

adopt reasonable rules and regulations to carry out its powers and duties. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. 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, but no act of the board shall be valid or binding unless a majority of all members concur therein.

(b) The board of directors shall create by resolution an advisory body, to serve at the pleasure of the board, for the purpose of enabling the board to better fulfill the purposes of this act. The title, number of members, and powers and duties of said advisory body shall be as prescribed by the board. Members of said advisory body shall not be entitled to receive compensation, but may be paid actual, reasonable and necessary travel and other expenses incurred by them in attending meetings or while engaged in official business of the agency.

Amended Stats 1977 ch 638 § 6.5, effective September 8, 1977.

§ 7.1. [Repealed by Stats 1970 ch 447 § 31.]

§ 12. [Repealed by Stats 1984 ch 1128 § 146.]

See Pub Con C § 21361.

ACT 4830

Mendocino County Flood Control and Water Conservation District Act

[Amended by Stats 1970 ch 447; Stats 1971 ch 991; Stats 1973 ch 286;
Stats 1975 ch 1276, operative July 1, 1976; Stats 1984 ch 179, ch 1128; Stats 1987 ch 266; Stats 1990 ch
291.]

§ 1. Mendocino County Water Agency

A flood control and water conservation district is hereby created, to be called the "Mendocino County Water Agency," and the boundaries and territory of the agency are as follows:

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

Amended Stats 1987 ch 266 § 1.

§ 2. Definitions

As used in this act:

(a) "Agency" or "district" means the Mendocino County Water Agency.

(b) "Board" means the board of directors of the agency.

Amended Stats 1987 ch 266 § 2.

§ 3. Objects and purposes of act; Powers of agency

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

(a) To have perpetual succession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) To control flood and storm waters and other waters within the district and the flood and storm and other waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

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

(s) To divert, produce, store, transmit, distribute, and sell or otherwise furnish surface waters and groundwater for beneficial uses within or without the agency.

Amended Stats 1975 ch 1276 § 12, operative July 1, 1976; Stats 1987 ch 266 § 3.

§ 5. [Repealed by Stats 1970 ch 447 § 32.]

§ 7.5. Power to issue revenue bonds

If the board of directors by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any project or work for any purposes of the agency, zone, or participating zone or for refunding any outstanding bonds, should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define the project or work as an "enterprise" consistent with the definition in Section 54309 of the Government Code, and to issue revenue bonds all in the manner and as provided in the Revenue

Bond Law of 1941, and for Section 54307 of the Government Code, as amended. Added Stats 1987 ch 266 § 4.

§ 8.5. Zones of benefit

(a) The board of directors shall determine the boundaries of other zones. The benefit shall be established by the board of directors. Proceedings for the establishment of part of, proceedings for the establishment of benefit bonds, and the levy of benefit bonds, shall be held in accordance with the provisions of this act.

(b) Whenever the board of directors shall set forth in this act, the board of directors shall:

(1) The intention of the board of directors;

(2) The purpose for which the board of directors is acting;

(3) The estimated expense of the proposed zone of benefit;

(4) That assessments for the proposed zone of benefit;

(5) That a map showing the boundaries of the zone for all details as to the extent thereof, and the extent thereof, shall be available for inspection by any person at any time;

(6) The time and place for a hearing on the proposed zone of benefit from carrying out the purposes of the zone or any other matter relating to the zone;

(7) That at the time and place for a hearing on the proposed zone of benefit, the board of directors shall hold the hearing in a public place, and any interested person may appear and be heard on the proposed zone of benefit.

(c) Notice of the hearing shall be published in a newspaper of general circulation in the district, the first publication to be published at least 15 days before the hearing.

(d) At the time and place so set forth in this act, the board of directors shall hold the hearing, and any interested person may appear and be heard on the proposed zone of benefit. The board of directors may, at its discretion, continue the hearing, written proceedings within the proposed zone of benefit, and the proceedings relating to the proposed zone of benefit, to the conclusion of the hearing.

