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AB-825 San Mateo County Flood and Sea Level Rise Resiliency District. (2019-2020)

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Date Published: 09/12/2019 09:00 PM

Assembly Bill No. 825

CHAPTER 292

An act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 10.1, 10.2, 12, 13, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 30, 32, and 35 of, to add Sections 4.5 and 31 to, and to repeal Section 13.5 of, the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), relating to the San Mateo County Flood and Sea Level Rise Resiliency District.

[Approved by Governor September 12, 2019. Filed with Secretary of State September 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 825, Mullin. San Mateo County Flood and Sea Level Rise Resiliency District.

Existing law, the San Mateo County Flood Control District Act, establishes the San Mateo County Flood Control District for the purpose of controlling the floodwater and stormwater of the County of San Mateo. The act makes the Board of Supervisors of the County of San Mateo the board of supervisors of the district, and assigns specified powers and duties to the district.

This bill would rename the district the San Mateo County Flood and Sea Level Rise Resiliency District, and would add addressing and protecting against the impacts of sea level rise to the powers of the district. The bill would require, commencing January 1, 2020, the district to be governed by a board of directors, as provided, which would replace the Board of Supervisors of the County of San Mateo as the governing board of the district. The bill would require the provisions establishing the board of directors to remain in effect until resolutions approved by both the City/County Association of Governments of San Mateo County and the Board of Supervisors of the County of San Mateo provide that the district shall be governed by the Board of Supervisors of the County of San Mateo under the provisions in existing law. The bill would make various other changes to the act, including to financing provisions relating to taxes, assessments, and property-related fees and charges levied and collected by the district.

By requiring local governments to appoint members to the San Mateo County Flood and Sea Level Rise Resiliency District in a specified manner, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Section1. A flood control district is hereby created to be called the “San Mateo County Flood and Sea Level Rise Resiliency District.” The district shall consist of all the territory of the County of San Mateo lying within the exterior boundaries of the county. As used in this act, “district” means the San Mateo County Flood and Sea Level Rise Resiliency District.

SEC. 2. Section 2 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), as amended by Section 1 of Chapter 725 of the Statutes of 1963, is amended to read:

Sec.2. The objects and purposes of this act are to address and protect against the impacts of sea level rise, including, but not limited to, tidal flooding, coastal erosion, and combined impacts from tidal and riverine flooding, and to provide for the control and comprehensive management of the floodwaters and stormwaters of the district, including tidal floodwater and the floodwaters and stormwaters of streams that have their source outside of the district but which streams and the waters thereof flow into the district, and, as a part of that control, to conserve the waters for beneficial and useful purposes when practical by retarding, spreading, storing, retaining, and causing the waters to percolate into the soil within or without the district or to save or conserve in any manner all or any of the waters, and protect from floodwaters or stormwaters the watercourses, watersheds, harbors, public highways, life, and property in the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from the district and to obtain, retain, and reclaim drainage, stormwaters, floodwaters, and other waters for beneficial use in the district, and to engage in recreation activities incidental to and in connection with those purposes.

SEC. 3. Section 3 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), as amended by Section 23 of Chapter 584 of the Statutes of 1975, is amended to read:

Sec.3. The San Mateo County Flood and Sea Level Rise Resiliency District is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To 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 grant, purchase, gift, devise, lease, contract, construction, or otherwise, 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 hold, use, enjoy, and to lease, sell, or otherwise 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.
6. To incur indebtedness, and to issue bonds in compliance with the provisions of the California Constitution and any other applicable law, including, but not limited to, Chapter 6 (commencing with Section 29900) of Division 3 of Title 3 of the Government Code and Article 4.5 (commencing with Section 53506) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.
 - 6.1. To incur indebtedness, and to issue revenue bonds in compliance with the provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), except that no election shall be required for revenue bonds authorized by the board for capital projects undertaken as an exercise of the powers set forth in this section. Nothing in the Revenue Bond Law of 1941 shall be deemed to restrict the power of the district to levy taxes and use the proceeds for purposes of the district consistent with the provisions of this act.
 - 6.5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; 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 of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, the acquisition, storage, and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend, or compromise, in the name of the district on behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of 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 now or hereafter begun; to

prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from the district; to prevent contaminating, polluting, or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain, and defend actions and proceedings to prevent any interference with those waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

7. To control the floodwaters and stormwaters of the district and the floodwaters and stormwaters of streams that have their source outside of the district, but which streams and the floodwaters thereof, flow into the district, and to conserve the 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 floodwaters or stormwaters watercourses, watersheds, harbors, public highways, life, and property in the district.

