

CHAPTER 587

An act to amend Section 80 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session), to amend Sections 5 and 7 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), to repeal Section 19 of Chapter 158 of the Statutes of 1885, to amend Section 14 of, and to repeal Section 16 of, the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to amend Section 22 of the Drainage District Improvement Act of 1919 (Chapter 354 of the Statutes of 1919), to amend Section 81 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session), to amend Section 81 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to amend Section 44 of the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951), to amend Section 6.3 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961), to amend Section 80 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959), to amend Section 30 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), to amend Section 5 of Chapter 99 of the Statutes of 1913, to amend Section 35 of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961), to amend Section 141 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to amend Section 45 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955), to amend Section 3 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), to amend Section 4.8 of, and to repeal Section 4.9 of, the

Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945), to amend Section 51 of the Mountain View Shoreline Regional Park Community Act (Chapter 1109 of the Statutes of 1969), to amend Section 6 of Chapter 201 of the Statutes of 1895, to repeal Section 15 of Chapter 25 of the Statutes of 1907, to amend Section 5 of Chapter 361 of the Statutes of 1915, to amend Section 27 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), to amend Section 45 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), to amend Section 141 of the Tahoe-Truckee Sanitation Agency Act (Chapter 1560 of the Statutes of 1971), to amend Section 2 of, and to repeal Section 23 of, the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), to amend Section 6.6 of the West Bay Rapid Transit Authority Act (Chapter 104 of the Statutes of 1964, First Extraordinary Session), and to amend Section 15 of Chapter 310 of the Statutes of 1905, relating to eminent domain.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

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

SECTION 1. Section 80 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 80. The district may exercise the right of eminent domain, within but not without the county in which the district is located, to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 2. Section 5 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953) is amended to read:

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 necessary 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 install and maintain any or all works of or useful to carrying out the purposes of this act. Such installation or maintenance may include any or all of the following work: the placing, replacing, installation, cleaning, repairing, renewal, widening, straightening, deepening or otherwise improving storm drain structures, watercourses or drainage channels, whether in existence or not, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities.

6. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to the installation or maintenance of storm drains. 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 the installation or maintenance of storm drains within the district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

7. To enter upon any land, to make surveys and locate the necessary works of improvements 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 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, and all necessary appurtenances; 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 Contra Costa County Storm Drainage District; 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 use within said district, or in any other work, 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 incur indebtedness and to issue bonds in the manner herein provided.

9. To cause assessments to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

10. 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.

SEC. 3. Section 7 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953) is amended to read:

Sec. 7. The district may exercise the right of eminent domain within the 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, which is required to be moved to a new location. No right shall exist in the district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing county, city or municipal utility district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing county, city or municipal utility district to provide for a water supply for such county, city or municipal utility district or as affecting the absolute control of any properties of such county, city or municipal utility district necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Contra Costa County Storm Drainage District or in any officer thereof or in any person referred to in this act.

SEC. 4. Section 19 of Chapter 158 of the Statutes of 1885 is repealed.

SEC. 5. Section 14 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 14. The board shall have the power and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; provide for the payment, from the proper fund, of all the debts and just claims against the district; employ and appoint when necessary, engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage and the land needed for right-of-way, including drains, canals, sluices, watergates, embankments and material for construction, and to construct, maintain, and keep in repair all works necessary for the purpose of drainage. The board shall also have the right to acquire, hold and possess either by donation, purchase or condemnation, any property necessary for the construction, use, maintenance, repair, and improvement of any works required for the purpose of drainage. The board may establish equitable bylaws, rules and regulations necessary or proper for carrying on the business herein contemplated, and generally may perform all such acts as shall be necessary to fully carry out the purposes of this act.

SEC. 6. Section 16 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is repealed.

SEC. 7. Section 22 of the Drainage District Improvement Act of

1919 (Chapter 354 of the Statutes of 1919) is amended to read:

Sec. 22. It shall be the duty of the engineer of construction where possible, to obtain options on rights-of-way necessary to the carrying out of the plans and specifications and to submit the same to the board of supervisors for ratification. Whenever the board of supervisors of any county in which a district is formed under this act cannot purchase at a reasonable price or procure any property found by them to be necessary in order to carry out the plans and specifications for the proposed drainage of any such district, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the board may proceed to condemn the same.

