereon, which public hearing may be held at any place within the district, and cause a notice of such hearing to be given as hereinafter provided. The notice shall state:

- (a) The date the petition was filed.
- (b) The location and boundaries of the land described in the petition.
- (c) The prayer of the petition.
- (d) The time and place fixed for hearing on the petition.
- (e) That all persons interested in or affected by such change in the zone boundaries may appear and show cause why the change should not be made. At the hearing, the board shall hear all relevant evidence for or against the petition.

Failure to show cause by any person interested in or affected by the change is deemed to be his assent to any change the board may make in the zone boundaries.

At the conclusion of the hearing, if it deems the annexation or exclusion of all or part of the land to be for the best interests of the zone, the board may by resolution annex or exclude all or part of the land described in the petition and shall, in such resolution, describe the zone boundaries as changed. If no effective date for such annexation or exclusion is specified in the resolution, then the effective date shall be deemed to be the date of the resolution.

The exclusion of any land or territory from a zone does not release such land or territory from any debts or obligations for which it was liable at the time of the exclusion.

In the case of annexation, the board may require that the owners of annexed land shall pay a sum not to exceed the amount of the taxes or assessments which the owners or their predecessors in interest would have been required to pay if the annexed land had been included in the zone when it was formed. Any territory annexed to a zone pursuant to this section shall assume its proportionate share of any existing outstanding bonded indebtedness.

(Added by Stats.1959, c. 2045, p. 4728, § 5.)

§ 49-3.3. Dissolution of zones

Sec. 3.3. Zones may be dissolved in the following manner:

(a) The board may adopt a resolution specifying its intention to dissolve a zone and fixing the time and place for a public hearing on said resolution, which public hearing may be held at any place within the district. The resolution shall name or describe the zone, and notice of said hearing shall be given as hereinafter provided; or

(b) A petition signed by ten percent (10%) or more of the landowners in said zone, as defined in Section 3 hereof, 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 it need not contain all the signatures required for the petition. The petition shall:

1. State the name of the zone.
2. Request that the zone be dissolved pursuant to this act.
3. Request that a time and place be fixed for a public hearing upon said petition.

Upon presentation and filing of the said petition, the board shall fix a time and place for a public hearing thereon. Such public hearing may be held at any place within the district.

If there is a newspaper of general circulation in the said zone, notice shall be given by publication in said newspaper once a week for two (2) consecutive weeks prior to the hearing, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to the said hearing in five (5) public places in the said zone. The said notice of hearing shall state the following:

- (a) The name of the zone.
- (b) That a resolution has been passed by the board declaring its intention to dissolve the zone, or that a petition has been filed with the board requesting dissolution of the zone.
- (c) That the resolution or petition may be inspected at the clerk's office.
- (d) The time and place for the public hearing on the said resolution or petition.
- (e) That protests will be considered at the hearing.

At the time and place fixed for the hearing or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the dissolution of the zone. After the conclusion of the hearing, the board may by resolution dissolve said zone. 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 is not so dissolved, it shall be deemed to be continued in uninterrupted existence.

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The dissolution of a zone does not relieve the property in said zone from any debts, obligations or liabilities for which it was liable at the time of the dissolution.

A zone may not be dissolved pursuant to this section until one of the following conditions exists:

- (a) All debts, obligations and liabilities are paid in full; or
- (b) There is sufficient cash in the county treasury standing to the credit of such zone to pay all debts, obligations and liabilities in full as they become due.

Upon dissolution of a zone, the right, title and interest to any property or funds owned or controlled by, or held for the zone or for the benefit of the zone, whether in the county treasury or in any other place or manner, shall vest absolutely in the district and may be used for any district purposes.

(Added by Stats.1959, c. 2045, p. 4730, § 6.)

Library References

Levees and Flood Control §5.
WESTLAW Topic No. 235.

C.J.S. Levees and Flood Control §§ 14, 15,
19, 27.

§ 49-3.4. Referral of boundary proposals to county boundary commission

Sec. 3.4. Any proposal for the establishment or change in boundaries of a zone shall be referred to the county boundary commission as provided in Chapter 3 (commencing at Section 58850) of Division 1 of Title 6 of the Government Code.

(Added by Stats.1959, c. 2045, p. 4731, § 7.)

§ 49-3.5. Benefit assessments

Sec. 3.5. (a) The board of supervisors may in any year levy benefit assessments on a districtwide basis or within a zone or participating 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, including, but not limited to: (1) a per acre or fraction thereof basis, or (2) for benefit assessments related to drain, storm, flood control, or water conservation purposes, upon all taxable property in each or any of the zones, according to the benefits derived or to be derived by the respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to the respective zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or improvements within the respective zones. Except as provided in subdivisions (b) and (c), in the case of any benefit assessment under this act, the benefit may be determined on the basis of the proportionate storm water runoff from each parcel. It is declared that all property within a given zone that is located within a watershed or watersheds which are tributary to an existing or proposed flood control or water conservation improvement is equally benefited.