7.5. To address and protect against the impacts of sea level rise, including, but not limited to, tidal flooding, coastal erosion, and combined impacts from tidal and riverine flooding, and to take action as may be necessary to protect life, property, and natural systems within the district from rising sea levels, including, but not limited to, tidal flooding, coastal erosion, and combined impacts from tidal and riverine flooding.

8. 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 in this act authorizes 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 is first provided in the manner prescribed by law. The district in exercising its powers shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railroads, mains, pipes, conduits, wires, cable, or poles of any public utility that are required to be reconstructed or relocated.

9. 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, operation, use, supply, maintenance, repair, and improvement of works, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to those ends, purposes, and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, powerplants, easements, 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 San Mateo County Flood and Sea Level Rise Resiliency District; to acquire the right to store water in any reservoir, 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 the water in any reservoir of the district or to carry the 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 or other political entity of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any district, corporation, association, or firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the San Mateo County Flood and Sea Level Rise Resiliency District; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for the controlling of floodwaters or stormwaters of the district, or for the protection of life or property therein, or for the purpose of conserving waters for beneficial use within the district, or in any works, acts, or purposes provided for in this act, and to adopt and carry out any definite plan or system of work for any purpose as authorized in this act.

10. To cause taxes, assessments, and property-related fees and charges 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.

11. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water sources, water rights, control of floods and use of water, both within and without the district, and for those purposes, the district shall have the right of access through its authorized representatives to all properties within the district.

12. To make contracts and to employ labor and professional services and to do all acts necessary for the full exercise of all powers vested in the district, or any of the officers of the district, by this act.

Provided, that in the exercise of the powers vested in it by this act, with respect to lands lying without the exterior boundaries of the County of San Mateo, the San Mateo County Flood and Sea Level Rise Resiliency District shall obtain, prior to the taking of any action to carry out the purposes of this act without the district boundaries, written approval of the action from the governing body of each affected county, city and county, and city.

13. To plan, improve, operate, maintain, and keep in a sanitary condition a system of public parks, playgrounds, beaches, swimming areas, and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on those lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services, or equipment, or any other district facilities, services, or equipment; and to adopt rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of the lands and facilities for recreational purposes. However, the district shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreation ground, or other public property owned or controlled by any other district or municipality, except with the consent of the governing body of that district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body of that other district or municipality.

SEC. 4. Section 4 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.4. The Board of Supervisors of the County of San Mateo shall be, and they are hereby designated as, and empowered to act as, ex officio the governing board of the San Mateo County Flood and Sea Level Rise Resiliency District, and the Board of Supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties. The supervisors shall receive no compensation for their services as the governing board of the district. They shall be entitled to reimbursement for travel and other necessary expenses incurred in the performance of their duties as the governing board. As used elsewhere in this act, unless the context requires otherwise, the terms "board" and "governing board" mean the Board of Supervisors of the County of San Mateo, unless Section 4.5 of this act is operative. While Section 4.5 of this act is operative, unless the context requires otherwise, the terms "board" and "governing board" mean the board of directors of the San Mateo County Flood and Sea Level Rise Resiliency District established by that section.