The costs of such property or such condemnation proceedings shall be paid by the county, but the amount thereof shall thereupon become a charge upon the contractor as provided in Section 18 of this act.

SEC. 8. Section 81 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 81. The district may exercise the right of eminent domain, within but not without the district, to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 9. Section 81 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 81. The district may exercise the right of eminent domain, within but not without the district, to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 10. Section 44 of the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951) is amended to read:

Sec. 44. The district may exercise the right of eminent domain to acquire any property necessary to carry out any of the objects or purposes of the district.

SEC. 11. Section 6.3 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 6.3. The district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in 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, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables, or poles of any public utility which is required to be moved to a new location; provided such facilities are being maintained pursuant to a franchise from a city or county.

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

SEC. 12. Section 80 of the Guadalupe Valley Municipal

Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 80. The district may exercise the right of eminent domain, either within or without the district, to take any property necessary to carry out any of the purposes or powers of the district.

SEC. 13. Section 30 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 30. The district may exercise the power of eminent domain for any of the following purposes:

(a) To acquire, enhance, or improve lands within its jurisdiction as set forth in Section 5.5.

(b) To acquire lands immediately contiguous to lands subject to its jurisdiction as set forth in Section 5.5 as of November 23, 1970.

(c) To acquire rights-of-way to lands within such jurisdiction.

(d) To acquire any property necessary or convenient for the purposes specified in this act.

SEC. 14. Section 5 of Chapter 99 of the Statutes of 1913 is amended to read:

Sec. 5. The board of drainage commissioners shall have power to adopt bylaws not in conflict with general laws; to appoint an executive committee with such powers as shall not be in conflict with general laws; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the drainage of the lands of the district; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; provided, that said board of drainage commissioners must report to the Reclamation Board such original plan or plans of the work and every new, supplemental or additional plan, if any, together with the estimates of the cost of the works necessary for the drainage of the lands of the district, in pursuance of any such plan or plans, together with an estimate of incidental expenses; to acquire any property, whether outside or within the limits of the district, necessary or requisite for levees, canals and other drainage works by donation, contract, purchase or by eminent domain; to sue and be sued in the name of said drainage district and to do all other acts or things necessary or requisite for the full exercise of its powers or necessary for the promotion of the drainage of lands within said drainage district. It shall be the duty of said board of drainage commissioners to take such steps as may be necessary to open a cut through Knight's Landing Ridge in Yolo County, and to construct a canal leading from said cut for the purpose of draining and disposing of the waters of Colusa Basin by carrying the same to the head of the proposed Yolo Bypass in Section 8, Township 10 north, Range 3 east, M D.B. and M., in said County of Yolo, as defined by and in accordance with the general plan of the California Debris Commission, transmitted to the Speaker of the House of Representatives of the United States by the Secretary of

War, on the 27th day of June, 1911, with such modifications or amendments as may hereafter be adopted by said Reclamation Board, and in accordance with such plan as shall be approved by said Reclamation Board, or made in accordance with law and in the manner hereinafter provided. The said canal shall be of such size and the embankments thereof of sufficient strength and dimensions as to prevent the waters therein from overflowing its banks. No water shall be permitted to flow through any cut or excavation in said ridge provided to be made in this act until the canal to be constructed as hereinbefore provided shall have been completed so as to convey the waters flowing or to flow through said cut to the head of said proposed Yolo Bypass in said Section 8, in a manner satisfactory to the said Reclamation Board. Said Reclamation Board shall have power to direct the method of the construction of said cut, canal and levees. Said drainage commissioners shall also have power to construct such gates in said canal or ridge, or in or near Sycamore Slough where the same enters the Sacramento River above said ridge, as may be necessary to carry out such plan. If required by the said Reclamation Board, such gates must be constructed before such ridge is cut or excavated.