(b) Whenever a railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way is included within an area proposed to be assessed, the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to the assessment only if, and to the extent that, it is found that it will benefit from the service, and the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to the same penalties, and the same procedure and sale, in the event of delinquencies as other parcels in the assessment area. In determining whether or not the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way benefits from the service provided, its use as a right-of-way for a railroad, gas, water, telephone, cable television, electric, or other utility shall be presumed to be permanent.

(c) (1) Proportionate storm water runoff may be used as a measure of benefit on an undeveloped parcel of land pursuant to the section only if, and to the extent that, it is found that it will benefit from the service.

(2) For the purposes of this section, "undeveloped parcel of land" means a parcel of rural land in its undeveloped natural state, although the land may be grazed, if otherwise undisturbed, in a manner consistent with the normally accepted grazing land management practices for the geographic area. "Undeveloped parcel of land" also includes wetlands and marshlands if undisturbed and subject to periodic inundation. For purposes of this section, "rural land" is land which is outside of an urbanized area as designated by the most recent federal decennial census of the United States Bureau of the Census.

(d) Benefit assessments may be levied for expenditures made, or expenditures estimated to be required during the next calendar or fiscal year, for any lawful purpose of the district. The 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.

(e) The board may impose a benefit assessment on a districtwide basis or within a zone or participating zone pursuant to this section to finance the maintenance and operation costs of the following services:

- (1) Drainage.
- (2) Flood control.
- (3) Water conservation.

(f) The district may, in addition to imposing a benefit assessment for the purposes authorized pursuant to subdivision (e), impose that assessment on a districtwide basis or within a zone or participating zone to finance the cost of installation and improvement of facilities.

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

(h) 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 district 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.

(i) 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 or any matters material thereto. Upon the conclusion of the hearing, the board may terminate further proceedings on 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 25 percent of the eligible voters within the area to be assessed are filed with the board, in which event further proceedings relating to the proposed assessment shall be suspended for not less than one year following the date of the conclusion of the hearing. The board of directors shall not levy the assessment without an election unless a majority in number of the eligible voters within the affected area have filed with the board written consent to levy the assessment. If an election is held, a majority of the votes cast in the area to be assessed shall be required to approve the assessment.

(j) After its approval, the benefit assessment shall be levied, collected, and enforced at the same time and in the same manner as county taxes.

(Added by Stats.1989, c. 377, § 2.)

Library References

Levees and Flood Control §§ 21 to 29.5.
 Waters and Water Courses § 231.
 WESTLAW Topic Nos. 235, 405.

C.J.S. Levees and Flood Control §§ 28 to 33,
 35 to 40.
 C.J.S. Waters § 332.

§ 49-4. Objects and purposes

Sec. 4. The objects and purposes of this act are to provide for the control, disposition and distribution of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and floodwaters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use, including the purchase and sale thereof, within the district, and to provide for recreation activities incidental to and in connection with said purposes. In addition to the powers provided for in Section 5, the district shall have power to engage in any such recreation activities and, in connection therewith, to exercise any of the powers provided for in Section 5. (Stats.1945, c. 1294, p. 2427, § 4. Amended by Stats.1959, c. 2045, p. 4731, § 8; Stats.1965, c. 785, p. 2372, § 3, eff. July 6, 1965.)

Cross References

Appropriation of water, see Water Code § 1200 et seq.
Beneficial use of water, see Water Code § 100.

§ 49-5. Nature of district; powers

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, 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 land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in 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; 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.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. 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 San Luis Obispo, 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.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. 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 in the name of the state, 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 individu-

al, 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 San Luis Obispo 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 San Luis Obispo 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; to cooperate with, 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, in the construction of any work for the controlling of flood or storm waters of streams in or running 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.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

(Stats.1945, c. 1294, p. 2427, § 5. Amended by Stats.1963, c. 2029, p. 4214, § 15; Stats.1975, c. 584, p. 1224, § 20.)