The District Attorney, County Engineer, County Assessor, County Tax Collector, County Controller, County Manager, County Purchasing Agent, and County Treasurer of the County of San Mateo, their successors in office or successor appointed department heads, including, but not limited to, the County Counsel, County Director of Public Works, and County Procurement Manager, and all assistants, deputies, clerks, and employees of those officers, and all other officers of the County of San Mateo and all assistants, deputies, clerks, and employees of those officers, shall be ex officio officers, assistants, deputies, clerks, and employees respectively of the San Mateo County Flood and Sea Level Rise Resiliency District, and shall respectively perform, unless otherwise provided by the Board of Supervisors, the same various duties for the district as for the County of San Mateo, in order to carry out the provisions of this act, without compensation therefor. However, they may receive reimbursement for expenses as provided herein for the Board of Supervisors.

In addition to the officers and employees herein otherwise prescribed, the Board of Supervisors may in their discretion appoint a chairperson, a secretary, and other officers, agents, and employees for the board or district as in their judgment may be deemed necessary, prescribe their duties, and fix their compensation. Those officers, agents, and employees shall hold their respective offices or positions at the pleasure of the board.

All ordinances, resolutions, and other legislative acts for the district shall be adopted by the 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 San Mateo.

This section is inoperative on January 1, 2020. This section shall remain inoperative until resolutions approved by both the City/County Association of Governments of San Mateo County and the Board of Supervisors of the County of San Mateo, and posted in a prominent location on the internet website of the district, provide that the district shall be governed pursuant to this section. On the date those conditions are satisfied, this section shall become operative and Section 4.5 of this act shall become inoperative.

SEC. 5. Section 4.5 is added to the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to read:

Sec. 4.5. (a) Commencing January 1, 2020, the district shall be governed by the board of directors described in this section. The board of directors shall consist of all of the following:

(1) One city council member, appointed at large from any part of the County of San Mateo by the City/County Association of Governments of San Mateo County.

(2) One city council member, appointed from the northern area of the County of San Mateo by the City/County Association of Governments of San Mateo County, as that area is defined by the City/County Association of Governments of San Mateo County for purposes of this section.

(3) One city council member, appointed from the central area of the County of San Mateo by the City/County Association of Governments of San Mateo County, as that area is defined by the City/County Association of Governments of San Mateo County for purposes of this section.

(4) One city council member, appointed from the southern area of the County of San Mateo by the City/County Association of Governments of San Mateo County, as that area is defined by the City/County Association of Governments of San Mateo County for purposes of this section.

(5) One city council member, appointed from the coastal area of the County of San Mateo by the City/County Association of Governments of San Mateo County, as that area is defined by the City/County Association of Governments of San Mateo County for purposes of this section.

(6) One member of the Board of Supervisors of the County of San Mateo from the coastal area of the County of San Mateo, as that area is defined by the Board of Supervisors of the County of San Mateo for purposes of this section.

(7) One member of the Board of Supervisors of the County of San Mateo, appointed at large from any part of the County of San Mateo.

(b) (1) The term length for a member of the board of directors is four years, except as provided in paragraph (2).

(2) For the city council member appointed at large, the city council member appointed from the central area of the County of San Mateo, the city council member appointed from the coastal area of the County of San Mateo, and the member of the Board of Supervisors of the County of San Mateo appointed at large, the initial term commencing January 1, 2020, shall be two years.

(c) (1) The board of directors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties set forth in this act. The members of the board of directors shall receive no compensation for their services on the board. The members shall be entitled to reimbursement for travel and other necessary expenses incurred in the performance of their duties on the board.

(2) The board of directors may in its discretion appoint an executive officer, a clerk, and any other officers and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties, and fix their compensation. The employment of those officers and employees shall be governed in accordance with an ordinance setting forth rules, regulations, standards, and procedures for appointment, suspension, and termination of employment.

(3) All ordinances, resolutions, and other legislative acts for the district shall be adopted by the board of directors, and certified to, recorded, and published in accordance with applicable law.

(d) Unless the context requires otherwise, for purposes of this act, "board" and "governing board" mean the board of directors established by this section while this section is operative.

