

**CHAPTER 106
BRANNAN-ANDRUS LEVEE MAINTENANCE
DISTRICT ACT**

- Section**
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An act to create the Brannan-Andrus Levee Maintenance District prescribing its boundaries, organization, government, powers, and duties, and incorporating therein the land included within Reclamation Districts Nos. 317, 407, and 2067. (Stats. 1967, c. 910.)

§ 106-1. Creation

Section 1. A levee maintenance district is hereby created to be called the Brannan-Andrus Levee Maintenance District.

(Stats. 1967, c. 910, § 1.)

Library References

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

Notes of Decisions

In general 1
ing, was not an agency of the state for tort liability or inverse condemnation purposes. Gall v. State (App. 3 Dist. 1979) 159 Cal. Rptr. 721, 98 Cal. App. 3d 662.

1. In general
Levee maintenance district, which was found liable for damages resulting from massive flood-

§ 106-2. Short title

Sec. 2. This act shall be known and may be cited as the Brannan-Andrus Levee Maintenance District Act.

(Stats. 1967, c. 910, § 2.)

§ 106-3. Definitions

Sec. 3. Unless otherwise indicated the provisions of this section shall govern the construction of this act.

"District" means the Brannan-Andrus Levee Maintenance District.

"Board" means the district board of directors.

(Stats. 1967, c. 910, § 3.)

§ 106-4. Territory

Sec. 4. The district shall consist of the territory lying within Reclamation Districts Nos. 317, 407, and 2067, as said reclamation districts presently exist.

(Stats. 1967, c. 910, § 4.)

§ 106-5. Board of directors as governing body

Sec. 5. The district shall be governed by the board of directors, and whenever a duty, power, or jurisdiction is conferred upon the district, unless indicated to the contrary, such duty, power, or jurisdiction shall be exercised by the board.

(Stats. 1967, c. 910, § 5.)

Library References

Levees and Flood Control

WESTLAW Topic No. 235

C.J.S. Levees and Flood Control §§ 22, 23.

§ 106-6. Membership of board; appointment of first board; terms of members

Sec. 6. The board shall consist of five members, who shall be persons eligible to serve as trustees of a reclamation district pursuant to Division 15 (commencing with Section 50000) of the Water Code. The first board of directors shall be appointed as follows: Two shall be appointed by the Board of Supervisors of Sacramento County, each for a term expiring with the election to be held in the year 1969; one each shall be appointed by the governing boards of Reclamation Districts Nos. 317, 407, and 2067, each for a term expiring with the election to be held in the year 1971.

(Stats. 1967, c. 910, § 6.)

§ 106-7. Election of board members; terms

Sec. 7. Except for the selection of the first board of directors, the directors shall be elected in the manner prescribed for general elections in reclamation

Public officials represent acres (1974) 7 Loy.L.Rev. (Call.) 227.

§ 106-8. Organization of employees, etc.

Sec. 8. Within 30 days thereafter on the regular meeting of the directors shall meet and its members as president, provide for the time and place and from time to time and inconsistent with any provision hereof shall become effective and by the Board member of the board shall board for each meeting at necessarily incurred in the may at any time appoint employees, engineers and business of the district, each The Treasurer of Sacramento (Stats. 1967, c. 910, § 8.)

§ 106-9. Purposes of district

Sec. 9. The purposes of improve, repair, operate, maintain structures, or other facilities in the area encompassed by the or other facilities of Reclamation including the right to give levees. As used herein, the drainage of lands lying on surface or underground which may be inundated as (Stats. 1967, c. 910, § 9.)

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districts as set forth in Division 15 (commencing with Section 5000) of the
Water Code; provided that the directors whose terms will expire in 1969 and
each four years thereafter shall be nominated and elected at large and the
directors whose terms will expire in 1971 and each four years thereafter shall
be nominated and elected one each from Reclamation Districts Nos. 317, 407,
and 2067 in the same manner as the election of trustees for such districts. Any
special election which may be required shall be conducted in the manner
prescribed for reclamation districts.