Law Revision Commission Comment

1975 Amendment

Subdivision 8 of Section 5 [Water Code App. § 49-5] is revised to conform to the language used in other special district acts, the portion relating to proper location of improvements being eliminated because it is superseded by more general provisions of the Eminent Domain Law. See Code Civ.Proc. §§ 1240.030 (public necessity must be established), 1240.040 and 1245.210 et seq. (resolution of necessity). See also Code Civ.Proc. § 1245.010 et seq. (procedure for entry to locate improvement). The word "condemnation" is

deleted from subdivisions 4 and 9 to avoid any implication that the broad grant of condemnation authority under Section 6 [Water Code App. § 49-6] is limited to the types of property enumerated in subdivisions 4 and 9. Under Section 6 [Water Code App. § 49-6], any type of property or right or interest therein may be taken by eminent domain. See Code Civ.Proc. §§ 1235.170, 1240.110. Also, the enumeration of specific types of property in subdivisions 4 and 9 does not limit the right to acquire other types of property by purchase or other means. Code Civ.Proc. § 1240.130; cf. Code Civ.Proc. § 1230.030.

Historical and Statutory Notes

Operative effect of Stats.1963, c. 2029, p. 172, see Historical and Statutory Notes under Business and Professions Code § 5312.

Operative effect of 1975 amendment, see note under § 55-5.

Library References

Levees and Flood Control §9.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 24 et seq.
Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974).

Sovereign immunity study. Cal.Law Revision Comm. (1963) Vol. 5, pp. 26, 111.

§ 49-5.1. Loans; tax levy

Sec. 5.1. (a) In addition to the powers specified in Section 5, the district may borrow money to finance any flood control or conservation project of any zone of the district. The loan shall be repaid in installments over a period not to exceed 15 years. The loans shall constitute a charge against the funds of the zone in which the improvements occur. Pursuant to this section, the board of supervisors may borrow money from the United States, or any agency or department thereof, or from the State of California, or any agency thereof, or from any bank or banking institution authorized to transact business within the state, or from any private corporation organized under the laws of this state and authorized by its articles of incorporation to lend money to public agencies for construction of public works. The power to borrow money authorized by this section shall be exercised only when both of the following has occurred:

(1) The board of supervisors has declared the existence of an emergency and ordered the holding of a special election not less than 30 days from the date of the resolution declaring the existence of the emergency, or the board of supervisors has formed a special zone pursuant to Section 2.5 and ordered the holding of a special election not less than 30 days from the date of the resolution forming the special zone.

(2) The proposition authorizing the borrowing of money has been ratified and authorized by two-thirds of the votes cast at the special election called for that purpose. A special election may be consolidated with a primary election or general election.

(b) Interest on any loan authorized by this section shall not exceed the maximum rate authorized by Section 53531 of the Government Code. A loan pursuant to this act shall be evidenced by a written contract signed by the chairperson of the board specifying the particular flood control work or projects for which the money shall be expended. If a surplus remains after

completion of the work, that surplus shall be applied to the payment of the principal and interest due upon the loan. The board of supervisors shall annually levy a tax upon the taxable property of the zone or zones within which the work is performed, sufficient to pay the installments and interest on the loan as it becomes due and payable in accordance with the terms of the contract. However, the tax levy for the repayment of the principal and interest on any loan shall not, together with all other charges and obligations for construction, maintenance, operation, and improvements within the zone, exceed the limitations fixed by Section 13.

(c) All tax liens of taxes imposed pursuant to this section shall be levied, collected, and enforced at the same time and in the same manner as county taxes.

(Added by Stats.1989, c. 377, § 3.)

§ 49-6. Eminent domain

Sec. 6. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

(Stats.1945, c. 1294, p. 2430, § 6. Amended by Stats.1967, c. 646, § 1, eff. July 10, 1967; Stats.1975, c. 584, p. 1227, § 21.)

Law Revision Commission Comment

1975 Amendment

The deleted portions of Section 6 [Water Code App. § 49-6] are superseded by provisions of the Eminent Domain Law. See Code Civ.Proc. §§ 1230.020 (uniform procedure), 1240.610 et seq. (more necessary public use), 1240.010 (declaration that use is a public use is unnecessary), 1240.110 (right to take any interest or right in property), 1240.310 et seq. (taking for exchange), 1250.210 (identification of plaintiff). See also Code Civ.Proc. §§ 1240.040 and 1245.210 et seq. (resolution of necessity), 1235.170 ("property" defined).

Historical and Statutory Notes

Operative effect of 1975 amendment, see note under § 55-5.

Cross References

Eminent domain, see Civil Code § 1001; Code of Civil Procedure §§ 1230.010 et seq., 1240.010 et seq.

...ed to the payment of the board of supervisors shall zone or zones within which ...ments and interest on the ...ce with the terms of the ...f the principal and interest ...arges and obligations for ...vements within the zone,

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...ment domain, either within ...ary to carry out any of the ...osing such power shall in ...struction of property, also ...e railways, mains, pipes, ...his required to be moved ...be deemed to authorize ...aters of any river, creek, ...nel, to the detriment of ...n river, creek, stream, ...eof or therein, unless ...mer provided by law. ...c 646, § 1, eff. July 10,

...are superseded ...oc. §§ 1230.020 ...e use), 1240.010 ...right to take any ...change), 1250.210 ...40 and 1245.210 ...seq., 1240.010 et

Library References

Eminent Domain ⇨29, 30. WESTLAW Topic No. 148. C.J.S. Eminent Domain §§ 40, 46. Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974). Sovereign immunity study. Cal.Law Revision Comm. (1963) Vol. 5, pp. 82, 83.