(e) This section is operative on January 1, 2020. This section shall remain in effect until resolutions approved by both the City/County Association of Governments of San Mateo County and the Board of Supervisors of the County of San Mateo, and posted in a prominent location on the internet website of the district, provide that the district shall be governed pursuant to Section 4 of this act. On the date those conditions are satisfied, this section shall become inoperative and Section 4 of this act shall become operative.

SEC. 6. Section 5 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.5. The governing board of the district shall have power to make and enforce all needful rules and regulations for the administration and government of the 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.

Nothing in this act prohibits any city from undertaking and completing flood control projects for the control of floodwaters and stormwaters within the territory of that city, to address the impacts of sea level rise within the territory of that city, or for the alleviation of flood conditions existing in that city.

SEC. 7. Section 6 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.6. The governing board shall have jurisdiction and power to employ a competent, registered civil engineer or engineers to investigate carefully the best plan or plans to control the floodwaters and stormwaters of the district, and the zones thereof, and the floodwaters and stormwaters of streams that have their source outside of the district but which stream or streams and the floodwaters thereof flow into the district, and, as a part of flood control, to conserve those waters for beneficial and useful purposes by retarding, spreading, storing, retaining, or causing to percolate into the soil within or without the district, or to save or to conserve in any manner any or all of the waters, and to protect the watercourses, watersheds, public highways, life, and property in the district from damage from those waters; to address and protect against the impacts of sea level rise and to investigate carefully the best plan or plans to protect life, property, and natural systems within the district from rising sea levels; and to obtain any 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 the engineer or engineers to make and file reports from time to time with the governing board, which shall show:

1. A general description of the work recommended, in progress, or 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 the work.
4. A map or maps which shall show the location and zone of each of the projects or improvements, and lands, rights-of-way, easements, and property to be taken, acquired, or injured in carrying out the work, and any other information 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 the 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.

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

SEC. 8. Section 7 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.7. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The governing board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess that property, as herein provided; and the governing board may determine, by resolution duly entered in its minutes, that any property, real, personal, or mixed, held by the district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease, or otherwise dispose of that property.

SEC. 9. Section 8 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), as amended by Section 724 of Chapter 538 of the Statutes of 2006, is amended to read:

Sec.8. (a) The governing board of the district may, in any year, levy a tax in compliance with Article XIII A and Article XIII C of the California Constitution, or impose an assessment or property-related fee or charge in compliance with Article XIII D of the California Constitution, in accordance with criteria and procedures established by the ordinance adopted by the board.

(b) A tax or assessment levied pursuant to this section shall be levied and collected together with, and not separately from, taxes for county purposes. The proceeds derived from a tax or assessment levied pursuant to this section shall be paid into the county

treasury to the credit of the district, and the governing board of the district shall have the power to control and order their expenditure for any lawful purpose. However, no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under subdivision (a) shall be expended for administering, engineering, constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone except as provided in Section 11. Moreover, the aggregate taxes or assessments levied in any zone or subzone established under this act for any fiscal year shall not exceed forty cents (\$0.40) on each one hundred dollars (\$100) of assessed valuation of the taxable property in the zone or subzone, exclusive of any tax levied to meet the bonded indebtedness of any zone or subzone and the interest on the bonded indebtedness. The maximum rate of forty cents (\$0.40) set forth in this subdivision supersedes any maximum tax or assessment rate previously fixed by the board in a resolution establishing any zone or subzone pursuant to Section 10, and may be levied within any zone or subzone irrespective of any maximum tax or assessment rate so fixed.

(c) Property-related fees and charges imposed pursuant to this section may be expended for any lawful purpose for benefit of any zone or subzone, to the extent consistent with the California Constitution.

(1) Property-related fees and charges may be imposed and collected together with, and not separately from, taxes for county purposes pursuant to paragraph (2) or they may be collected together with the charges imposed for any other utility service furnished by a department or agency over which the board does not exercise control, or with a publicly or privately owned public utility, with the written consent and agreement of that department, agency, or public utility owner, which agreement shall establish the terms and conditions upon which the collections shall be made. The agreement, in the discretion of the department, agency, or public utility owner making the collections, also may provide that those rates shall be itemized, billed upon the same bill, and collected as one item, together with, and not separately from, the other utility service charge.

