

Chapter 1122
Statutes of 1945
Act 6642 of State Legislature
Creating the
RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
(with amendments)

Current through January 2002
(Statutes 1991)*

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*No changes have been made to the Statues since 1991

INDEX

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT

(17 Amendments)

Section 1	Name of District (amended 1953)
Section 2	Division into Zones (amended 1953)
Section 3	Zone One Boundary (revised section added 1983)
Section 4	Zone Two Boundary (amended 1967)
Section 5	Zone Three Boundary (revised section amended 1983)
Section 6	Zone Four Boundary (revised section amended 1983)
Section 7	Zone Five Boundary (revised section amended 1983)
Section 8	Zone Six Boundary (revised section amended 1983)
Section 8.1	Zone Seven Boundary (revised section amended 1983)
Section 8.3	Liability for Benefit Assessment (added 1984)
Section 8.4	Conditions for Annexation of Territory to Zone 6 (revised Section added 1986)
Section 9	Objects and Purposes (amended 1951, 1953, 1955, 1969, 1975 and 1987) 1) Perpetual Succession 2) Seal 3) Sue and be Sued 4) Acquire Right of Way 5) Real Property 6) Indebtedness and Bonds 7) To Store Water 8) Flood Waters Outside of District 9) Eminent Domain a) Orange County Lands Excluded 10) To Enter Upon Land for Surveys 11) Taxes and Assessment 12) Investigations, Analyses and Inspections 13) Full Exercise of Powers
Section 9.1	Works of Improvement and Definitions (added 1983)

Section 10	Board of Supervisors are Administrators (amended 1971)
	1) Ex officio County Officers
	2) Employment of Counsel and Officers
	3) Ordinances and Resolutions
Section 11	General Power of Board of Supervisors
Section 12	Employment of Engineers; Engineer's Reports
Section 13	Title to Property Vested in District
Section 14	Power to Levy Taxes and Assessments Zone Limitations (amended 1955, 1971, 1986, 1987 and 1989)
Section 14.1	Promissory Notes (added 1971, amended 1986)
Section 14.2	7 Year promissory notes (added 1971, amended 1986 and 1991)
Section 14.3	10 Year promissory notes (added 1971, amended 1986 and 1989)
Section 14.4	Tax Revenue for payment of promissory notes (added 1971)
Section 15	Payment of Claims (revised section added 1959, amended 1963)
Section 16	Commissioners and their Appointment (amended 1953, 1971)
Section 17	Zone Commissioners' Hearings and Recommendations (amended 1971)
Section 18	Authority and Procedures for Projects (amended 1971)
Section 19	Authority and Procedures for Issuing Bonds (amended 1968 and 1983)
Section 20	Form and Issuing of Bonds (amended 1968 and 1983)
Section 20.1	Bond Reserve Fund (added 1987)
Section 21	Issuance of Bonds and Application of Proceeds (amended 1983)
Section 22	Security and Liability for Bonds
Section 23	Tax and Assessments for Payment of Bonds
Section 23.1	Improvement Districts for Issuance of Bonds (added 1967)
Section 23.2	Standby Charges (added 1969)
Section 24	Assessment Levy and Collection of Taxes

Section 25	Tax Collection Procedure (repealed 1955)
Section 25.1	Benefit Assessments (added 1983, amended 1987)
Section 25.2	Limitation on Benefit Assessments (added 1983, amended 1987)
Section 25.3	Interest Rates on Bonds (added 1983)
Section 25.4	Improvement Districts with fewer than 12 registered voters (added 1987)
Section 25.5	Delinquent Benefit Assessment (added 1987)
Section 25.6	Prepayment of Benefit Assessment (added 1987)
Section 26	1945-46 Taxes (repealed 1983)
Section 26.1	Engineer's Report for Improvements Financed by Bonds (added 1987)
Section 26.2	Assessment of Specially Benefitted Areas (added 1987)
Section 26.3	Approval of Engineer's Report and Hearings Thereon (added 1987)
Section 26.4	Protests of Improvements or Assessment (added 1987)
Section 26.5	Conduct of Hearings and Action on Engineer's Report (added 1987)
Section 26.6	Protests by Owners - Abandonment of Proceedings or Voter Approval (added 1987)
Section 26.7	Abandoned Proceedings or Failed Election (added 1987)
Section 26.8	Confirmation of Engineer's Report and Issuance of Bonds (added 1987)
Section 26.9	Issuance of Bonds by Competitive Bids or Negotiated Sale (added 1987)
Section 26.10	Assessments after Sale of Bonds (added 1987)
Section 26.11	Bond Reserve Fund and Compliance with the Internal Revenue Code (added 1987)
Section 26.12	Contesting Proceedings for Issuance of Bonds (added 1987)
Section 26.13	Actions Determining Validity of Bonds (added 1987)
Section 26.14	Notice of Establishment of Area of Benefit (added 1987)
Section 26.15	Exemption from 1931 Special Assessment Investigation Act (added 1987)
Section 26.16	Alternative Bonding Procedures (added 1987)

Section 27	Legal Investments for Bonds (amended 1987)
Section 28	Bonds Exempt from Tax
Section 29	Contracts in Excess of \$5,000 (repealed 1984)
Section 30	Coordination of Improvements with Bond Provisions
Section 31	Additional Bonds
Section 32	Call for Another Bond Election
Section 33	Repeal or Amendment of Act
Section 34	Right to Cross Public Lands
Section 35	Rights of Way Across Roads (repealed 1975)
Section 36	Legality of Act
Section 37	Liberal Construction of Act
Section 38	Validity of Portions of Act
Section 39	Name of Act

<u>Amendments to Act 6642:</u>	<u>Amended Sections</u>
1) Stats 1951, Chap. 1374 (page 3285)	9
2) Stats 1953, Chap. 1459 (page 3060)	1,2,5,8,9,16; 8.1 added
3) Stats 1955, Chap. 1259 (page 2296)	9,14,15; 25 repealed
4) Stats 1959, Chap. 1728 (pp 4165-66)	15 repealed New 15 added
5) Stats 1963, Chap. 1715	15
6) Stats 1967, Chap. 1112	3,4,5,6,9.2; 23.1 added
7) Stats 1968, Chap. 145	19 and 20
8) Stats 1969, Chap. 198	23.2 added
9) Stats 1969, Chap. 586	9
10) Stats 1971, Chap. 273	10,14,16,17,18 14.1-14.4 added
11) Stats 1975, Chap. 1276	9,9.2,35 repealed
12) Stats 1983, Chap. 276	5,6,7,8.1,19, 20,21;9.1,25.1, 25.2 added; 26 repealed
13) Stats 1984, Chap. 271	8;8.3,8.4 added; 29 repealed

14) Stats 1986, Chap. 690	8.4,14,14.1,14.2, 14.3
15) Stats 1987, Chap. 669	9,14,25.1,25.2, 27;20.1,25.4, 25.5,25.6,26.1-26.16 added
16) Stats 1989, Chap. 416	14,14.3
17) Stats 1991, Chap. 53	14.2

An Act to create a flood control district to be called "Riverside County Flood Control and Water Conservation District" and dividing said district into zones; to provide for the control and conservation of flood and storm waters and for the protection of watercourses, watersheds, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

(Approved by Governor July 7, 1945. Filed with Secretary of State July 7, 1945.)

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

SECTION 1.* A flood control and water conservation district is hereby created to be called "Riverside County Flood Control and Water Conservation District", and the boundaries and territory of said district shall be as follows: All the territory and area of the County of Riverside hereinafter particularly described and designated as Zone One to Zone Seven, inclusive.