§ 49-6.1. Eminent domain; riding and hiking trails

Sec. 6.1. No authority is granted to the district to acquire riding and hiking trails by condemnation.

(Added by Stats.1967, c. 646, § 2, eff. July 10, 1967. Amended by Stats.1968, c. 488, p. 1127, § 1; Stats.1975, c. 584, p. 1227, § 22.)

Law Revision Commission Comment

1975 Amendment

The first paragraph of Section 6.1 [Water Code App. § 49-6.1] is superseded by Section 1240.410 et seq. of the Code of Civil Procedure.

Historical and Statutory Notes

Operative effect of 1975 amendment, see note under § 55-5.

Library References

Waters and Water Courses ⇨183½. WESTLAW Topic No. 405. C.J.S. Waters § 243. Recommendations relating to condemnation law and procedure in special districts. 12 Cal.L.Rev.Comm. Reports 1101 (1974).

§ 49-7. Supervisors; ordinances, resolutions and other legislative acts

Sec. 7. The board of supervisors of San Luis Obispo County shall be and is hereby designated as, and empowered to act as, ex officio the board of supervisors of the San Luis Obispo County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the board of supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, 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 of San Luis Obispo.

(Stats.1945, c. 1294, p. 2431, § 7.)

Library References

Levees and Flood Control ⇨8. WESTLAW Topic No. 235. C.J.S. Levees and Flood Control §§ 22, 23.

§ 49-8. Officers

Sec. 8. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of San Luis

Obispo, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said San Luis Obispo County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said San Luis Obispo County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said San Luis Obispo County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of San Luis Obispo County.

(Stats.1945, c. 1294, p. 2431, § 8.)

§ 49-9. Administrative regulations

Sec. 9. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, which said officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

(Stats.1945, c. 1294, p. 2432, § 9.)

§ 49-10. Engineers; flood control plans; report; cost estimate

Sec. 10. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without the district, or to devise a plan or plans and specifications for the construction and installation of irrigation and domestic distribution systems for the disposition and distribution of any of said waters, or to save or conserve in any manner, any or all of such waters, and to protect the public highways, life and property within the district, and the watercourses and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct

assistants, deputies, clerks Luis Obispo County, their officio officers, assistants, San Luis Obispo County shall respectively perform, various duties for said district out the provisions of this Mayor is a registered civil to supervise the engineer- for compensation for his district, in addition to his

enforce all needful rules of the district, and to ts, engineers, attorneys, of any work provided for and to perform all other this act.

erwise prescribed, the etary and such other as in its judgment may compensation, which hold their respective

estimate and er by resolution to and carefully devise he district, and the ns that have their ood waters thereof efacial and useful elate into the soil e specifications for tribution systems ave or conserve ublic highways, ed watersheds of waters; and to ed necessary or tion may direct

such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Such engineer or engineers, employed by the board, shall have power and authority, subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

The board may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

(Stats.1945, c. 1294, p. 2432, § 10. Amended by Stats.1959, c. 2045, p. 4731, § 9.)

Library References

- Levees and Flood Control ¶12.
- WESTLAW Topic No. 235.
- C.J.S. Levees and Flood Control § 7.

§ 49-11. Projects; selection; findings

Sec. 11. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the district as a whole; or
2. For the common benefit of two or more zones hereinafter referred to as participating zones; or
3. For the benefit of a single zone.

(Stats.1945, c. 1294, p. 2433, § 11.)

§ 49-12. Repealed by Stats.1965, c. 785, p. 2373, § 4, eff. July 6, 1965

Historical and Statutory Notes

The repealed section, added by Stats.1945, c. 1294, p. 2433, § 12, related to institution of zone projects.

§ 49-13. Taxes and assessments

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. To levy taxes or assessments upon all taxable property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone of participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating,

all property in the district of the district, and to carry on benefit to the district,

in each or any of said expenses of carrying out, or otherwise improv- be established within or benefits derived or to be

property in each or any of to be derived therein to objects or purposes of this constructing, maintaining, any or all works of or on behalf of said

governmental bodies as and the making of a poses set forth in said be performed by any ating zones, for the that the district is to eration or subvention body, the board may erty in such zone or istrict to make such otherwise provided

gether with, and not s derived from said asury to the credit ard shall have the purposes; provid- any of the several ns of subdivision ning, operating,

extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

(Stats.1945, c. 1294, p. 2434, § 13. Amended by Stats.1959, c. 2045, p. 4732, § 10.)