SEC. 15. Section 35 of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961) is amended to read:

Sec. 35. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this act, including but not limited to the power:

- (a) To sue and be sued.
- (b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.
- (c) To exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of this act, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.
- (d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The district board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the state or other public agency or private organization.
- (e) To employ counsel.
- (f) To enter into and perform all necessary contracts.
- (g) To borrow money, give security therefor, purchase on

contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this act.

SEC. 16. Section 141 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 141. A district may exercise the power of eminent domain to take any property necessary to carry out any powers of the district except water and water rights already devoted to beneficial use and powerplants devoted to public use; however, a district may not exercise the power of eminent domain for the purpose of taking any water or right to water conserved or stored behind any flood control dam constructed by any flood control district created by act of the Legislature.

SEC. 17. Section 45 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955) is amended to read:

Sec. 45. The district may exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 18. Section 3 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

Sec. 3. Corporate Powers. Said Monterey Peninsula Airport District is hereby declared to be, and established as, a body corporate and politic, and, in addition to other powers herein granted, shall have and is hereby granted the following powers, namely:

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 take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without the district necessary to the full exercise of its power.
5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain 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 to complete, extend, add to, repair, or otherwise improve, any works or improvements acquired by it as herein authorized.
6. To exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of this act.
7. To incur indebtedness, and to issue bonds in the manner herein provided.
- 7a. Borrowing Money From Federal Agencies, Etc. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, or any agency or department thereof, or from any person, or from any corporation organized under the laws of this state, or elsewhere, for the acquisition of lands and improvement thereof for airport district purposes authorized under this act, and to repay the same in annual

installments over a period of not to exceed twenty (20) years, with interest 7 percent, payable semiannually; and without the necessity of an election, when authorized so to do by resolution of the board of directors of said district, and as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes or bonds, or other evidences of indebtedness, signed by the chairman of said board of directors, and the secretary thereof, which notes, bonds or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution providing for their issuance, and said notes, bonds or other evidences of indebtedness may have interest coupons attached to evidence interest payments, signed by the facsimile signature of the chairman of said board. All applications for such loans shall specify the particular airport district work or project or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and expended for those purposes only which are described and referred to in the application, or applications. If a surplus remains after the completion of said work, said surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness executed, as aforesaid, for the loan, including interest coupons. The board of supervisors, on demand of the board of directors of the district, shall annually levy a tax upon the taxable property therein sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by resolution of said board of supervisors; provided, however, that the amount of taxes levied in any fiscal year, pursuant to the provisions of this subsection, shall pro tanto, reduce to the extent of such special taxes the authority of said board of directors to demand, and of the board of supervisors, during any such year, to levy taxes under Sections 19 and 23 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection.

Limitation on Amount Borrowed. Notwithstanding anything in this subsection to the contrary, the total amount which said district may borrow under the authority of any and all the provisions of this subsection is limited to and shall not exceed in the aggregate one million dollars (\$1,000,000).

7b. Such Bonds as Legal Investments. Such bonds or notes, when declared negotiable instruments, as in subsection 7a hereinabove provided, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, trust companies, and for the State Department of Finance, and state school funds, and whenever any money or funds may by law, now in effect or hereafter enacted, be invested in bonds of cities, cities and counties, counties, or school districts, in the State of California, such money or funds may be invested in the said negotiable bonds or notes of said Monterey Peninsula Airport

District; provided, however, no bank shall invest or loan more than 5 per centum of its assets on any one such bond or note issue.

8. Taxes. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner herein provided.

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

10. Disposal of Property. To lease, sell or dispose of any property (or any interest therein) acquired in fee, or otherwise, whenever in the judgment of said board of directors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act.

11. Operation and Concession Agreements. To make contracts for the operation, or operation maintenance, of any airport of said district, or for any concession thereupon necessary or convenient thereto.

12. Police Powers of District. To equip and maintain a police department; to adopt ordinances and resolutions and make regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach thereto, owned or controlled by the district and to prescribe penalties for the violation thereof; provided, that the police powers of said district, hereby granted, shall be limited strictly to the provisions of this subsection.