*(Amended by Stats 1953, Chap. 1459)

SECTION 2.* Said district is hereby divided into seven zones, which shall be numbered and denominated Zone One, Zone Two, Zone Three, Zone Four, Zone Five, Zone Six, and Zone Seven.

*(Amended by Stats 1953, Chap. 1459)

SECTION 3.* Zone One shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

The territory annexed to zone one of the Riverside County Flood Control and Water Conservation District by the enactment of Section 3 hereof by Section 2 of Statutes of 1983, Chap. 276, shall not be liable for the payment of principal and interest on the outstanding bonds on that zone and shall not be subject to the payment of taxes or assessments levied to provide for the payment thereof.

*(Revised Section added by Stats 1983, Chap. 276)

SECTION 4.* Zone Two shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

*(Amended by Stats 1967, Chap. 1112)

SECTION 5.* Zone Three shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

*(Revised Section Added by Stats 1983, Chap. 276)

SECTION 6.* Zone Four shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

*(Revised Section Added by Stats 1983, Chap. 276)

SECTION 7.* Zone five shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

*(Revised Section Added by Stats 1983, Chap. 276)

SECTION 8.* Zone Six shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

*(Revised Section Added by Stats 1984, Chap. 271)

SECTION 8.1* Zone Seven shall comprise all that territory and area included within the following described boundaries:

(Description omitted - see separate booklet)

*(Revised Section Added by Stats 1983, Chap. 276)

SECTION 8.3* The territory annexed to Zone 6 of the district by the repeal and reenactment of Section 8 during the 1984 portion of the 1983-84 Regular Session of the Legislature shall be liable for the payment of benefit assessments approved by the voters of zone 6 and levied, or to be levied, pursuant to Chapter 6.1 (commencing with Section 54071) of Part 1 of Division 2 of Title 5 of the Government Code.

*(Added by Stats 1984, Chap. 271)

SECTION 8.4* The annexation and detachment of territory from Zone 6 of the district by the repeal and reenactment of Section 8 by Chapter 271 of the Statutes of 1984 shall be complete and effective on the effective date of this section. A statement and map of this boundary change shall be filed in accordance with Chapter 8 (commencing with Section 54900) of Division 2 of Title 5 of the Government Code. The taxes and assessments previously levied by the Coachella Valley Water District on the territory annexed to the Riverside County Flood Control and Water Conservation District by this boundary change shall be allocated to the Riverside County Flood Control and Water Conservation District. The taxes and assessments previously levied by the Riverside County Flood Control and Water Conservation District on the territory detached from that district by this boundary change shall be allocated to the Coachella Valley Water District.

*(Added by Stats 1986, Chap. 690)

SECTION 8.5* (Repealed by Stats 1986, Chap. 690)

SECTION 9.* The objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their source outside of the district, but which streams and the waters thereof flow into the district, and to conserve the waters for beneficial and useful purposes by retarding, spreading, storing, retaining and causing to percolate into the soil within the district, these waters, or to save or conserve in any manner all or any of these waters and protect from these flood or storm waters, the watercourses, watersheds, public highways, life and property in the district, and to prevent waste of water or diminution of the water supply in, or unlawful exportation of water from the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in the district.

Riverside County Flood Control and Water Conservation District is hereby declared to be a body corporate and politic and as such shall have the following powers:

1. To have perpetual succession.
2. To adopt a seal and alter it at pleasure.
3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
4. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights of way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient 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 or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.
5. To take by grant, purchase, gift, devise or lease, or otherwise, to hold, use, enjoy and to lease or dispose of real, personal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers, and to lease its property to public agencies, or to grant any interest therein to public agencies, which lease or grant does not interfere with the use of the property for the purposes of the district.

6. To incur indebtedness, and to issue bonds pursuant to any of the alternative procedures herein provided.
7. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or a zone or zones thereof; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of water or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings hereafter begun; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; however, the district shall not have the power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside or away from the district.
8. To control the flood and storm waters of the district and the flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, and to conserve these waters for beneficial and useful purposes within the district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without the district, or to save and conserve in any manner all or any of the waters and protect from damage from these flood or storm waters the watercourses, watersheds, public highways, life and property in the district; provided that water rights now existing be not thereby infringed upon.
9. 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. Nothing contained in this act shall be deemed to authorize the district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the injury or detriment of any person, or persons, having any interest in the river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation be first ascertained and paid therefor, under laws of this State authorizing the taking of private property for public use; and provided further, that no right shall exist in behalf of the district to take by condemnation any property, including water rights, that is now devoted to beneficial use in Orange County; nor to take by condemnation any water rights or property necessary for exercising the water rights that are now devoted to beneficial use, or are now in the process of being devoted to beneficial use in Orange County, within an area along and adjacent to the trunk channel of the Santa Ana River extending from the easterly boundary of Orange County to the Jurupa Narrows and lying between the bluffs on either side of said river, but excluding therefrom any part of the Corona underground water basin as the basin is defined in that certain action in the Superior Court of the State of California, in and for the County of Riverside, numbered 22046, and entitled the Corona Foothill Lemon Company, a corporation, et al vs. Charles E. Lillibridge, et al.
10. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply maintenance, repair and improvement of these works,

whether in this or in another state, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to this end, and for these purposes and uses, to acquire, and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, power plants, franchises, concessions or rights; to enter into and to do any and all 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 the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store this water in any reservoir of the district or to carry this water through any tunnel, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply to be delivered to the district by the other party to the agreement; to cooperate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving these waters for beneficial use within the district, or in any such works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

11. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district and to carry out any of the purposes of this act, in the manner hereinafter provided.
12. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without the district, and for the purposes the district shall have the right of access through its authorized representatives to all properties within the district.
13. To make contracts and to employ labor and to do all acts necessary for the full exercise of all powers vested in the district, or any of the officers thereof by this act.

*(Amended by Stats 1951, Chap. 1374; Stats 1953, Chap. 1459; Stats 1955, Chap. 1259; Stats 1969, Chap. 586; Stats 1975, Chap. 1276; Stats 1987, Chap. 669)

SECTION 9.1.* Whenever, in the opinion of the board of supervisors of the district, the public interest or convenience may require, it may order any work of improvement which it is authorized to undertake to be done in accordance with the procedures and in pursuance of either the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code) or the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), and to be financed through the sale of bonds pursuant to the Improvement Act of 1911 or the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code). The following terms as used in those acts shall have the

following meanings:

- (a) "Municipality" or "city" means the District.
- (b) "City Council" or "legislative body" means the Board of Supervisors of the District.
- (c) "City treasurer" or "treasurer" means the County Treasurer of the County of Riverside.
- (d) "Mayor" means the chairperson of the Board of Supervisors.
- (e) "Clerk" means the clerk or secretary of the Board of Supervisors.
- (f) "Council chambers" means the place where the regular meetings of the Board of Supervisors are held.
- (g) "Superintendent of streets" or "street superintendent" and "city engineer" mean the Chief Engineer of the District or any other person appointed by the Board of Supervisors to perform their duties.
- (h) "Tax Collector" means the tax collector of the County of Riverside.
- (i) "Assessor" means the County Assessor of the County of Riverside.
- (j) "Auditor" means the County Auditor of the County of Riverside.
- (k) All other words and terms in those acts relating to municipal officers and matters refer to the corresponding officers of the District and matters under this act.