Library References

Levees and Flood Control §22. WESTLAW Topic No. 235.

C.J.S. Levees and Flood Control §§ 29, 30, 35, 38.

§ 49-14. Bonds; determination; election; irregularities; vote required

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of San Luis Obispo County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon all the taxable property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring of bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness. Said board shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election

precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

(Stats.1945, c. 1294, p. 2435, § 14. Amended by Stats.1959, c. 2045, p. 4733, § 11; Stats.1965, c. 785, p. 2373, § 5, eff. July 6, 1965.)

Cross References

Newspaper of general circulation, see Government Code § 6000.

Library References

Levees and Flood Control ⇨34.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 40.

§ 49-15. Bonds; form; terms; contents; signatures

Sec. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone

participating zone and may
be established for general
precincts for
designate a polling place
for each of such special

each special bond election
with the general election

prepared covering a general
shall show the location of
use the said map to be
for public inspection for
section.

shall, prior to the date
1962 of the Government
in each zone and
ordinance must be at
be no such newspaper,
places designated by the
thirty (30) days before
election need be given

to the calling of such
bonds authorized by said
at such election two-
of incurring a bonded
zone for the amount
in this act provided.
participating zones is to be
participating zones shall
the proposition in
bonded indebtedness

2045, p. 4733, § 11;

act, prescribe by
of the zone

or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The final maturity date of the bonds of each series shall not exceed 40 years from the date of the bonds of such series.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum (6%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures 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.1945, c. 1294, p. 2437, § 15. Amended by Stats.1959, c. 2045, p. 4735, § 12; Stats.1965, c. 785, p. 2374, § 6, eff. July 6, 1965.)

§ 49-16. Bonds; Issuance and sale; payments from zone funds

Sec. 16. The board may issue and sell the bonds of such zones authorized as hereinbefore provided at less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of San Luis Obispo to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of San Luis Obispo.

(Stats.1945, c. 1294, p. 2437, § 16. Amended by Stats.1959, c. 2045, p. 4736, § 13.)

§ 49-16.1. Sale of whole or part of bonds; bids; publication; registration of bonds

Sec. 16.1. The district may sell the whole, or from time to time any part of the bonds so issued at the times or in the manner the board deems to be to the

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public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication pursuant to Section 6061 of the Government Code of notice of sale, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The bonds may be registered with the treasurer in accordance with 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.

(Added by Stats.1959, c. 2045, p. 4736, § 14.)

Library References

Levees and Flood Control ⇐34.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 40.

§ 49-17. Repealed by Stats.1965, c. 785, p. 2375, § 7, eff. July 6, 1965

Historical and Statutory Notes

The repealed section, added by Stats.1945, c. 2045, p. 4736, § 15, related to lien of bonds, 1294, p. 2437, § 17, amended by Stats.1959, c. source of payment and registration.

§ 49-18. Taxes and assessments

Sec. 18. The board shall levy a tax or assessment each year upon all taxable property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said San Luis Obispo County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said San Luis Obispo County in the manner provided by law for the payment of principal and interest on bonds of said county.

(Stats.1945, c. 1294, p. 2438, § 18. Amended by Stats.1959, c. 2045, p. 4737, § 16.)

Library References

Levees and Flood Control ⇐22. C.J.S. Levees and Flood Control §§ 29, 30,
WESTLAW Topic No. 235. 35, 38.

§ 49-19. Taxes and assessments; law applicable

Sec. 19. 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 the redemption from such

sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.
(Stats. 1945, c. 1294, p. 2438, § 19.)

Cross References

Assessment generally, see Revenue and Taxation Code § 401 et seq.
Collection of taxes, see Revenue and Taxation Code § 2501 et seq.

Library References

Levees and Flood Control ⇨25.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 33 et seq.

§ 49-20. Validation of district; taxes and assessments for fiscal year 1944-1945

Sec. 20. Notwithstanding Section 3720 of the Political Code, the San Luis Obispo County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the San Luis Obispo County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1944-1945 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 3720 of the Political 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 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 San Luis Obispo County Flood Control and Water Conservation District.

For the Fiscal Year 1945-1946, but for no other fiscal year, notwithstanding Section 19 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 1944-1945 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 1944-1945 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, 1945, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1945-1946, 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 San Luis Obispo 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 1945-1946. Except as provided in this section, Section 19 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1945-1946.

(Stats.1945, c. 1294, p. 2438, § 20.)

§ 49-21. Bonds; legal Investments

Sec. 21. The bonds of the district issued for any zone or zones thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

(Stats.1945, c. 1294, p. 2440, § 31.)

