

A Recap of This Act in the Water Code

APPENDIX B

Siskiyou County Flood Control and Water Conservation District Act
Appendix 89 to the California Water Code

§ 89-1. Creation; name; boundaries

Section 1. A flood control and water conservation district is hereby created, to be known and designated as "Siskiyou County Flood Control and Water Conservation District" and the boundaries and territory of the district are as follows:

All of that territory of the County of Siskiyou lying within the exterior boundaries thereof, exclusive of the area in Siskiyou County within the Upper Klamath River Basin, as delineated on the Official Map of the Upper Klamath River Basin approved September 6, 1956, and made a part of the Klamath River Basin compact between the States of Oregon and California, ratified by said states on April 17, 1957.

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a map*

§ 89-2. Definitions

Sec. 2. "District" means Siskiyou County Flood Control and Water Conservation District.

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

"County" means the County of Siskiyou.

"Counties" means the several counties of the State of California.

"State" means the State of California.

"Subterranean supply of waters" means (a) that amount of water percolated into natural underground reservoirs, from surface reservoirs owned or controlled by the district, to replenish and augment the supply therein, (b) that amount of the underflow water of a surface watercourse to the extent augmented by the release of water from a surface reservoir owned or controlled by the district, and (c) any underflow of a surface watercourse being put to beneficial use within the district on the effective date of this act.

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§ 89-3. Purposes of act; district as body corporate and politic; powers

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

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(a) To have perpetual succession.

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

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

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

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

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(f) To exercise the right of eminent domain to take any property located within the county necessary to carry out any of the objects or purposes of this act.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights- of-way for flood control purposes and not from funds appropriated for state highway purposes.

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

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

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

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

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

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


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

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


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

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


✱ (q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses. ✱



(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of water in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost 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 the common benefit of 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 or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in 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 or useful 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.



(s) To cooperate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Siskiyou, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.



(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to

all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Siskiyou County Flood Control and Water Conservation District; to acquire by negotiation only 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 owned or controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by 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 or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Siskiyou County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.



(u) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.



(v) To construct, operate, and maintain, either on its own or in conjunction with any other public agency, public utility, or private person or private entity, or to permit others on district property or facilities to construct, own, operate, and maintain on such terms and conditions as the district deems appropriate, works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of the energy, or for the use of the energy by any public agency, public utility, or private entity, for a term not to exceed 50 years.

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The power generated shall not be offered for sale directly by the district to customers other than a public utility or public agency engaged in the distribution, use, or sale of electricity.

(w) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

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§ 89-4. Petition and resolution or special election

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Sec. 4. Before the district may begin to transact business or exercise its powers, the Board of Supervisors of the County of Siskiyou, on its own motion or whenever a petition requesting that the district transact business and exercise its powers signed by not less than 10 percent of the qualified electors of the County of Siskiyou is presented to such board of supervisors, may adopt a resolution declaring that there is need for the district to function, or it may call a special election for the purpose of submitting to the voters of the county the proposition of whether the district should function.

From and after the date of the adoption of the resolution, or the date upon which the vote on the proposition is declared by the board of supervisors, if a majority of the voters voting on the proposition voted in its favor, the district shall begin to function and may exercise its powers.

§ 89-5. Establishment of zones; conduct of proceedings

Sec. 5. The board of directors of the district, by resolutions thereof adopted from time to time, may establish zones within the 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. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality. Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 6 of this act.

§ 89-6. Institution of projects; procedure

Sec. 6. 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 for the common benefit of such zone or participating zones. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general constructing of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by either a majority in number of the registered voters or freeholders residing within such zone or participating zones, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

§ 89-7. Zone advisory committee; operating advisory committee

Sec. 7. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint for each zone at the time of adoption of the resolution of intent, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Siskiyou County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board. The advisory committee for each zone shall hold office until the zone project is completed or abandoned. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board. At the completion of a zone project the board shall

appoint an operating advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Siskiyou County to advise the board on matters of maintenance, operation, extensions, repairs and any work or improvements and none of these matters shall be attempted by the board unless and until a two-thirds majority of the operating advisory committee shall consent thereto in writing and such written consent is filed with the board. The members of the first operating advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the operating advisory committee shall be filled by the board for the unexpired term.

§ 89-8. Dissolution of district; manner

Sec. 8. Upon the petition of 200 qualified electors of the district, the district may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300) of Chapter 1 of Title 6 of the Government Code, except for the number of petitioners required, and the district shall be considered a district within the meaning of all the provisions of such article.

§ 89-8.5. Districts; existence for purposes of District Reorganization Act; proceedings for annexation or detachment of territory

Sec. 8.5. Notwithstanding Section 56039 of the Government Code, the district is a "district" for purposes of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code).

All proceedings for the annexation or detachment of territory to or from the district shall be conducted in the manner provided for in District Reorganization Act of 1965, and all the provisions of the act apply to the district.