(2) If the board has adopted an ordinance pursuant to this subdivision, it may, by that ordinance or by separate ordinance or resolution, approved by a two-thirds vote of the board, elect to have property-related fees and charges collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. In that event, it shall cause a written report to be prepared each year and filed with the clerk, which shall contain a description of each parcel of real property receiving the services and facilities and the amount of the charge for each parcel for the year, computed in conformity with the charges prescribed by the ordinance or resolution.

(3) Any ordinance or resolution adopted pursuant to this subdivision authorizing the collection of property-related fees and charges on the tax roll shall remain in effect for the time specified in the ordinance or resolution or, if no time is specified in the ordinance or resolution, until repealed or until a change is made in the rates.

(4) The real property may be described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file with the Office of the Assessor of San Mateo County or by reference to plats or maps on file in the office of the clerk.

(5) On or before August 10 of each year following the final determination upon each charge, the clerk shall file with the auditor a copy of the report prepared pursuant to this subdivision with a statement endorsed on the report over the clerk's signature that the report has been finally adopted by the board. The auditor shall enter the amounts of the charges against the respective lots or parcels of land, as they appear on the current assessment roll.

(6) The board may impose a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty, not exceeding 1 ½ percent per month, for nonpayment of the charges and basic penalty. The board may provide for the collection of these penalties.

SEC. 10. Section 10 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), as amended by Section 1 of Chapter 699 of the Statutes of 1967, is amended to read:

Sec.10. The governing board of the district created by this act, by resolutions thereof adopted from time to time, may establish any zone or zones within the district without reference to the boundaries of other zones, including a countywide zone, setting forth in such resolutions descriptions thereof by metes and bounds and institute zone projects for the specific benefit of the zone or zones.

The zone or zones shall be deemed established from and after the date of the resolution of the board establishing the same. However, before taxes, assessments, or property-related fees or charges as hereinabove provided for may be levied or imposed therein, compliance must be had with the provisions of Government Code Sections 54900 to 54904, inclusive. The provisions of this section to the contrary notwithstanding, no territory of any city with a population of more than 40,000 inhabitants, based upon the 1950 federal census, shall be included within any zone established or to be established as herein provided without the request, by resolution, of a majority of the governing body of the city to such inclusion.

Any other provision of this section to the contrary notwithstanding, after the establishment of any zone in the manner herein provided, the board may, by resolution, at any time amend the boundaries by withdrawing property from the zone, or may divide

the zone into two or more zones, by setting forth in the resolution descriptions of the amended or divided zones by metes and bounds and entitling each of the zones by a zone number.

Property so excluded from any zone shall continue to be subject to the obligation and payment of any bonds or other indebtedness incurred in the zone prior to the exclusion.

After the establishment of any zone in the manner herein provided, territory within the district whether incorporated or unincorporated and whether contiguous to the zone or not may be annexed to the zone if in the opinion of the board the additional territory will be benefited by annexation to the zone. Proceedings for the establishment of zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to the zones which proceedings shall be instituted in the manner prescribed in Section 10.3 of this act.

SEC. 11. Section 10.1 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), as amended by Section 1 of Chapter 617 of the Statutes of 1974, is amended to read:

Sec.10.1. The board may, at the time of the institution of a project pursuant to Section 10.3 of this act, adopt a resolution forming a subzone within a zone where, in the opinion of the board, the contemplated improvements authorized by this act and the operation and maintenance thereof will be of special benefit to a subzone, and are not of equal benefit to the entire zone within which a subzone is proposed to be established. Notice of the intention to form a subzone or subzones within a zone shall be given in the resolution specifying the board's intention to undertake a project. A subzone may be formed within the zone without regard to the boundaries of any natural drainage basin and the board may form as many subzones within a zone as may, in the opinion of the board, be necessary. At the time of the formation of a subzone, the board shall determine, after engineering studies for this purpose, the percentage of benefit from the improvements proposed to be made within the zone and from the operation and maintenance thereof, to inure to the property in that subzone. In the event that any bonded indebtedness is thereafter incurred within a zone established pursuant to Section 10 of this act which contains one or more such subzones, a tax or assessment shall be levied on the property within each such subzone to pay that percentage of the principal and interest of the bonded indebtedness determined to be the percentage of benefit to the property within the subzone, by the board in the manner above mentioned. In the event that any tax or assessment for improvements, operation, maintenance, or any other purpose is levied within a zone established pursuant to Section 10 of this act which contains one or more subzones, the property within each subzone shall be taxed or assessed to pay that percentage of the improvement costs, and of the operation, maintenance, or other cost thereof, determined to be the percentage of benefit to the property within the subzone by reason of the improvements.