§ 49-22. Bonds; tax exemption; nature of district

Sec. 22. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district

and an irrigation district within the meaning of section 1 $\frac{3}{4}$ of Article XIII and Section 13 of Article XI of the Constitution of this State.
(Stats.1945, c. 1294, p. 2440, § 22.)

Cross References

Taxable and exempt property, see Revenue and Taxation Code § 201 et seq.

Library References

Taxation ◊218.
WESTLAW Topic No. 371.
C.J.S. Taxation § 260.

§§ 49-23, 49-23.5. Repealed by Stats.1984, c. 1128, §§ 100, 100.5

Historical and Statutory Notes

Section 49-23, added by Stats.1945, c. 1294, § 23, set forth bidding procedures for contracts for improvement or units of work. See Public Contract Code § 21101.

Section 49-23.5, added by Stats.1959, c. 2045, § 17, related to specifications and contracts for work finances with federal funds. See Public Contract Code § 21102.

§ 49-24. Improvements; conformity to report, plans, specifications, etc.

Sec. 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

(Stats.1945, c. 1294, p. 2441, § 24.)

Library References

Levees and Flood Control ◊15.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 2 et seq.

§ 49-25. Additional bonds

Sec. 25. Whenever bonds have been authorized by any zone or participating zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

(Stats.1945, c. 1294, p. 2441, § 25.)

Library References

Levees and Flood Control \S 34.
 WESTLAW Topic No. 235.
 C.J.S. Levees and Flood Control \S 40.

§ 49-26. Bond proposal; defeat; waiting period before next election

Sec. 26. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

(Stats.1945, c. 1294, p. 2441, \S 26.)

Cross References

Qualifications of voters, see Elections Code \S 2000 et seq.

§ 49-27. Repeals and amendments; effect upon obligations

Sec. 27. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

(Stats.1945, c. 1294, p. 2442, \S 27.)

§ 49-28. Right of way over public lands

Sec. 28. There is hereby granted to San Luis Obispo County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dykes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

(Stats.1945, c. 1294, p. 2442, \S 28.)

Library References

Levees and Flood Control \S 13½.
 WESTLAW Topic No. 235.
 C.J.S. Levees and Flood Control $\S\S$ 6, 20.

§ 49-29. Repealed by Stats.1975, c. 585, p. 1243, § 24

Law Revision Commission Comment

1975 Repeal

Section 29 [Water C.App. § 49-29] is superseded by Section 1240.530 of the Code of Civil Procedure and Section 861 of the Public Utilities Code.

Historical and Statutory Notes

The repealed section, added by Stats.1945, c. 1294, § 29, related to relocation of streets, railroads, canals or other property subject or devoted to public use. Operative effect of Stats.1975, c. 585, see Historical and Statutory Notes under Water Code Appendix § 40-39.

§ 49-30. Claims for money or damages; law governing; other claims; procedure

Sec. 30. 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. 4166, § 40. Amended by Stats.1963, c. 1715, p. 3418, § 131.)

Historical and Statutory Notes

Former § 49-30, added by Stats.1945, c. 1294, p. 2443, § 30, was repealed by Stats.1959, c. 1728, p. 4166, § 39. Applicability of Stats.1963, c. 1715, p. 3369, see Historical Note under Government Code § 900.

Cross References

Claims against counties, see Government Code § 29700 et seq.

Library References

Levees and Flood Control § 20. WESTLAW Topic No. 235. C.J.S. Levees and Flood Control § 10. Claims, actions and judgments against public entities and public employees; recommendation. Cal.Law Revision Comm. (1963) Vol. 4, p. 1007 et seq. Presentation of claims against public entities; recommendation and study. Cal.Law Revision Comm. (1959) Vol. 2, p. A-17.

§ 49-31. Property

Sec. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any

property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

(Stats.1945, c. 1294, p. 2443, § 31.)

Library References

Levees and Flood Control \Leftrightarrow 13½.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control §§ 6, 20.

§ 49-32. Action to test validity of district

Sec. 32. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of San Luis Obispo, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

(Stats.1945, c. 1294, p. 2443, § 32.)

Cross References

Newspaper of general circulation, see Government Code § 6000.
Service by publication, see Code of Civil Procedure § 415.50.

Library References

Levees and Flood Control \Leftrightarrow 11.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 42.

§ 49-33. Employees' bonds

Sec. 33. Employees appointed by the board under this act when required by resolution therefor of the board of supervisors of the district, shall execute

bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments. (Stats.1945, c. 1294, p. 2444, § 33.)

Library References

Levees and Flood Control ¶8.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control §§ 22, 23.

§ 49-34. Liberal construction

Sec. 34. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes. (Stats.1945, c. 1294, p. 2444, § 34.)