*(Added by Stats 1983, Chap. 276)

SECTION 9.2* (Repealed by Stats 1975, Chap. 1276)

SECTION 10.* The board of supervisors of the County of Riverside shall be, and said board of supervisors is hereby designated as, and empowered to act as, exofficio the board of supervisors of said Riverside County Flood Control and Water Conservation District and said board of supervisors is hereby vested, except as may be restricted herein, with the same powers and shall perform the same duties for and on behalf of said district, and the government thereof, to carry out the objects and purposes of this act that the board of supervisors of the County of Riverside now has or may hereafter have by law for said County of Riverside, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act, or to exercise any of the said powers of said district; provided that such powers and duties are not in conflict with the express terms of this act.

The County Counsel, County Clerk, County Surveyor, Superintendent of County Highways, County Assessor, County Tax Collector, County Auditor, and County Treasurer of the County of Riverside, and their successors in office and all their assistants, deputies, clerks and employees, and all other officers of the said County of Riverside, their assistants, deputies, clerks and employees, shall be exofficio officers, assistants, deputies, clerks and employees respectively of said Riverside County Flood Control and Water Conservation District, and shall respectively perform as the said board of supervisors may determine, the same various duties for said district as for the said County of Riverside, in order to carry out the provisions of this act. Supervising personnel, employees, and equipment of either the County of Riverside or the district may be jointly used by the County of Riverside and the district whenever such use is determined to be necessary by their respective Boards of Supervisors.

Said board of supervisors may in its discretion employ counsel and appoint a chairman, a secretary and such other officers, agents and employees of said board of district as in the judgment of said board may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or employment during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are

ordinances, resolutions or other legislative acts for the County of Riverside.

*(Amended by Stats 1971, Chap. 273)

SECTION 11. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint and employ all needful agents, superintendents, engineers and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

SECTION 12. Said board of supervisors shall have jurisdiction and power to employ by ordinance, or by resolution if agreeable to law, a competent, registered civil engineer or engineers to investigate carefully the best plan or plans to control the flood and stormwaters of said district, and the zones thereof, and the flood and stormwaters of streams that have their source outside of said district but which stream or streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or to conserve in any manner any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and may direct by resolution, such engineer or engineers to make and file reports from time to time with said board of supervisors which shall show:

1. A general description of the work to be done on each project or work of improvement.
2. General plans, profiles, cross-sections and general specifications of the work to be done on each project or work of improvement.
3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.
4. A map or maps which shall show the location and zone of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.
5. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out such project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Said engineer or engineers shall from time to time and as directed by the board of supervisors file with said board supplementary, amendatory and additional reports and recommendations as necessity and convenience may require. Said board of supervisors shall allow to such engineer or engineers, employed as in this section hereinbefore provided, such engineers, surveyors, and others as may be required for making of surveys or doing any other work necessary for the making of such report.

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

SECTION 13. The legal title to all property acquired under the provisions of this act shall immediately and by

operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. The board of supervisors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of supervisors may determine, by resolution duly entered in its minutes that any property, real, personal or mixed, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property or lease the same.

SECTION 14.* (a) The board of supervisors of the district shall have power in any year to do both of the following:

- (1) Levy an ad valorem tax or an assessment upon all taxable property in the district to pay the costs and expenses of the district and to carry out any of the objects or purposes of this act of common benefit to the district as a whole. However, the ad valorem tax or the assessment shall not exceed two and one half cents (\$0.025) on each one hundred dollars (\$100) of assessed valuation. It is declared that for purposes of such a tax or assessment all property within the district is equally benefitted.
- (2) Levy an ad valorem tax or an assessment upon all taxable property in each or any of the zones, according to the benefits derived or to be derived by the respective zones to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to the respective zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or improvements within the respective zones. Except as provided in subdivisions (b) and (c), in the case of any assessment under this act, the benefit may be determined on the basis of the proportionate storm water runoff from each parcel. It is declared that all property within a given zone that is located within a watershed or watersheds which are tributary to an existing or proposed flood control improvement is equally benefitted.
 - (b) Whenever a railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way is included within an area proposed to be assessed, the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to the assessment only if, and to the extent that, it is found that it will benefit from the service, and the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to the same penalties, and the same procedure and sale, in the event of delinquencies, as other parcels in the assessment area. In determining whether or not the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way benefits from the services provided, its use as a right-of-way for the railroad, gas, water, telephone, cable television, electric, or other utility shall be presumed to be permanent.
 - (c) Proportionate storm water runoff may be used as a measure of benefit on an undeveloped parcel of land pursuant to this section only if, and to the extent that, it is found that it will benefit from the service.

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

of the United State Bureau of the Census.

- (d) The taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from the taxes or assessments shall be paid into the county treasury to the credit of the district and the board of supervisors of the district shall have the power to control and order the expenditure thereof for those purposes. However, no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of paragraph (2) of subdivision (a) shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone except joint projects or joint works of improvements in two or more zones or works of improvement which are for the common benefit of two or more zones. The aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed forty cents (\$0.40) on each one hundred dollars (\$100) of assessed valuation of the taxable property in the zones exclusive of any tax levied to meet the bonded indebtedness of any of the zones and the interest thereon.
- (e) Assessments levied pursuant to this section to pay the cost of constructing, maintaining, operating, extending, repairing, or otherwise improving works or improvements shall be based upon the benefit that each parcel of real property to be assessed will derive from the works and improvements to be constructed, maintained, operated, extended, or repaired. For purposes of levying any assessment, the board of supervisors may establish one or more zones of benefit, including parcels of real property which benefit similarly from those works and improvements, and may levy different assessments within those zones. The zones of benefit shall identified and described in a resolution adopted by the board of supervisors. In levying assessments pursuant to this section, the board of supervisors shall be subject to the substantive requirements of Section 54711 of the Government Code, and shall employ the procedures provided for in Section 54715 and 54716 of the Government Code, except that, if, prior to the conclusion of the hearing, written protests against the proposed assessment signed by 25 percent of the eligible voters within the area to be assessed are filed with the board, further proceedings relating to the proposed assessment shall be suspended for not less that one year following the date of the conclusion of the hearing. Proceedings for levying assessments pursuant to this section may be combined with proceedings for levying assessments pursuant to Sections 26.1 to 26.9, inclusive, and the procedures prescribed by those sections shall be modified as the board deems necessary to accommodate the combination of the proceedings. Assessments levied pursuant to this section may, but need not be, ad valorem assessments.

The amendment of this section made at the 1989-90 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

*(Amended by Stats 1955, Chap. 1259; Stats 1971, Chap. 273; Stats 1986, Chap. 690; Stats 1987, Chap. 669; Stats 1989, Chap. 416)

SECTION 14.1* The board of supervisors of the district may issue negotiable promissory notes, pursuant to Sections 14.2 and 14.3, bearing interest at a rate not exceeding the rate specified in Section 53531 of the Government Code. The promissory notes shall be general obligations of the district or any zone or zones thereof payable from revenue, taxes, or assessments, unless paid from other available funds of the district or zone or zones thereof, in the same manner as bonds of the district.

*(Added by Stats 1971, Chap. 273; Amended by Stats 1986, Chap. 690)

SECTION 14.2* The board of supervisors of the district may issue negotiable promissory notes pursuant to this section for any district purpose except those purposes specified in Section 14.3. The maturity of such promissory note shall not be later than ten years from the date thereof. The total aggregate amount of the promissory notes outstanding at any one time shall not exceed the lesser of either twenty-one million dollars (\$21,000,000) or 2 percent of the assessed valuation of the taxable property in the district or zone or zones thereof as shown on the last assessment roll.