If, at any time after the formation of a subzone pursuant to the provisions of this act, the board deems it necessary and desirable to do so, it may review the validity of the engineering studies relating to the formation of the subzone and, if appropriate, alter the boundaries of the subzone or make a new determination as to the percentage of benefit accruing to the property within a given subzone from the improvements involved. Each succeeding alteration of boundaries or determination of percentage of benefit shall supersede any and all prior determinations. Prior to any alteration of the boundaries of a subzone or making a new determination of percentage of benefit, the board shall adopt a resolution specifying its intention to do so and shall fix a time and place for public hearing on the resolution. Notice of the hearing shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of which must be at least seven days before the hearing, in a newspaper of general circulation designated by the board, circulated in the subzone or subzones affected, and if there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in the subzone or subzones.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written or oral objections to the proposed alteration of boundaries or redetermination of percentage of benefit. Upon conclusion of the hearing, the board may, by resolution, alter the subzone boundaries or make a new determination as to the percentage of benefit accruing to the property within the given subzone from the improvements involved, or may choose not to do so.

In the event that one or more subzones have been established within a zone pursuant to this section, any proposition for the incurring of a bonded indebtedness within a zone, or for increasing the maximum tax rate within the zone or subzone, shall indicate the fact that the subzone or subzones have been established in a manner the board may deem appropriate.

The procedure for the levy and collection of taxes, assessments, or property-related fees or charges within each subzone for the purpose herein provided in this section shall be the same as the procedure for the levy and collection of taxes, assessments, or property-related fees or charges within a zone established pursuant to Section 10 of this act.

SEC. 12. Section 10.2 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), as added by Section 3 of Chapter 725 of the Statutes of 1963, is amended to read:

Sec.10.2. (a) In any fiscal year in which a tax or assessment is to be levied, or a property-related fee or charge is to be imposed, within a zone or subzone which contains part or all of the territory of any city, that city may, if the express approval of the board is

obtained, pay, in lieu of that tax, assessment, or property-related fee or charge to be levied in that city, from any funds of the city available therefor, an amount equal to the total taxes, assessments, or property-related fees or charges which would otherwise be derived from the taxable property of that city by the levy of the tax, assessment, or property-related fee or charge during the fiscal year within the zone or subzone containing the taxable property of the city. In the event that the payment in lieu of taxes, assessments, or property-related fees or charges herein provided for is made by a city prior to the commencement of any fiscal year, no tax, assessment, or property-related fee or charge levied or collected within the zone or subzone containing the taxable property of that city shall be levied or collected within the territory of the city during the fiscal year. In the event that a city elects to, and does, with the approval of the board, make a payment in lieu of a tax, assessment, or property-related fee or charge for any one fiscal year for the purpose herein provided, the city shall continue to be obligated to make payments in lieu of the tax, assessment, or property-related fee or charge in succeeding fiscal years unless, on or before February 1 of any year, the legislative body of the city notifies the board that the city will not make the payments during subsequent fiscal years commencing on July 1 after the giving of the notice.

(b) Notwithstanding subdivision (a), the board may covenant in connection with the issuance of bonds that it will not approve any payments in lieu of taxes or assessments that are levied for the purposes of the repayment of bonds.