§ 49-35. Partial invalidity

Sec. 35. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby. (Stats.1945, c. 1294, p. 2444, § 35.)

§ 49-36.1. Authorized works and improvements; assessment

Sec. 36.1. 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 irrigation, domestic, or other water supply or for fire protection or any work or improvement for controlling flood and storm waters within the district, or for providing, supplying, and transporting water for recreational purposes, any work or improvement in draining and protecting lands and other property within the district from the effects of water, and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any improvement district to be assessed therefor, which improvement district need not be composed of lands contiguous to each other.

(Added by Stats.1959, c. 2045, p. 4737, § 18.)

Library References

Levees and Flood Control ¶17, 18.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 9.

§ 49-36.2. Applicability of Improvement Act of 1911

Sec. 36.2. The work or improvement done pursuant to Section 36.1 shall be done and the cost thereof assessed and collected in accordance with the procedure and in pursuance of the provisions of the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code. (Added by Stats.1959, c. 2045, p. 4738, § 19.)

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§ 49-36.3. Applicability of Municipal Improvement Act of 1913 and Street Opening Act of 1903

Sec. 36.3. The Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code, and the Street Opening Act of 1903, Part 1 (commencing at Section 4000) of Division 6 of the Streets and Highways Code, are also applicable to the district.

(Added by Stats.1959, c. 2045, p. 4738, § 20.)

§ 49-36.4. Applicability of Improvement Bond Act of 1915

Sec. 36.4. The Improvement Bond Act of 1915, Division 10 (commencing at Section 8500) of the Streets and Highways Code, is also so applicable for use in conjunction with the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or with other improvement acts.

(Added by Stats.1959, c. 2045, p. 4738, § 21.)

§ 49-36.5. Discretion of board to use applicable acts; assessments, reassessments, and bonds

Sec. 36.5. (a) The acts or any of them may be used in the discretion of the board 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 under this act.

(b) The assessments or reassessments 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 or reassessment, including, but not limited to: (1) a per acre or fraction thereof basis, or (2) for assessments or reassessments related to drain, storm, flood control, or water conservation purposes, upon all taxable property in each or any of the zones, according to the benefits derived or to be derived by the respective zones to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to the respective zones, including the constructing, extending, repairing, or otherwise improving any or all works or improvements within the respective zones. Except as provided in subdivision (c), in the case of any assessment or reassessment under this act, the benefit may be determined on the basis of the proportionate storm water runoff from each parcel. It is declared that all property within a given zone that is located within a watershed or watersheds which are tributary to an existing or proposed flood control or water conservation improvement is equally benefited.

(c) Whenever a railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way is included within an area proposed to be assessed, the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to the assessment only if, and to the extent that, it is found that it will benefit from the service, and the

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railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to the same penalties, and the same procedure and sale, in the event of delinquencies, as other parcels in the assessment area. In determining whether or not the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way benefits from the services provided, its use as a right-of-way for a railroad, gas, water, telephone, cable television, electric, or other utility shall be presumed to be permanent.

(d) (1) Proportionate storm water runoff may be used as a measure of benefit on an undeveloped parcel of land pursuant to the section only if, and to the extent that, it is found that it will benefit from the service.

(2) For the purposes of this section, "undeveloped parcel of land" means a parcel of rural land in its undeveloped natural state, although the land may be grazed, if otherwise undisturbed, in a manner consistent with the normally accepted grazing land management practices for the geographic area. "Undeveloped parcel of land" also includes wetlands and marshlands if undisturbed and subject to periodic inundation. For purposes of this section, "rural land" is land which is outside of an urbanized area as designated by the most recent federal decennial census of the United States Bureau of the Census.

(Added by Stats.1959, c. 2045, p. 4738, § 22; Stats.1989, c. 377, § 4.)

Library References

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| Levees and Flood Control §21 to 34. | C.J.S. Levees and Flood Control §§ 28 to 33, |
| Waters and Water Courses §230, 231. | 35 to 40. |
| WESTLAW Topic Nos. 235, 405. | C.J.S. Waters §§ 322, 332. |

§ 49-36.6. Additional notice; recordation of certified copy of assessment and diagram

Sec. 36.6. As an additional notice, a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor, if the improvement district or any part thereof is in unincorporated territory, and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory, and shall remain on official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof.

(Added by Stats.1950, c. 2045, p. 4738, § 23.)

Library References

Levees and Flood Control §25.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control § 33 et seq.

§ 49-36.7. Agreements for operation and maintenance of works or improvements by municipalities

Sec. 36.7. 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, Division 7 (commencing at 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.1959, c. 2045, p. 4738, § 24.)