(e) At the conclusion of the hearing, the board of directors shall determine the purpose and the extent of the zone of benefit. The resolution shall also number and shall be published in the Mendocino County Code of Ordinances. Added Stats 1987 ch 266 § 5.

§ 8.6. Zone council

After a zone has been formed, the board of directors shall establish a zone council within the zone. The term of office of the zone council shall be determined by the board of directors. The zone council shall be eligible voters of the zone, and shall be elected by the eligible voters of the zone at a meeting established by the board of directors.

(b) Members of the zone council shall be appointed, filing of the official records, and shall fix their terms of office. The zone council shall meet for the transaction of business. Meetings of the zone council shall be held at such times and places as the zone council shall, by resolution, set. Members of the zone council shall receive compensation, if any, in accordance with the provisions of this act.

(c) The purpose of a zone council shall be to plan, construct, operate, maintain, and coordinate the activities of public entities within the zone. The zone council shall have the powers of a zone council and may exercise the powers of the planning, acquisition,

Bond Law of 1941, and for that purpose the agency shall be considered a "local agency," as defined in Section 54307 of the Government Code.
 Added Stats 1987 ch 266 § 4.

§ 8.5. Zones of benefit

(a) The board of directors may establish zones of benefit within the agency without reference to the boundaries of other zones. The land comprising a zone of benefit need not be contiguous. A zone of benefit shall be established only with respect to a project for the benefit of the zone of benefit and proceedings for the establishment of the zone of benefit may be conducted concurrently with, and as a part of, proceedings for the instituting of projects relating to the zone of benefit, the issuance of special benefit bonds, and the levy of benefit assessments.

(b) Whenever the board of directors determines that a zone of benefit should be formed for the purposes set forth in this act, the board shall adopt a resolution of intention which shall state the following:

- (1) The intention of the board to form the proposed zone of benefit.
- (2) The purpose for which the proposed zone of benefit is to be formed.
- (3) The estimated expense of carrying out the purpose, if known.
- (4) That assessments for carrying out the purpose shall be levied exclusively upon the lands in the proposed zone of benefit.
- (5) That a map showing the exterior boundaries of the proposed zone of benefit, which map shall govern for all details as to the extent of the proposed zone of benefit, is on file with the district secretary and is available for inspection by any interested person or persons.
- (6) The time and place for a hearing by the board on the formation on the proposed zone of benefit, the extent thereof, the purpose for which it is to be formed, the benefit to land within the proposed zone of benefit from carrying out that purpose, the estimated expense of carrying out that purpose, if known, or any other matter relating to any of the foregoing.
- (7) That at the time and place specified any interested person, including all persons owning land in the district or in the proposed zone of benefit, may appear and be heard.

(c) Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in the agency, pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for the hearing.

(d) At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution of intention, at which time any interested person may appear and be heard concerning any matter set forth in the resolution of intention or any matters material thereto. Upon the conclusion of the hearing, the board may abandon the proposal, modify it, or proceed with the proposal unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposal signed by a majority in number of the eligible voters within the proposed zone of benefit shall be filed with the board, in which event further proceedings relating to the proposal shall be suspended for not less than six months following the date of the conclusion of the hearing.

(e) At the conclusion of the hearing, the board of directors may, by resolution, order the zone of benefit formed for the purpose and with the exterior boundaries described therein. The resolution ordering formation shall state the estimated expense of carrying out the purpose described therein, if known. The resolution shall also number and designate the zone of benefit substantially as "Zone of Benefit Number _____ of the Mendocino County Water Agency."

Added Stats 1987 ch 266 § 5.

§ 8.6. Zone council

After a zone has been formed, the board of directors may, by resolution, order the creation of a zone council within the zone. The resolution shall set forth the number of members of the council and their term of office. The zone council for a zone which consists entirely of the territory of an incorporated city may be comprised of the city council of the incorporated city. The members of all other zone councils shall be eligible voters of the zone in which the council is established and shall be either elected to the council by the eligible voters of the zone or appointed to the council by the board. The resolution establishing an elected zone council shall set forth the procedure for conducting the election.