Violation of any such ordinance, resolution or regulation shall constitute a misdemeanor.

13. General Powers. To possess and exercise all powers necessary or appropriate to a public airport district which are not prohibited by the Constitution, including all powers granted by, or which may be hereafter granted by, any general law of the state to any public airport district therein, and all powers incidental to, and necessary or convenient in connection with, the exercise of the powers generally or specifically granted to the district by the provisions of this act.

SEC. 19. Section 4.8 of the Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945) is amended to read:

Sec. 4.8. The authority may exercise the right of eminent domain, within the territorial limits defined in Section 3.3, to take any property necessary for the purposes set forth in this act, but lands belonging to the State of California, and private property already appropriated to public use, which use is available to the authority from an established private utility under the rules and regulations of the California Public Utilities Commission, shall not be subject to

condemnation hereunder. The use of any property necessary or useful for the purposes of the authority, within the territorial limits of the authority as defined in Section 3.3 is hereby declared to be a superior and permanent right and necessity, and a more necessary use and purpose than the use or purpose to which such property has already been appropriated or dedicated, except a public use or purpose already served by an established private utility or utilities operating under the jurisdiction of the California Public Utilities Commission, but lands which belong to the State of California, Secs. 3, 5, T. 4 S., R. 3 E., and Secs. 29, 33, T. 3 S., R. 3 E. and lands within the territorial limits of Mount San Jacinto State Park shall not be subject to condemnation hereunder.

SEC. 20. Section 4.9 of the Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945) is repealed.

SEC. 21. Section 51 of the Mountain View Shoreline Regional Park Community Act (Chapter 1109 of the Statutes of 1969) is amended to read:

Sec. 51. The community may exercise within its boundaries the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the community, but the right of eminent domain may not be exercised in the unincorporated portions of the community without the prior consent of the board of supervisors, expressed by resolution.

SEC. 22. Section 6 of Chapter 201 of the Statutes of 1895 is amended to read:

Sec. 6. Each protection district shall be governed and controlled by the board of supervisors of the county in which it is situated. Said board shall have power, in the name of the county and in behalf of the district, to purchase, receive by donation, or acquire by condemnation any real or personal property necessary to carry out the purposes for which the district was formed. The said board shall also have power to employ such engineers, surveyors and others as may be necessary to survey, plan or locate, or supervise the construction or repair of, the improvements necessary to carry out the purposes for which the district was formed; to construct, maintain and keep in repair any and all improvements, and do all other things requisite or necessary to carry out the purposes of the district; and to employ the services of any person, legal or otherwise, which in the judgment of said board, may be necessary to carry out said purposes. All work done in any district shall be ordered by the board of supervisors of the county in which said district is located and shall be under the direction of the county surveyor or county engineer. All work which shall exceed an estimated cost of one thousand dollars (\$1,000) shall be advertised and let to the lowest bidder; provided, however, that at the time floodwaters shall threaten the levee of a district the board of supervisors may order emergency work done without advertising for bids therefor. As soon as said district is formed, the board shall cause a survey of the contemplated improvements to be made, or adopt a survey already

made, and shall also cause a map of such survey, and plans and specifications showing such improvements in detail, to be prepared, and they shall adopt such surveys, maps, plans and specifications, and thereafter all such improvements shall be made in accordance with the survey, maps, plans and specifications so adopted; provided, that at any time after the adoption of said survey, map, plans and specifications, and before the commissioner's report of assessment of benefits and award of damages has been finally adopted and confirmed by the board, said board may rescind their action in adopting said survey, map, plans and specifications, and may modify the same or adopt others in place thereof, in which case a new assessment shall be made, or may, by a four-fifths vote of the members thereof, abandon the contemplated improvement and dissolve the said protection district, in which case the expenses already incurred in behalf of such district shall be a county charge.