*(Added by Stats 1971, Chap. 273; Amended by Stats 1986, Chap. 690; Amended by Stats 1991, Chap. 53 [effective 1/1/92])

SECTION 14.3* The board of supervisors of the district may issue negotiable promissory notes pursuant to this section for the purpose of acquiring funds to finance construction of administrative offices, construction of headquarters, commercial offices or facilities for similar district purposes and for acquisition of land for any of the foregoing district purposes. The maturity of the promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of the promissory notes outstanding at any one time shall not exceed the lesser of either four million dollars (\$4,000,000) or 1 percent of the assessed valuation of the taxable property in the district or zone or zones thereof as shown on the last assessment roll.

*(Added by Stats 1971, Chap. 273; Amended by Stats 1986, Chap. 690; Stats 1989, Chap. 416)

SECTION 14.4* In any year, the board of supervisors of the district shall have power to levy a tax in the district or any zone or zones thereof sufficient to pay the principal of, and interest on, any promissory note or notes issued pursuant to Section 14.2 or Section 14.3. Such tax shall be in addition to all other taxes authorized under this act, shall not be subject to any limitations in rate under this act, and shall be used solely for payment of principal of, and interest on, such promissory note or notes.

*(Added by Stats 1971, Chap. 273)

SECTION 15.* Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

*(Amended by Stats 1963, Chap. 1715, Section 126)

(Former Section 15, also relating to claims, was amended by Stats 1955, Chap. 1259, Section 3, p. 2296 and repealed by Stats 1959, Chap. 1728, Section 34, p. 4165)

SECTION 16.* The office of zone commissioner in the Riverside County Flood Control and Water Conservation District is hereby created. In each of the separate zones constituting said district, there shall be three zone commissioners, who shall be appointed by the board of supervisors of said district. The term of office for a zone commissioner shall be three years, except that the terms of office of zone commissioners in each zone on the effective date of the amendment of this section by the 1971 Regular Session of the Legislature shall immediately be determined by the zone commissioners then holding office, by lot, so that their respective terms shall expire on the first day of November of the first, second, and third calendar years which begin after such effective date.

No person shall be appointed to the office of zone commissioner unless said person is a citizen of the United States of America, of the State of California, over the age of 21 years and resides within the zone for which he is appointed. Should a zone commissioner cease to reside in the zone for which he was appointed, either through change of his residence or change of boundaries of the zone, his office shall thereupon be vacant.

The zone commissioners of said district shall have the right and privilege to attend all regular and special meetings of the board of supervisors of said district, in their official capacity as such zone commissioners. All zone commissioners shall serve without compensation unless otherwise fixed and determined by ordinance enacted by the board of supervisors of said district.

In the event of a vacancy occurring in the office of Zone Commissioner said vacancy shall be filled by appointment by the said board of supervisors for the unexpired portion of the term in which said vacancy exists.

*(Amended by Stats 1953, Chap. 1459; Stats 1971, Chap. 273)

SECTION 17.* The zone commissioners of each zone may hold hearings and make recommendations with regard to any project or works of improvement in their respective zones and the zone commissioners of one or more contiguous zones may hold hearings and make recommendations with regard to joint projects or joint works of improvement of common benefit to said contiguous zones for the financing, constructing, maintaining, operating, extending, repairing, or otherwise improving any joint project or joint work of improvement located or to be located in either or all of said contiguous zones and of common benefit to said participating zones.

*(Amended by Stats 1971, Chap. 273)

SECTION 18.* The board of supervisors of said district, for the purpose of acquiring authority to proceed with the actual construction of any project or work of improvement or any joint project or joint work of improvement shall adopt a resolution specifying its intention to undertake such project or work of improvement or joint project or joint work of improvement, together with the engineering estimates of the cost of same and in the case of a joint project or joint work of improvement the proportionate cost to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or work of improvement or joint project or joint work of improvement. Notice of such hearing shall be given by publication once a week for two successive weeks (two publications) prior to said hearing, the last publication of which notice must be at least seven days before the said hearing, in a newspaper of general circulation, circulated in each of the said zones or participating zones as the case may be, and if there be no such newspaper, then by posting notice for two consecutive weeks prior to said hearing in five public places in each of said zones or participating zones.

Said notice must designate a public place in each of said zones or participating zones where a copy of the map or maps of said project or work of improvement or joint project or joint work of improvement may be seen by any interested person; said map or maps must be posted in each of said public places so designated in said notices at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors of said district shall consider all written and oral objections to the proposed project or work of improvement, or joint project or joint work of improvement. Upon the conclusion of the hearing the board of supervisors of said district may proceed with the proposed project or work of improvement, or joint project or joint work of improvement unless prior to the conclusion of said hearing written protests against the proposed project

or work of improvement, or joint project or joint work of improvement, signed by a majority in number of the registered voters, as that number appeared at the last preceding general election, residing within the said zone or participating zones as the case may be, be filed with the board of supervisors of said district, in which event the said project or work of improvement, or joint project or joint work of improvement, must be abandoned.

*(Amended by Stats 1971, Chap. 273)

SECTION 19.* (1) Whenever the board of supervisors of the district determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement as herein authorized in any zone, the board may by resolution, passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement, and the denomination and rate of interest of the bonds. The board shall cause a copy of the resolution, duly certified by the county clerk to be filed for record in the office of the recorder of the County of Riverside within five days after its issuance. From and after the filing, the board is vested with the authority to proceed with the bond election.

- (2) After the filing for record of the resolution specified in subdivision (1), the board of supervisors may call a special election in the zone or zones at which shall be submitted to the qualified electors thereof the question, whether or not bonds shall be issued in the amount or amounts determined in the resolution for the purpose or purposes stated therein. The bonds, and the interest thereon, shall be paid from the revenue derived from annual taxes or assessments levied upon the property taxable by the district situated within the zone or zones, and all the taxable property shall be and remain liable to be taxed for those payments as provided in this act.
- (3) The board of supervisors shall call the special election by resolution and shall submit to the qualified electors of the zone or zones the proposition of incurring a bonded debt in the zone or zones in the amount and for the purposes stated in the resolution. The proposition shall recite the objects and purposes for which the indebtedness is proposed to be incurred, shall be sufficient to give a brief general description of the objects and purposes, and shall refer to the resolution adopted by the board of supervisors and on file for particulars. The board of supervisors shall also state, in the resolution, the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefore, and the maximum rate of interest to be paid on the indebtedness, and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall in no event exceed 10 percent per annum. For purposes of the election, the board of supervisors shall, in the resolution, establish election precincts by consolidating the precincts established for general election precincts in the district to a number not exceeding six for the bond election, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each of the bond election precincts.

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

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

The resolution calling for the election shall, prior to the date set for the election, be published in a newspaper of

general circulation circulated in the zone or zones for six consecutive times if published in a daily newspaper of general circulation printed and published in the zone or zones, or two times if published in a weekly newspaper of general circulation printed and published in the zone or zones. The last publication of the resolution shall be at least 14 days before the election, and if there is no such newspaper, then the resolution shall be posted in five public places in the zone or zones for at least 30 days before the date fixed for the election. No other notice of the election need be given.

Any defect or irregularity in the proceedings prior to the calling of the election shall not affect the validity of the bonds. If at the election two-thirds of the votes cast are in favor of incurring the bonded indebtedness, the bonds of the district, zone, or zones for the amounts stated in the proceedings shall be issued and sold as provided in this act.