(b) Members of the zone council shall take office immediately upon certification of their election or appointment, filing of the official oath, and execution of a bond, if any, in an amount set by the board of directors. At its first meeting, the zone council shall elect from its members a chairperson and a vice chairperson and shall fix their terms of office. A majority of the zone council shall constitute a quorum for the transaction of business. The vote of a majority of the zone council members present at any meeting attended by a quorum shall be necessary to take action, unless otherwise specified in this act. Meetings of the zone council shall be conducted in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code). The zone council shall, by resolution, set the time and place for holding regular meetings. Zone councils shall receive compensation, if any, in an amount set by the board of directors.

(c) The purpose of a zone council is to assist the board of directors in the planning, acquisition, construction, operation, maintenance, and administration of projects within the zone in which it is established, and to coordinate the activity of the agency within the zone with the activities of other public entities within the zone. The board of directors shall determine the specific responsibilities and powers of a zone council and may delegate to the zone council any of the authority of the board with respect to the planning, acquisition, construction, operation, maintenance, or administration of a project

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(d) In the case of projects for the benefit of two or more zones, the board of directors may establish a participating zone council for the project, selected by either (1) the appointment by each zone council of an equal number of representatives selected from its membership, with one additional member of the participating zone council to be appointed by the board of directors or mutually selected by the two affected zone councils, or (2) any other method mutually agreed upon by the two affected zone councils.

(e) A zone council or a participating zone council shall be dissolved upon four-fifths of all members of the board of directors or upon a majority vote of all of the members of the board of directors and a majority vote of all of the members of the zone council.

Added Stats 1987 ch 266 § 6. Amended Stats 1990 ch 291 § 1 (AB 3275).

§ 8.7. Institution of project for zones or participating zones; Public hearing

(a) The board of directors shall determine which projects shall be carried out and shall determine, as to each project, that it is either: (1) for the common benefit of the agency as a whole, or (2) for the benefit of a single zone, whether in existence or not, or (3) for the common benefit of participating zones, whether in existence or not.

(b) The agency may institute countywide projects, projects for single zones, and joint projects for participating zones for studying, planning, financing, constructing, acquiring, maintaining, operating, extending, or repairing any work of common benefit to the district as a whole, to the zone, or to the participating zones, as the case may be. All powers of the agency may be exercised or performed on behalf of and within a zone. Before proceeding with any project, the board of directors shall adopt a resolution of intention setting forth the proposed boundaries designating the benefited area and stating its intention to undertake the project, together with an estimate of the cost of the project to be borne by the agency as a whole, or a particular zone, or participating zones, as the case may be, and fixing a time and place for public hearing on the resolution. The resolution shall refer to a map or maps showing the general location of the project and shall generally describe the project. Notice of the hearing shall be given in the same manner as for a resolution of intention to form a zone of benefit. The proceedings on the resolution proposing the project may be consolidated with the proceedings on a resolution proposing formation of a zone of benefit.

(c) The hearing may be consolidated with a hearing on the formation of a zone, the issuance of special benefit bonds, or the levy of benefit assessments affecting the same area. At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution, at which time any interested person may appear and be heard concerning any matter set forth in the resolution or any matters material thereto. Upon the conclusion of the hearing, the board may abandon the proposal, modify it, order an election on the proposal within the area affected, or proceed with the proposal, unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposal signed by a majority in number of the eligible voters within the affected area shall be filed with the board, in which event further proceedings relating to the proposal shall be suspended for not less than six months following the date of the conclusion of the hearing. The board of directors shall not proceed with the proposal without an election unless a majority in number of the eligible voters within the affected area have filed with the board written consent to the proposal. If the election is held, a majority of the votes cast at the election shall be required to approve the proposal.

Added Stats 1987 ch 266 § 7.

§ 10. [Repealed by Stats 1984 ch 1128 § 104.]