SEC. 23. Section 15 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 24. Section 5 of Chapter 361 of the Statutes of 1915 is amended to read:

Sec. 5. The board of levee commissioners shall have power to adopt bylaws not in conflict with general laws; to appoint an executive committee with such powers as shall not be in conflict with general laws; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the protection of the lands of the district from the floodwaters of the Sacramento River overflowing or coming therefrom on the west side of said river; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; provided, that said board of levee commissioners must report to the said Reclamation Board such original plan or plans of the work and every new, supplemental or additional plan, if any, together with the estimates of the cost of the works necessary for the protection of the lands of the district, in pursuance of any such plan or plans, together with an estimate of incidental expenses; such plans and estimates shall include the cost of construction and maintenance; to acquire any property, whether outside or within the limits of the district, necessary or requisite for levees, by donation, contract, purchase or eminent domain; to sue and be sued in the name of said levee district and to do all other acts or things necessary or requisite for the full exercise of its powers or necessary for the promotion of the protection of lands within said levee district from the floodwaters of the Sacramento River. It shall be the duty of said board of levee commissioners to take such steps as may be necessary to acquire dominion and control of all levees along or adjacent to the west bank of the Sacramento River and within the said levee district, and to repair the breaks or openings now therein; also to reconstruct all existing levees; also to construct and maintain levees where there may be none, and generally to do all other things that it may deem

necessary or requisite to prevent the flood or overflow waters from the Sacramento River flowing over or through the west bank or west levee thereof, either inside or outside of said levee district, entering the lands within said district, or any part thereof, and, for this purpose, to control the levee or levees within said district along the west bank of the said Sacramento River, or any levee or levees outside of said district, as may be necessary for such purpose; also to construct, reconstruct and repair and maintain and protect such levees, and, for this purpose, to construct and maintain any protection or works of any kind which may be deemed necessary for the purpose of assuring the safety of such levees hereinbefore referred to, with a view of keeping the waters from the Sacramento River flowing onto the lands within said district, or any part thereof.

SEC. 25. Section 27 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 27. The district may exercise the right of eminent domain within the boundaries of the district to take any property necessary or convenient to the exercise of its powers.

SEC. 26. Section 45 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951) is amended to read:

Sec. 45. The district may exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 27. Section 141 of the Tahoe-Truckee Sanitation Agency Act (Chapter 1560 of the Statutes of 1971) is amended to read:

Sec. 141. The agency may exercise the right of eminent domain to take any property, located either inside or outside its boundaries, necessary to carry out any powers of the agency; provided, however, that the agency shall not exercise such right to take any property located outside its boundaries unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located. In exercising such right, the agency shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railway, mains, pipes, conduits, wires, cables, or poles of any public utility which are required to be removed to a new location.

SEC. 28. Section 2 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session) is amended to read:

Sec. 2. Objects and Purposes of Act and Powers of District. The objects and purposes of this act are to provide for the collection and disposal of sewage and industrial waste and for the control and disposition of the storm and flood waters of said district, and to protect the public health and also to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district. The Legislature hereby declares

that special facts and circumstances peculiar to the area within the district having the boundaries hereinabove defined makes the accomplishment of the objects and purposes of this act impossible under existing general law and special legislation is necessary. The state and the people thereof have a primary and supreme interest in the securing to the inhabitants and property owners within the district hereinabove described adequate facilities for the collection and disposal of sewage and the protection from waters naturally flowing into the district from the surrounding mountainous watershed. Special investigation has shown that the conditions within the district hereinabove described are peculiar to that area and that this act is essential to carry out the objects and purposes herein expressed and for the elimination of duplication of governmental authority and securing greater economy of administration. It is further found and determined that the area within the district herein defined has no facilities for the sanitary treatment and disposal of sewage and is consequently contaminating and polluting the waters of San Francisco Bay. The area within the district is of strategic importance due to the proximity of Mare Island Navy Yard. The influx of Navy personnel and their families and civilian workers at the Mare Island Navy Yard has greatly aggravated the problem of sewage disposal in that area; said problem of sewage disposal is further aggravated by lack of adequate drainage and floodwater control and the infiltration of storm and flood waters into existing sanitary sewers; both the problem of sanitary sewage and drainage and the problem of storm water flood control are so correlated and interrelated that the special problems relating to each can only be solved by uniform administration and a uniform control plan of sewage disposal and flood control works.