(Amended by Stats 1968, Chap. 145; Stats 1983, Chap. 276)

SECTION 20. The board of supervisors shall, subject to the provisions of this act, prescribe by resolution the form of the bonds, which shall include a designation of the participating zones, and of the interest coupons attached thereto. The bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day or date, and at a place to be fixed by the board, and designated in the bonds, together with the interest on all sums unpaid on that date until all of the indebtedness has been paid.

The payment of the first installment of principal may be deferred for a period of not more than five years from the date of each issue or series of bonds.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series of bonds. The board may provide for call and redemption of all, or any part, of any issue or series of bonds before maturity at prices determined by the board. No bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect.

The bonds shall be issued in the denominations as the board determines, and shall be payable on the dates and at the place fixed in those bonds, and with interest at the rate specified in those bonds, which rate shall not be in excess of 10 percent per annum, and shall be made payable annually or semiannually, except that interest for the first year may be payable at the end of that year. The bonds shall be numbered consecutively and shall be signed by the chairperson of the board, and countersigned by the auditor of the district, and the seal of the district shall be affixed thereto. Either or both of the signatures may be printed, engraved, or lithographed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor by his or her printed, engraved, or lithographed signature. In case any officer whose signatures or countersignatures appear on the bonds or coupons ceases to be that officer before the delivery of the bonds to the purchaser, the bonds and coupons and signatures or countersignatures are nevertheless valid and sufficient for all purposes as if the officer had remained in office until the delivery of the bonds.

(Amended by Stats 1968, Chap. 145; Stats 1983, Chap. 276)

SECTION 20.1* In providing for the issuance of bonds of the district, a zone or zones, or an improvement district, the board of supervisors may provide in the resolution adopted pursuant to Section 20 for the inclusion in the

aggregate principal amount of the bonds to be issued of a reserve fund for the payment of the principal of and interest on the bonds in an amount not to exceed 10 percent of the principal amount of the bonds.

*(Added by Stats 1987, Chap. 669)

SECTION 21. The board of supervisors may issue and sell the bonds of the district zones previously authorized at par value or at a discount of not more than 10 percent below par value, and the proceeds of the sale of the bonds shall be placed in the treasury of the County of Riverside to the credit of the district for the uses and purposes of the zone voting the bonds; and the proper record of the transactions shall be placed upon the books of the county treasurer, and the respective zone funds shall be applied exclusively to the purposes and objects mentioned in the resolution calling the special bond election, subject to the provisions in this act. Payments from the zone fund shall be made upon demands prepared, presented, allowed, and audited in the same manner as demands upon the funds of the County of Riverside.

(Amended by Stats 1983, Chap. 276)

SECTION 22. Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issued. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said zone and all the taxable property in the zone shall be and remain liable to be taxed for such payments as hereinafter provided. No zone of said Riverside County Flood Control and Water Conservation District, nor the property therein, shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness of any other zone.

SECTION 23. The board of supervisors shall levy a tax or assessment each year upon all the taxable property in the zone of issuance sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the County Treasury of said Riverside County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer of said Riverside County in the manner provided by law for the payment of principal and interest on bonds of said county.

SECTION 23.1* Notwithstanding any other provisions of this act to the contrary one or more improvement districts may be formed in an area or areas to be benefitted within the district without reference to the zone boundaries substantially in accordance with the provisions of this act governing the construction of any project or work of improvement in any zone of the district and bond elections, and issuance and sale of bonds for such improvement districts shall be substantially in accordance with the provisions of this act governing bond elections, and issuance and sale of bonds for zones; provided, that in its resolution of intention to undertake the project or work of improvement, the board of supervisors shall in addition to the matters specified in Section 18, state its intent to form the improvement district and state that a map showing the exterior boundaries of the proposed improvement district in relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the County Clerk and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district; and provided further that the resolution of intention shall also state:

- (a) The time and place for a hearing by the board of supervisors on the questions of the formation and

extent of the proposed improvement district.

- (b) That at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

The provisions of this section shall only be applicable to an improvement district formed for the construction of any project or work of improvement pursuant to the exercise by the district of its powers relating to the control of flood and storm waters.

*(Added by Stats 1967, Chap. 1112)

SECTION 23.2* Said board of supervisors shall have the power to fix a charge in each fiscal year representing a drainage standby or availability assessment of not to exceed ten dollars (\$10) per year per acre for each parcel of land of one half acre or more, or five dollars (\$5) per year for each parcel of land less than one half acre within the district to which drainage is made available by the district. The board of supervisors may restrict such assessment to lands lying within one or more improvement districts within the district.

Prior to fixing such charge, the board of supervisors shall cause a written report to be prepared and filed with the County Clerk which shall contain a description of each parcel of real property and the amount of the proposed assessment for each parcel for the year. The County Clerk shall cause notice of the filing of the report and of a time and place of hearing thereon to be published pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, and shall cause a notice in writing of the filing of the report to be mailed to each person to whom any parcel or parcels of real property described in such report is assessed in the last equalized assessment roll or as known to the County Clerk.

At the time stated in the notice, the board of supervisors shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing, the board of supervisors may adopt, revise, change, reduce, or modify an assessment or overrule any or all objections. The board of supervisors shall make its determination upon each assessment as described in the report, which shall be final, and may make appropriate adjustments that may be necessary as a result of the equalization of the assessment roll subsequent to the filing of the report.

On or before the fourth Monday of August of each year following such final determination, the County Clerk shall file with the County Auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the board of supervisors and the Auditor shall enter the amounts of the assessment against the respective lots or parcels of land as they appear on the current assessment roll.

The amount of the assessments shall constitute a lien against the lot or parcel of land against which the assessment has been imposed as of 12:01 a.m. on the first day of March immediately preceding the date of levy.

The amount of the assessment shall be levied and collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of general taxes of the district, including but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such assessments.

*(Added by Stats 1969, Chap. 198)

SECTION 24. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SECTION 25.* Repealed. (Stats 1955, Chap. 1259, p. 2297)

SECTION 25.1* The board of supervisors may, upon complying with the requirements of Chapter 6.4 (commencing with Section 54703) of Part 1 of Division 2 of Title 5 of the Government Code, including obtaining the approval of the voters as required by Section 54717 of the Government Code, levy a benefit assessment within any zone or an improvement district of the district to pay principal and interest on bonds of the district, the zone or zones, or improvement district which are issued to finance the cost of any work of improvement, as authorized in this act, in the zone or zones or improvement district or the improvement of any existing facility therein, if the issuance of the bonds has also been approved by the voters at the same election at which the levying of the benefit assessment was approved. The bonds shall be authorized and issued as provided in Sections 19, 20, 21, and 22, and in the case of bonds for an improvement district, Section 23.1, of this act, except that, notwithstanding Section 19, if at the election a majority of the votes cast are in favor of incurring the bonded indebtedness, the bonds may be issued for the amount stated in the proposition voted upon. The proposition regarding the issuance and sale of the bonds may be combined with the proposition regarding the benefit assessment into a single proposition on the ballot. An improvement district of the district is an "area of benefit" for purposes of Section 54715 of the Government Code.