(Stats.1967, c. 910, § 7.)

Law Review and Journal Commentaries

Public officials represent acres, not people.
(1974) 7 Loy.L.Rev. (Calif.) 227.

§ 106-8. Organization of board; meetings; appointment of officers, em-
ployees, etc.; treasurer

Sec. 8. Within 30 days after the appointment of the first directors and
thereafter on the regular meeting date following each general district election,
the directors shall meet and organize as a board. The board shall elect one of
its members as president, appoint a secretary, who may be a director, and
provide for the time and place of holding its meetings. The board may adopt
and from time to time amend bylaws for the government of its affairs not
inconsistent with any provisions of this act, which bylaws or amendments
thereto shall become effective when approved by a four-fifths vote of the
directors and by the Board of Supervisors of Sacramento County. Each
member of the board shall receive such compensation as may be fixed by the
board for each meeting attended by him, and shall be reimbursed for expenses
necessarily incurred in the performance of his duties as a director. The board
may at any time appoint or employ and prescribe the duties of other officers,
employees, engineers and attorneys necessary or convenient to carry out the
business of the district, each of whom shall serve at the pleasure of the board.
The Treasurer of Sacramento County shall be the treasurer of the district.
(Stats.1967, c. 910, § 8.)

§ 106-9. Purposes of district

Sec. 9. The purposes of the district are, and it shall have the powers, to
improve, repair, operate, maintain, construct and reconstruct the levees, works,
structures, or other facilities that provide flood control and flood protection to
the area encompassed by the district, including such levees, works, structures,
or other facilities of Reclamation Districts Nos. 317, 407, and 2067, and
including the right to give such assurances and to assume such liability as may
be required of a local agency engaged in the maintenance of flood control
levees. As used herein, the term "flood control" shall not be deemed to include
drainage of lands lying within the levees from storm, irrigation, or other
surface or underground waters but shall include the dewatering of any lands
which may be inundated as a result of levee failure.
(Stats.1967, c. 910, § 9.)

Library References

Levees and Flood Control §9.

WESTLAW Topic No. 235.

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

§ 106-10. Powers and duties

Sec. 10. Except as limited by the provisions set forth in Section 9 above, or as otherwise inconsistent with the provisions of this act, the district shall have all of the powers and authority of a reclamation district, as set forth in Division 15 (commencing with Section 50000) of the Water Code, together with such other powers, duties, and authority as may be exercised by a reclamation district pursuant to the laws of this state. All provisions of the Government Code, Code of Civil Procedure, or other laws of this state now or hereafter made applicable to reclamation districts, shall be deemed applicable to the district to the extent of the purposes set forth in Section 9.

(Stats.1967, c. 910, § 10.)

§ 106-11. Continuation of existing districts; powers and duties

Sec. 11. Notwithstanding any provision of this act, Reclamation Districts Nos. 317, 407, and 2067 shall remain in existence with all the powers, duties, and responsibilities granted to each prior to the enactment of this act, except those powers, duties, and responsibilities granted to the district by Section 9 of this act.

(Stats.1967, c. 910, § 11.)

§ 106-12. Approval by local agency formation commission

Sec. 12. The district shall not commence to exercise its powers pursuant to this act until the local agency formation commission approves the operation of the district in the same manner as it approves with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code, as said provisions exist or may hereafter be amended.

(Stats.1967, c. 910, § 12.)