§ 49-36.8. Definitions

Sec. 36.8. In the application of the acts referred to in all of the preceding Sections, 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, and 36.7, the terms used in those acts shall have the following meanings:

(a) "City" refers to the San Luis Obispo County Flood Control and Water Conservation District.

(b) "City council" or "legislative body" refers to the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

(c) "Mayor" refers to the Chairman of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

(d) "Clerk" refers to the Secretary of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

(e) "Council chambers" refers to the place designated by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District for holding its regular meetings.

(f) "Treasurer" refers to the Treasurer of the San Luis Obispo County Flood Control and Water Conservation District.

(g) "Auditor" refers to the Auditor of the San Luis Obispo County Flood Control and Water Conservation District.

(h) "Tax collector" means county tax collector.

(i) "Superintendent of streets" or "street superintendent" and "city engineer" refer to the Engineer of the San Luis Obispo County Flood Control and Water Conservation District.

(j) "Right of way" refers to any parcel of land to which a right of way has been granted to the San Luis Obispo County Flood Control and Water Conservation District.

(k) All words relating to municipal officers and matters refer to the Corresponding officers of the San Luis Obispo County Flood Control and Water Conservation District.

(Added by Stats.1959, c. 2045, p. 4739, § 25.)

§ 49-36.9. Appointment of officer to perform duties of street superintendent or city engineer

Sec. 36.9. The board may appoint an officer, other than the engineer, without compensation as the officer to perform any or all of the duties

conferred upon the street superintendent or city engineer in any law referred to in Sections 36.1 to 36.7, inclusive.

(Added by Stats.1959, c. 2045, p. 4739, § 26.)

Library References

Levees and Flood Control 8.
WESTLAW Topic No. 235.
C.J.S. Levees and Flood Control §§ 22, 23.

§ 49-36.10. Engineer of work; appointment; compensation

Sec. 36.10. The board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in any law referred to in Sections 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, and 36.7 shall be performed by the engineer of work whose compensation and expenses shall constitute an incidental expense in the cost of the work.

(Added by Stats.1959, c. 2045, p. 4739, § 27.)

§ 49-36.11. Supervision by engineer of work

Sec. 36.11. The board may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the materials used shall comply with his specifications and be to his satisfaction, and that he shall submit an assessment to the board for confirmation.

(Added by Stats.1959, c. 2045, p. 4740, § 28.)

§ 49-36.12. Entry into contract by engineer; recordation of assessment and warrant

Sec. 36.12. The contract shall be entered into by the engineer, and the assessment and warrant, when confirmed, shall be recorded in the office of the engineer.

(Added by Stats.1959, c. 2045, p. 4740, § 29.)

§ 49-36.13. Improvement districts; formation; government

Sec. 36.13. Improvement districts may be formed in the district in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts.

(Added by Stats.1959, c. 2045, p. 4740, § 30.)

§ 49-36.14. Improvement districts; powers and duties of board

Sec. 36.14. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the district as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.

(Added by Stats.1959, c. 2045, p. 4740, § 31.)

§ 49-36.15. Improvement districts; levy and collection of taxes

Sec. 36.15. Assessments in an improvement district in the district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

(Added by Stats.1959, c. 2045, p. 4740, § 32.)

Library References

Levees and Flood Control ⇨27.

WESTLAW Topic No. 235.

C.J.S. Levees and Flood Control §§ 33, 38.

§ 49-36.16. Inapplicability of Majority Protest Act of 1931

Sec. 36.16. Division 4 of the Streets and Highways Code, which division is cited as the Special Assessment Investigation, Limitation and Majority Protest Act or 1931, Division 5 (commencing at Section 2800) of the Streets and Highways Code, shall not be applicable to San Luis Obispo County Flood Control and Water Conservation District.

(Added by Stats.1959, c. 2045, p. 4740, § 33.)

§ 49-36.17. Revenue bonds; issuance and sale

Sec. 36.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code) to provide funds for the acquisition, construction, improving, or financing any one or more revenue-producing enterprises for the benefit of the district, or of any zone or zones thereof, for any one or more of the purposes for which the district has been formed. "Enterprise" as used in this section means a revenue-producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code.

Any election to authorize the issuance of revenue bonds pursuant to this section shall be held in the district, if the enterprise benefits the entire district, or, if the enterprise is for the benefit of a particular zone or zones of the district, in the zone or zones benefited by the enterprise.

Except as set forth in this section, in the case of any conflict between the provisions of this act and the provisions of the Revenue Bond Law of 1941, the provisions of the Revenue Bond Law of 1941 shall control.

(Added by Stats.1959, c. 2045, p. 4740, § 34. Amended by Stats.1963, c. 279, p. 1040, § 1; Stats.1974, c. 146, p. 293, § 1, eff. April 4, 1974.)