*(Added by Stats 1983, Chap. 276; Amended by Stats 1987, Chap. 669)

SECTION 25.2* In the case of a benefit assessment for the payment of principal and interest on the bonds of the district, a zone or zones, or an improvement district, the annual aggregate amount of the assessment shall, notwithstanding paragraph (2) of subdivision (a) of Section 54711 of the Government Code, not exceed the amount necessary to pay the interest on the bonds and the portion of the principal thereof that will be due during the year and prior to the collection of the assessments for the next succeeding year and to pay the district's administrative expenses in connection with the levying and collection of assessments and paying the interest on, and the principal of, the bonds, including, but not limited to, fees and charges of fiscal agents and paying agents, and the amount necessary to replenish the reserve fund for the bonds to the amount required by the resolution authorizing the issuance of the bonds in the event that the reserve fund is utilized to pay principal of and interest on the bonds as a result of delinquencies in the payment of assessments.

After issuing any such bonds, the board of supervisors shall levy a benefit assessment pursuant to Chapter 6.4 (commencing with Section 54073) of Part 1 of Division 2 of Title 5 of the Government Code each year upon all taxable property in the zone or zones or improvement district of issuance sufficient to pay the interest on, and principal of, the bonds and the district's administrative expenses, and, if necessary, to replenish the reserve funds for the bonds, all as provided in this section.

*(Added by Stats 1983, Chap. 276; Amended by Stats 1987, Chap. 669)

SECTION 25.3* Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code is applicable to the bonds of the district, a zone, or improvement district and to the interest rate thereon.

*(Added by Stats 1983, Chap. 276)

SECTION 25.4* If, as provided in Section 54717 of the Government Code, less than 12 registered voters reside within an improvement district of the district for the 90 days preceding the close of the hearing required by Section 54716 of the Government Code, the proceedings for approval of the proposed assessment and the issuance of bonds shall, notwithstanding Section 23.1, be conducted in accordance with, and subject to, all provisions of Section 54717 of the Government Code.

*(Added by Stats 1987, Chap. 669)

SECTION 25.5* (a) As an alternative remedy, if any benefit assessments levied by the board of supervisors for the payment of principal and interest on the bonds of the district, or a zone or zones, or an improvement district, together with any penalties and other charges accruing under the resolution or ordinance levying those benefit assessments, are not paid when due, the board of supervisors may at any time after those benefit assessments become delinquent, but not later than four years after the due date of the last installment of principal on the bonds, order those benefit assessments, penalties, and other charges to be collected by an action brought in superior court to foreclose the lien thereof.

- (b) The board of supervisors may, by resolution adopted prior to the issuance of bonds to be secured and paid by benefit assessments, covenant for the benefit of the owners of the bonds to commence and diligently pursue to completion any foreclosure action regarding any delinquent benefit assessments. The resolution may specify a time limit for commencement of the foreclosure action and any other terms and conditions which the board of supervisors may determine to be reasonable regarding the foreclosure action.

*(Added by Stats 1987, Chap. 669)

SECTION 25.6* The board of supervisors may, by resolution adopted prior to the issuance of bonds to be secured and paid by benefit assessments, specify conditions under which the obligation to pay the benefit assessments may be prepaid and permanently satisfied, and those conditions may include the payment of a redemption premium.

*(Added by Stats 1987, Chap. 669)

SECTION 26.* Repealed. (Stats 1983, Chap. 276)

SECTION 26.1* The board of supervisors may determine that it is necessary to sell bonds of the district or any zone or zones thereof to finance needed flood control improvements for the protection and benefit of portions of the district which the board determines cannot be financed from annual revenues from taxes or assessments, or both, over a period of years without selling bonds. The board of supervisors may also determine that it is necessary to sell bonds of the district or any zone or zones thereof to finance the local share of the cost of any flood control improvements or projects undertaken by the federal government or the state, or both. The board of supervisors shall make these determinations by adopting a resolution indicating its intention to finance the improvements through the issuance of bonds, generally describing the improvements to be financed with the proceeds of the bonds and referring the improvements to an engineer selected by the board and therein named for the preparation and filing with the board of a report with regard to the proposed improvements. The portions of the district or any zone or zones thereof which will benefit from the sale of the bonds and the flood control improvements to be financed shall be designated in the resolution of the board making those determinations as the area of benefit for the specified project, or by some similar designation.

The report shall contain, among other things, all of the following:

- (a) A general description of the improvements.
- (b) Estimates of the cost of the improvements, the cost of land, rights-of-way, and easements, incidental expenses in connection with the improvements, and expenses in connection with the issuance of the bonds, and if part of the cost of the improvements will be paid from contributions from the federal government or the state, or both, an estimate of the expected total amount of those contributions.
- (c) A map which shows the location of the proposed improvements and lands, right-of-way, easements, and property to be taken, acquired or injured in carrying out the construction of the improvements, and any other information in regard to those matters as may be deemed useful. However, improvements, lands, rights-of-way, easements, and property which will be located outside the district or outside the area of benefit need not be shown on the map.
- (d) A map or maps showing the location of the lots and parcels of property in the area of benefit which will derive special benefit from the proposed improvements and which are proposed to be assessed for the cost thereof.
- (e) A listing by county assessor's parcel number of the lots and parcels of property within the area of benefit which will derive special benefit from the improvements and which are proposed to be assessed and pay annual assessments for the payment of principal and interest on the bonds, and estimated maximum amount of the annual assessment to be levied on each lot or parcel.
- (f) A general analysis of the engineer's determination as to how the lots and parcels proposed to be assessed in the area of benefit and each proposed zone of benefit therein will derive special benefit from the proposed improvements.

The engineer may propose in the report that parcels of property in the area of benefit which benefit from the improvements similarly, but differently from other parcels, be included in different zones of benefit which shall be identified by boundary lines on the map or maps specified in subdivision (d). If the engineer proposes in the report the establishment of different zones of benefit, the listing referred to in subdivision (e) shall also identify the zone of benefit in which each lot or parcel is proposed to be included.

*(Added by Stats 1987, Chap. 669)

SECTION 26.2* If the improvements are proposed to provide protection against flooding in a floodway or flood plain designated on the general plan of the County of Riverside or any city therein or a flood plain area or a flood-risk zone established by the federal Secretary of Housing and Urban Development pursuant to 42 U.S.C. Sec. 4101, et seq., the fact that a lot or parcel of property is located within that floodway or flood plain or flood-risk area shall be conclusive evidence that it will derive special benefit from the improvements. Except as provided in subdivisions (b) and (c) of Section 14, assessment based on special benefit may be levied on lots and parcels of property included in an area of benefit or in zones of benefit therein on the basis of proportionate stormwater runoff. An area of benefit may include all land located within a watershed or watersheds which are tributary to proposed improvements.