§ 106-13. Time warrants; authorization

Sec. 13. At any time subsequent to an election by the board to utilize the alternate method for levying operation and maintenance assessments pursuant to Article 4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code, the board may by resolution authorize the issuance of time warrants payable at future dates with interest not to exceed 7 percent per annum and provide for their payment in the manner set forth in Section 16 of this act, and until all such warrants are paid in full shall continue to utilize such alternate method of assessment. The authority to issue time warrants pursuant to Sections 13 through 16, inclusive, of this act shall be in addition to the authority for issuance of such time warrants provided in Article 3 (com-

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§ 106-14. Time warra

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§ 106-16. Time warra

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§ 106-13. Time warrants; authorization

Sec. 13. At any time subsequent to an election by the board to utilize the alternate method for levying operation and maintenance assessments pursuant to Article 4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code, the board may by resolution authorize the issuance of time warrants payable at future dates with interest not to exceed 7 percent per annum and provide for their payment in the manner set forth in Section 16 of this act, and until all such warrants are paid in full shall continue to utilize such alternate method of assessment. The authority to issue time warrants pursuant to Sections 13 through 16, inclusive, of this act shall be in addition to the authority for issuance of such time warrants provided in Article 3 (com-

mening with Section 53040) of Chapter 1, Part 9, Division 15 of the Water Code.

(Added by Stats.1969, c. 257, p. 606, § 1.)

§ 106-14. Time warrants; limitation on amounts and maturity

Sec. 14. No time warrants may be issued by the district in amounts in excess of twenty-five dollars (\$25) per acre nor may they be made payable over a period exceeding 10 years from the date of issue unless the issuance of such time warrants is authorized by an election held for that purpose, which election shall approve the amount of such issue and the maturity date of such time warrants. So long as time warrants in excess of twenty-five dollars (\$25) per acre remain outstanding, no further time warrants may be issued without a further election approving such issuance.

(Added by Stats.1969, c. 257, p. 607, § 2.)

§ 106-15. Time warrants; election to exceed limitation

Sec. 15. Time warrants issued in excess of the limitation in amount and term prescribed in Section 14 shall be authorized by a majority of the voters voting at an election called by the board for the purpose of determining whether or not the warrants shall be issued. Notice of the election shall be given and the election shall be held and the result determined as nearly as practicable in the manner provided for bond elections in reclamation districts under Part 8 (commencing with Section 52100) of Division 15 of the Water Code.

(Added by Stats.1969, c. 257, p. 607, § 3.)

§ 106-16. Time warrants; general obligation; ad valorem assessments

Sec. 16. Time warrants issued under Sections 13 through 16, inclusive, of this act shall constitute a general obligation of the district for the payment of both principal and interest of which all land in the district subject to assessment by the district may be assessed. It shall be the duty of the board to include in its annual estimate filed with the board of supervisors all sums necessary to pay the principal of, and interest on, all warrants issued under Sections 13 through 16, inclusive, coming due during the next year, and any sums that the board shall direct to be set aside in a special fund for the future payment of principal of, and interest on, any outstanding warrants so issued which will come due in any year following the next year. It shall be the duty of the board of supervisors, at the time and in the manner provided in Article 4 (commencing with Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code to fix an ad valorem rate of assessment sufficient to pay the principal of, and interest on, all warrants issued under Sections 13 through 16, inclusive, of this act as the same become due, and the sums required for the special fund established by the board. Such ad valorem assessment shall be in

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App. § 106-16

BRANNAN-ANDRUS LEVEE

in addition to all other district assessments and, when collected, shall be used for no purpose other than the payment of said warrants and the interest thereon.
(Added by Stats. 1969, c. 257, p. 607, § 4.)

§ 106-17. Issuance and payment of warrants

Sec. 17. Except as prescribed in Sections 13 through 16, inclusive, all warrants of the district shall be issued and paid in the manner prescribed for warrants of a reclamation district in Part 9 (commencing with Section 53000) of Division 15 of the Water Code.
(Added by Stats. 1969, c. 257, p. 608, § 5.)

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1967, c. 1503, p. 3511) v
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The repealed sections, added by Stats. 1967, c. 1503, §§ 1 to 13, 20, 21, 25, 26, 30, 39, 45 to 51, 60 to 86, 90 to 100, 120 to 126, 130 to 137, 140, 145 to 163, 180 to 182, 190, 191, 200 to 213, 220 to 224, 230, 231, 240, 241, 265 to 269, 280, 281, 290 to 296,

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