§ 89-9. Board of directors

Sec. 9. The Board of Supervisors of Siskiyou County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the purpose of this act.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of supervisors shall serve as a director without

compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

§ 89-11. Officers and employees

Sec. 11. The county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by the board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

§ 89-12. Ordinances, resolutions and other legislative acts; initiative and referendum

Sec. 12. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejection of district ordinances in accordance with the procedure established by the laws of the State of California for the exercise of such powers in relation to counties.

§ 89-13. Claims against district; law governing; preparation; presentation; audit

Sec. 13. 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.

§ 89-14. Title to property; alienation and conveyance

Sec. 14. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act and all such property is exempt from taxation or assessment by the state, any county,

city, or district. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

§ 89-15. Right of way over public lands

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Sec. 15. There is granted to the district the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, 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 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.

§ 89-17. Debt limit

Sec. 17. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

However, nothing in this section is intended to preclude the board from conveying or alienating title to real property, water rights, or waterworks on such terms and conditions as the board deems appropriate when the board deems it necessary, expedient, or advantageous to the full exercise and economic enjoyment of district purposes.

§ 89-18. Taxation; power; limitation

Sec. 18. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any

other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of ten cents (\$0.10) on each one hundred dollars (\$100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes. The revenue from the tax levied pursuant to this action may also be used to assist in the financing of projects for any zone or zones.

§ 89-19. Taxation; levy within zones; purposes

Sec. 19. The board shall have the power, as provided for in this act, to cause taxes to be levied within any zone for the purpose of paying any obligation of the district created for the district and to accomplish the purpose of the district and of this act.

§ 89-20. Estimate of money needed

Sec. 20. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

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

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in the report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining the amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district, or any portion thereof, to be divided into a zone or zones, if in its opinion such division is necessary because of the varying benefits to the property within the district, together with a statement as to the amount of the sum to be raised from each of such zone or zones for the payment of principal and interest of the bonds of the zone or zones. The district may be divided into as many zones as may be deemed necessary and

each zone shall be composed of and include any of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and shall show the separate boundaries of each zone and a statement of the amount to be raised from each zone.

§ 89-21. Special election; propositions; resolution; conduct of election; electors; defect in proceedings; required vote

Sec. 21. If after the hearing provided for in Section 6 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?
2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

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

At such election all persons whose names appear on the last Great Register of Siskiyou County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall be entitled to one vote for the first one thousand dollars (\$1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars (\$1,000) of assessed value or fraction thereof.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a

week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds. # 397514

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

§ 89-22. Defeat of proposal; waiting period before new election

Sec. 22. Should the proposition be submitted to the electorate as provided in Section 21 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

§ 89-23. Contract to pay amount assessed against zone in incorporated territory

Sec. 23. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within the district and the amount to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 20, but before the calling of the bond election as provided in Section 21 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of the municipality or political subdivision. Thereupon the charges against the zone or zones shall be canceled to the extent of the amount so agreed to be paid, and thereafter the electors residing within the zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by the municipality or other political subdivision.

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

§ 89-24. Bonds; form; maturity; place of payment; amount; limit

Sec. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of

interest said bonds shall bear, not to exceed 8 percent per year to be fixed by the board. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the State Treasurer but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

The Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code) is applicable to districts for the purpose of providing funds for the acquisition, construction, improving or financing of any public improvement authorized by this division which is not inconsistent with the provisions of Section 54310 of the Government Code. However, notwithstanding the provisions of Section 54400 of the Government Code and any other provisions of law, the board may determine and provide, in any resolution providing for the issuance of such revenue bonds, for maturity dates of the bonds not exceeding 50 years from their respective dates.

§ 89-25. Bonds; denominations; payment; signatures and countersignatures

Sec. 25. The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100) nor of a greater denomination than one thousand dollars (\$1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

§ 89-26. Bonds; action to test validity

Sec. 26. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

§ 89-27. Bonds; issuance and sale

Sec. 27. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of

any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

§ 89-28. Sinking fund; temporary investment

Sec. 28. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

§ 89-29. Bonds; irregularities; payment from tax revenues

Sec. 29. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

§ 89-30. Bonds; legal investments

Sec. 30. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any

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

§ 89-31. Bonds; proceeds

Sec. 31. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Siskiyou, and be paid out by him upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

§ 89-32. Taxes; bond payments

Sec. 32. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

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

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

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

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by the Board of Supervisors of the County of Siskiyou, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

§ 89-33. Taxes; costs and expenses

Sec. 33. After the first bond election in the district at which bonds shall be authorized, or after the district becomes indebted to the United States pursuant to Section 3(u), the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 32 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents (\$0.05) on each one hundred dollars (\$100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

§ 89-34. Bonds; exemption from taxation

Sec. 34. Bonds issued by the district and property of the district shall be exempt from taxation as provided by Sections 1 and 1 3/4 of Article XIII of the State Constitution.

§ 89-35. Directory provisions; negligible errors

Sec. 35. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

§ 89-36. Liberal construction; irregularities

Sec. 36. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

§ 89-37. Partial invalidity

Sec. 37. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 89-38. Short title

Sec. 38. This act shall be known as the "Siskiyou County Flood Control and Water Conservation District Act."