See Pub Con C § 21141.

§ 12. Taxes: Levy and collection: Maximum levy: Purposes

The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of six cents (\$0.06) 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.

Amended by Stats 1971 ch 991 § 1.

§ 12.5. Levy of benefit assessment; Hearing

(a) The agency shall be authorized to levy benefit assessments on an agencywide basis or within any zone or participating zone. The benefit assessment may be levied in any manner which reasonably reflects the benefit that will accrue to the area being assessed for the purpose of the assessment, including, but not limited to: (1) per acre or fraction thereof basis, or (2) for benefit assessments related to drain, storm, or flood control purposes, the proportionate water runoff from each parcel assessed.

(b) Benefit assessments may be levied for expenditures made, or expenditures estimated to be required during the next calendar or fiscal year, for any lawful purpose of the agency, including, but not limited to, the following purposes:

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§ 72. Biennial
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§ 73.1. [Repealed]

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- (1) The administrative expenses of the agency.
- (2) The formation and administrative expenses of any zone.
- (3) Engineering and other expenses in connection with the investigation and preparation of a resource management plan or plan for a work or project.
- (4) Acquisition or construction of any work or project.
- (5) Operation and maintenance of any work or project.

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

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

(d) Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in the agency pursuant to Section 6066 of the Government Code, the first publication to be at least 14 days prior to the time fixed for the hearing.

(e) At the time and place so fixed, or at any time or place to which the hearing is continued, the board of directors shall hold the hearing provided for by the resolution, at which time any interested person may appear and be heard concerning any matter set forth in the resolution or any matters material thereto. Upon the conclusion of the hearing, the board may terminate further proceedings on the proposed assessment, modify the proposed assessment, order an election on the assessment within the area to be assessed, or levy the assessment, unless prior to the conclusion of the hearing, or any continued hearing, written protests against the proposed assessment signed by a majority in number of the eligible voters within the area to be assessed shall be filed with the board, in which event further proceedings relating to the proposed assessment shall be suspended for not less than six months following the date of the conclusion of the hearing. The board of directors shall not levy the assessment without an election unless a majority in number of the eligible voters within the affected area have filed with the board written consent to levy the assessment. If an election is held, a majority of the votes cast in the area to be assessed shall be required to approve the assessment.

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

Added Stats 1987 ch 266 § 8.

§ 34. Citation of act

This act shall be known and may be cited as the "Mendocino County Water Agency Act."
Amended Stats 1987 ch 266 § 9.

§ 72. Biennial election

The general improvement district election shall be held on the first Tuesday after the first Monday in November in each odd-numbered year, as provided in Section 23509 of the Elections Code.
Amended Stats 1984 ch 179 § 4.

§ 73. Manner of conducting election

Elections shall be called and conducted and the results canvassed, returned, and declared pursuant to the provisions of the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 14 of the Elections Code).
Amended Stats 1984 ch 179 § 5.

§ 73.1. [Repealed by Stats 1984 ch 179 § 6.]

§ 114. Annexation of territory to improvement district

Territory may be annexed to an improvement district pursuant to the provisions of the District Reorganization Act of 1965.
Added Stats 1973 ch 286 § 1.
District Reorganization Act of 1965: Gov C §§ 56000-56019.

ACT 4832

Merced County Flood Control District Act

[Stats 1982 ch 1311; Amended Stats 1984 ch 1128; Stats 1988 ch 359.]

An act relating to water districts and, in this connection, to create the Merced County Flood Control District to provide for the control of flood and storm waters and the protection of watercourses, watersheds, harbors, public highways, life and property from damage or destruction from such waters, to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within the district and in the respective zones thereof, to provide for the government, management, and operation of the district and for the acquisition and construction of property and works to carry out the purposes of the district, and to define the powers of the district and its officers.

- § 1. Citation
- § 2. Creation
- § 3. Establishment of flood control zones
- § 4. Purposes of act
- § 5. Nature and powers of district