*(Added by Stats 1987, Chap. 669)

SECTION 26.3* (a) When the report of the engineer is filed with the board of supervisors, the board may at a regular or special meeting approve the report and schedule a hearing thereon. The hearing shall be scheduled not earlier than 30 days and not later than 90 days following approval of the report. Notice of the hearing shall be published pursuant to Section 6066 of the Government Code and the first publication shall occur not later than 20 days before the date of the hearing. The notice to be published shall be entitled "Notice of Flood Control Improvements", and shall include all of the following:

- (1) The time and place of the hearing on the proposed improvements and on the proposed bonds and annual assessments.
 - (2) A general description of the proposed improvements and the proposed area of benefit and reference to the report of the engineer for further particulars.
 - (3) A statement that the board of supervisors is considering issuing bonds to finance the cost of the proposed improvements, or the local share thereof, and the amount of bonds which would be issued.
 - (4) A statement that the board of supervisors is considering levying annual assessments on lots and parcels of property within the area of benefit to pay principal and interest on the bonds.
 - (5) The name and telephone number of an officer or employee of the district to answer inquiries regarding the protect proceedings.
- (b) A notice of the time and place of the hearing shall also be mailed, postage prepaid, to all persons owning real property proposed to be assessed as their names and addresses appear on the last equalized assessment roll for county taxes. The notice shall be mailed not later that 20 days before the date of the hearing. The notices to be mailed shall be entitled "Notice of Flood Control Improvements" and shall contain all the following:
- (1) A statement of the time, place, and purpose of the hearing on the improvements and the proposed annual assessments.
 - (2) A statement of the total estimated cost of the proposed improvements.
 - (3) A statement that the board of supervisors proposes to issue and sell bonds to finance the cost of the proposed improvements, or the local share thereof, and to levy annual assessments on lots and parcels of property within the area of benefit which will derive special benefit therefrom to pay the principal of and interest on the bonds.
 - (4) The estimated maximum amount of the annual assessment to be levied on the particular parcel of property to which the notice relates, and a statement that the annual assessment to be on the parcel may not exceed 110 percent of that estimated maximum amount.
 - (5) A statement that any owner of a lot or parcel of property proposed to be assessed for the cost of the improvements or the payment of the principal of and interest on the bonds may file a written protest with the clerk.
 - (6) The name and telephone number of an officer or employee of the district designated by the board of

supervisors to answer inquiries regarding the protect proceedings.

- (c) If the engineer's report proposes the designation of two or more zones of benefit within the area of benefit wherein parcels will be assessed different amounts of annual assessments, the notice shall also advise each owner of this and of the zone in which his or her lot or parcel will be located.

*(Added by Stats 1987, Chap. 669)

SECTION 26.4* Any owner of a lot or parcel of property proposed to be assessed annual assessments for the payment of the principal of an interest on the bonds may protest the proposed improvements, the extent of the area of benefit or any proposed zone of benefit, or the estimated amount of annual assessment against his or her lot or parcel by filing a written protest with the clerk at or before the time set for the hearing. Each protest shall contain a description of the lot or parcel in which each signer thereof has an ownership interest sufficient to identify that ownership interest and, if the signers are not shown on the last equalized assessment roll as the owners of the lot or parcel, the protest shall contain or be accompanied by written evidence that the signers are the owners of the property. The clerk shall endorse on each protest the date of its receipt, and at the time appointed for the hearing shall present to the board of supervisors all protests filed with the clerk.

*(Added by Stats 1987, Chap. 669)

SECTION 26.5* At the time of the hearing, the engineer's report shall be summarized and the board of supervisors shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with regard to, the proposed improvements, the proposed area of benefit and zones of benefit, the issuance and sale of the bonds, the estimated maximum amount of annual assessment against any lot or parcel of property, or any other matter relating thereto. At the conclusion of the hearing, the board of supervisors may confirm the report of the engineer or direct its modification in any respect and thereafter confirm the report as modified. The board may change the boundaries of the area of benefit or any zone of benefit identified in the report to exclude lots and parcels of property which it determines will not derive special benefit from the proposed improvements, but may not change the boundaries of the area of benefit or any zone of benefit therein to include lots and parcels which are not listed in the report. The hearing may be continued from time to time not exceeding a total of 180 days.

*(Added by Stats 1987, Chap. 669)

SECTION 26.6* (a) If the board of supervisors finds that written protests filed at or before the time of the hearing are signed by the owners of more than 25 percent of the area of land in the area of benefit or in any proposed zone of benefit therein, and protests are not withdrawn at the time of the hearing so as to reduce the percentage of protests for all proposed zones of benefits below that percentage, the board shall either abandon the proceedings or by duly adopted resolution submit the propositions of the issuance of the bonds and the levy of the assessment to the voters within each zone of benefit from which the protest was received and not so reduced, and shall not proceed further with the proceedings as to any zone of benefit unless a majority of the combined votes cast at the election in all zones of benefit wherein it is held are in favor of the issuance of bonds and the levy of assessments. The board of supervisors may elect to submit the question of the issuance of the bonds and the levy of assessments to the voters in all zones of benefit.

- (b) The election may be called on any of the election dates prescribed by Section 2500 of the Elections Code, and the propositions regarding the issuance of the bonds and the levy of annual assessments for the payment of the principal of, and interest on, the bonds shall be combined in a single ballot measure. The election shall be conducted as nearly as practicable in conformity with the general elec-

tion law of the state. The election may be consolidated with any other elections which will be conducted on the same date within the zone or zones of benefit where the election will be held. The board of supervisors may form election precincts by adopting the precincts established for general elections or by consolidating precincts within the zone or zones of benefit where the election is to be held, and shall appoint only one inspector, two judges, and one clerk for each precinct. The district shall pay the county for costs incurred by the county in conducting the election.

*(Added by Stats 1987, Chap. 669)

SECTION 26.7* If the board of supervisors abandons the proceedings rather than call an election, or if an election is held and the required approving vote is not received, it shall not initiate similar proceedings within a period of 180 days from the date of adoption of the resolution ordering abandonment of the proceedings or the date of the election.

*(Added by Stats 1987, Chap. 669)

SECTION 26.8* If, at the conclusion of the hearing, the board of supervisors determines that protests received for the area of benefit and for each of the proposed zones of benefit therein are below the percentage set forth in Section 26.6, or if the propositions regarding issuance of the bonds and the levy of annual assessments are submitted to election in any zone of benefit, and the combined votes cast in all zones of benefit wherein the election is held are in favor of the propositions, the board may adopt a resolution confirming the engineer's report, and ordering the improvements, or payment of the local share of the cost thereof, if the improvements are to be undertaken by the federal government or the state, or both, and the issuance of the bonds. The board shall by this resolution also establish the boundaries of the area of benefit and all zones of benefit therein by reference to the map or maps contained in the confirmed engineer's report.

*(Added by Stats 1987, Chap. 669)

SECTION 26.9* The board of supervisors may authorize the issuance of bonds on the basis of competitive bids or negotiated sale. If the bonds are to be sold on the basis of a negotiated sale, the board of supervisors shall establish a process of selecting underwriters including at least five proposing underwriter firms, unless the board finds, four-fifths of its members concurring, that fewer than five underwriting firms are willing to submit proposals. If competitive bids are to be received, notice of the time and place of the receipt of bids shall be published in a financial journal of general circulation in the state as provided in Section 6066 of the Government Code. The bonds shall be issued and sold as provided in and be subject to the applicable provisions of Sections 20 and 21.

*(Added by Stats 1987, Chap. 669)

SECTION 26.10* After the authorization and sale of bonds pursuant to Sections 26.1 to 26.9, inclusive, the board of supervisors shall levy assessments each year upon the lots and parcels of property identified and listed in the engineer's report based upon the special benefit to be derived thereby from the improvements as specified therein in a total amount sufficient to pay interest on the bonds for that year and that portion of the principal thereof as is to become due during the time before the next general tax levy. The board may also include in the total amount of the assessment levied in any year the estimated amount of the district's cost of levying and collecting the assessments, the cost of registration, transfer and payment of the bonds, the expected amount of delinquency in payment of assessments, and the amount, if any, needed to replenish the reserve fund for the bonds as a result of past delinquencies in payment of assessments. However, the amount of the annual assessment on any lot or parcel in any year shall not exceed 110 percent of the estimated amount of the maximum annual assessment set forth in the

engineer's report for the lot or parcel. The annual assessments shall be levied, collected, and become delinquent at the same time and in the same manner and have the same lien priority and bear the same penalties and interest after delinquency as the general tax levy for county purposes. When collected, the assessments shall be paid into the county treasury of the County of Riverside to the credit of the district, and be used for the payment of the principal of and interest on the bonds, the replenishment of the reserve fund for the bonds, the district's expenses incurred in levying and collecting the assessments, and the cost of registration, transfer, and payment of the bonds, and for no other purpose. The principal of and interest on the bonds shall be paid by the county treasurer of the county in the manner provided by law for the payment of the principal of and interest on bonds of the county, except that the board of supervisors may determine in the resolution authorizing the issuance of the bonds that the principal and interest shall be paid by a paying agent, other than the county treasurer, named therein.