The Vallejo Sanitation and Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

- (a) Succession. To have perpetual succession.
- (b) Suits. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (c) Seal. To adopt a seal and alter it at pleasure.
- (d) Ownership of Property. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
- (e) Acquisition of Property. To acquire or contract to acquire lands, rights-of-way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) Eminent Domain. To exercise the right of eminent domain, either within or without the district, to acquire any property necessary to carry out any of the objects or purposes of the district.

(g) Sanitary Sewage Disposal Works. To acquire, construct, reconstruct, alter, own, operate, maintain and repair sewage treatment plants, including digesters, sludge heaters, sludge drying beds, effluent pumping plants, screens, clarifiers, storage ponds, control buildings, oxidizing ponds, sewage digestive systems, intercepting, collecting and outfall sewers, laterals, pipes, manholes, machinery, equipment, and all other facilities for the collection, transmission and disposition of sewage and industrial wastes, together with all works, properties or structures necessary or convenient for sewage disposal purposes. The terms "sanitary sewage disposal works," "sewage disposal works," "sanitary sewage disposal purposes" or "sewage disposal purposes" or similar terms whenever used herein shall include and comprehend all of the works, properties or structures necessary or convenient for sewage disposal purposes.

(h) Drainage and Flood Control Works. To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, spreading basins, tunnels, drains, machinery and equipment necessary therefor, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and/or complete the same, and, in connection with any such reservoirs or spreading basins, to acquire or construct such improvements, including landscaping, apparatus and equipment, that said reservoirs or spreading basins may incidentally be used for park, playground or other recreation purposes. The terms "storm water flood control works," "drainage works," "storm water flood control purposes" and "drainage purposes" and similar terms whenever used in this act shall mean and include all works, properties, or structures necessary or convenient for drainage and flood control purposes, and said purposes incidental thereto.

(i) Indebtedness. To incur indebtedness, and to issue bonds or other evidence of indebtedness in the manner herein provided, and to provide for the issuance of warrants of the district and the registration of any warrants not paid for want of funds and interest thereon after registration and until payment, and also to issue bonds or other securities payable from revenues.

(j) Revenues From Revenue Producing Utilities. To prescribe, revise and collect tolls, rents or other charges for any services or facilities furnished by the district; to contract with the City of Vallejo or any other public or private agency for the collection of tolls, rents or other charges for any facility or service furnished by the district and to provide for the collection of such tolls, rents and charges along with the collection of water charges by the City of Vallejo or any other public or private agency.

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

(l) Employees. To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including a secretary or clerk, superintendent of work or manager, and define their powers and duties as in this act provided, and fix and determine the amount of bond required of each appointee and pay the premium on such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district; provided, however, that the compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of appointment of each such person. Said board shall have the power to combine any two or more offices in its discretion.

(m) Zones. To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the operation fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; 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 do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(n) Contracts. To make and enter into contracts with the United States of America, 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 of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

(o) Lease of Property. To lease and/or rent to or from the City of Vallejo, the County of Solano, or any public or private agency, or person, firm or corporation, any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(p) Contributions. To receive and accept any and all contributions in labor, materials or money to be applied to the works or improvements herein provided for.

SEC. 29. Section 23 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session) is repealed.

SEC. 30. Section 6.6 of the West Bay Rapid Transit Authority Act (Chapter 104 of the Statutes of 1964, First Extraordinary Session) is amended to read:

Sec. 6.6. The authority may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this part. The authority, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any substitute facilities, including structures, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location.

SEC. 31. Section 15 of Chapter 310 of the Statutes of 1905, as amended by Chapter 270 of the Statutes of 1907, is amended to read:

Sec. 15. The board of trustees shall have power to condemn property for the purpose of erecting levees, dikes and other improvements for the purpose of protecting the lands embraced in said district from overflow.

SEC. 32. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.