*(Added by Stats 1987, Chap. 669)

SECTION 26.11* The board of supervisors may include in the aggregate principal amount of the bonds an amount for a reserve fund for the payment of the principal of and interest on the bonds in the event that as a result of delinquencies in the payment of annual assessments levied on benefiting lots and parcels there is a deficiency in the amount needed for the payment of principal and interest. The amount to be included for the reserve fund shall not exceed 10 percent of the total principal amount of the bonds. The reserve fund and all interest earned thereon shall be used solely for the payment of the principal of and interest on the bonds, if there is a deficiency, and then only to the extent of the deficiency. Notwithstanding any other provision of this section, for the purpose of assuring that the bonds will not become arbitrage bonds as defined in the Internal Revenue Code of 1986 (26 U.S.C. Sec. 62 et seq.) and regulations promulgated thereunder by the United States Department of the Treasury, and providing for a reduction of the amount of money in the reserve fund during the term of the bonds, the board of supervisors may, by resolution adopted prior to the issuance of the bonds, provide that money in the reserve fund, including investment income, shall be transferred to the redemption fund for the bonds for advance retirement of the bonds. The balance remaining in the reserve fund at the time of the levy of the annual assessments for the payment of the principal of and interest on the last series of the bonds shall be transferred to the redemption fund and taken into consideration by the board of supervisors in determining the aggregate amount of the annual assessments to be levied for the payment of the principal and interest. In lieu of establishing a reserve fund or in addition thereto, the board of supervisors may, in determining the amount of the assessments to be levied on lots and parcels benefiting from the improvements in any year, include in the assessments a proportionate share of any expected amount of delinquency in payment of assessments, or a proportionate share of the amount needed to replenish the reserve fund as a result of past delinquencies in the payment of assessments.

Notwithstanding the preceding provisions of this section, if any amendment to the Internal Revenue Code of 1986 (26 U.S.C. Sec. 62 et seq.) or the regulations of the United States Department of the Treasury thereunder require a different allocation or utilization of the amount of the reserve fund or the earnings thereon that is herein provided, the board of supervisors shall order that action with regard to the reserve fund or the earnings thereon as is required to avoid the interest on the bonds becoming taxable.

*(Added by Stats 1987, Chap. 669)

SECTION 26.12* The validity of any proceedings for the issuance of bonds conducted pursuant to Sections 26.1 to 26.11, inclusive, shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the adoption by the board of supervisors of a resolution or resolutions confirming, or modifying and confirming as modified, the engineer's report and authorizing the issuance of bonds. An appeal from a final judgment in such an action or proceeding shall be perfected within 30 days after the entry of judgment. Bonds issued pursuant to Section 26.1 to 26.11, inclusive, shall be conclusive evidence of the regularity of all proceedings

leading up to the issuance of the bonds.

*(Added by Stats 1987, Chap. 669)

SECTION 26.13* An action to determine the validity of bonds issued pursuant to Sections 26.1 to 26.11, inclusive, and of the annual assessments to be levied on lots and parcels which will derive special benefit from the improvements to be financed therewith to pay the principal of and interest on the bonds, or to determine the validity of assessments levied pursuant to Section 14, shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

*(Added by Stats 1987, Chap. 669)

SECTION 26.14* The board of supervisors shall, upon confirming the engineer's report and establishing the boundaries of the area of benefit pursuant to Section 14 or Section 26.8, record with the County Recorder of the County of Riverside a notice of the establishment of the area of benefit. The notice shall be captioned "Notice of Establishment of Area of Benefit for the _____ Project of the Riverside County Flood Control and Water Conservation District", and shall provide notice of the boundaries of the territory included in the area of benefit by referenced to sections, townships and ranges of the United States Government Survey of public lands, or a map or maps showing the boundaries which may be recorded with the notice. The notice shall further provide notice that all lots and parcels of land in the area of benefit are subject to the annual levy of assessments for the payment of the cost of the construction, maintenance, operation, extension, and repair of any works or improvements or the payment of principal and interest on bonds of the district sold to finance the improvements, or the local share of the cost thereof, and that the amount of annual assessment for any lot or parcel therein may be obtained from the chief engineer of the district. If the board determines to provide notice of the boundaries of the territory included in the area of benefit by reference to the sections, townships, and ranges of the United States Government Survey, it need not specifically identify the boundaries, but shall by that reference generally identify the territory included therein. The notice shall be signed on behalf of the district by the chairman of the board or the chief engineer. The recording of the notice shall impart constructive notice of its contents to purchasers and mortgagees of property in the area of benefit.

*(Added by Stats 1987, Chap. 669)

SECTION 26.15* The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800) of the Streets and Highways Code) does not apply to assessments levied pursuant to Section 14 or Sections 26.1 to 26.10, inclusive.

*(Added by Stats 1987, Chap. 669)

SECTION 26.16* The procedures set forth in Sections 26.1 to 26.11, inclusive, for the levy of assessments and the issuance of bonds are alternative to other bonding and assessment procedures contained in this act.

*(Added by Stats 1987, Chap. 669)

SECTION 27.* The bonds of the district issued for any zone or improvement district thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law be invested in bonds of cities, cities and counties, counties, school districts, or other municipal or public corporations, the money or funds may be invested in the bonds of the district issued in accordance with this act, and whenever

bonds of cities, cities and counties, counties, school districts or municipal or public corporations, may by law be used as security for the performance of any act, the bonds of the district may be so used.

*(Amended by Stats 1987, Chap. 669)

SECTION 28. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1-3/4, Article XIII, of the Constitution of this State.

SECTION 29.* Repealed (Stats 1984, Chap. 1128)

SECTION 30. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SECTION 31. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of all of its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SECTION 32. Should a proposition for issuing bonds for any zone submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall not for six (6) months after such election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

SECTION 33. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SECTION 34. There is hereby granted to Riverside County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board of supervisors thereof must transmit to the State Lands Commission, the Controller of the State and the Recorder of the County in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

SECTION 35.* Repealed (Stats 1975, Chap. 585)

SECTION 36. The Riverside County Flood Control and Water Conservation District formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Riverside by filing with the Clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation district formed under the provisions of this act. The summons in such proceedings shall be served by publishing a copy thereof once a week for four (4) weeks in some newspaper of general circulation published in said county. Within thirty (30) days after the last publication of said summons shall have been completed and proof thereof filed in said proceedings, any property owner or resident in said district, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed the Court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SECTION 37. This act and every part thereof, shall be liberally construed to promote the objects thereof and to carry out its intents and purposes.

SECTION 38. In case any section or sections, or parts of any sections, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect.

SECTION 39. This act may be designated and referred to as the "Riverside County Flood Control and Water Conservation District Act" and any reference thereto by such designation shall be deemed sufficient for all purposes.

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