SEC. 13. Section 12 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.12. For the purpose of financing the work on the project or projects determined upon, the board may levy the taxes, assessments, or property-related fees or charges provided for in this act, or issue bonds therefor after an election as hereinafter provided, if necessary. The proceeds of the taxes, assessments, property-related fees or charges, or bonds may be accumulated over a period of years before being expended. Taxes, assessments, or property-related fees or charges may be levied or collected for the purpose of maintaining or repairing works or projects as are constructed or acquired pursuant to a hearing as provided for in Sections 10.3 and 10.4 of this act, without the necessity of holding further hearings.

SEC. 14. Section 13 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.13. The governing board may request from the County of San Mateo the temporary transfer of moneys to the district fund of the district from other funds of the county not immediately needed for county purposes to be used for the payment of the expenses of the district until such time as assessment or tax receipts are available therefor. The money so transferred shall be used for the purposes provided in this act and shall be retransferred from the district fund out of the first available receipts from the tax or assessment levy.

SEC. 15. Section 13.5 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is repealed.

SEC. 16. Section 17 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.17. The governing board may issue and sell the bonds of the district zones authorized in this act at not less than par value, and the proceeds of the sale of those bonds shall be placed in the treasury of the County of San Mateo to the credit of the district for the uses and purposes of the zone voting to approve the bonds; and the proper record of the transactions described in this section 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 ordinance calling the special bond election, subject to the provisions of this act. Payments from zone funds shall be made upon demands prepared, presented, allowed, and audited in the same manner as demands upon the funds of the County of San Mateo.

SEC. 17. Section 18 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.18. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in Section 8 of this act. No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

SEC. 18. Section 19 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.19. The governing board shall levy a tax or assessment each year upon all the taxable property in the zone of issuance sufficient to pay the interest upon the bonds for that year, and the portion of the principal thereof as is to become due before the

time for making the next general tax levy. The tax or assessment 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 the County of San Mateo to the credit of the zone of issuance, and shall be used for the payment of the principal and interest on the bonds and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer of the County of San Mateo in the manner provided by law for the payment of principal and interest on bonds of the county.

SEC. 19. Section 21 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.21. Whenever a city is wholly or partially included in a zone in which a project or projects are instituted and the city has acquired property or caused engineering surveys, reports, or plans to be prepared for, or performed flood control work either alone or in connection with other projects on or after September 1, 1950, and prior to the formation of the zone by the governing board, which properties, surveys, reports, plans, or flood control works can be utilized in carrying out the contemplated project and thus benefit the entire zone, the city shall be credited with the reasonable cost of those properties, surveys, reports, plans, and flood control works, including incidental expenses. The amount of the credit shall be determined by the governing board after a hearing, in conjunction with the hearing of the initiation of the project and shall be paid by the district to the city from any district or zone funds.

SEC. 20. Section 22 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.22. Improvements authorized to be constructed in or on behalf of the district and acquisitions of property necessary therefor may, in addition to the methods hereinafter provided, be made pursuant to special assessment proceedings and the financing thereof accomplished by virtue of special assessment bond proceedings. For this purpose the Municipal Improvement Act of 1913, the Improvement Act of 1911, the Improvement Bond Act of 1911, and the Improvement Bond Act of 1915 are hereby made applicable to the district.

The provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to any proceedings taken under this section or any proceedings taken pursuant to this act.

Improvements may be made under those proceedings without regard to the boundary lines of zones which may have been established. However, contributions to the cost of the work may be made by the governing board on behalf of any of the zones from funds collected therein by taxes or otherwise as herein provided for.

In the application of the above-mentioned acts and other laws as are supplemental thereto, the terms used therein shall have the same meanings as when applied to special assessment proceedings when undertaken by a county.

SEC. 21. Section 23 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.23. The bonds of the San Mateo County Flood and Sea Level Rise Resiliency District issued for the district or any zone 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, now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, the money or fund may be invested in the bonds of the district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts, or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, the bonds of the district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 22. Section 24 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.24. All bonds issued by the district under the provisions of this act, and all property of the district, shall be free and exempt from all taxation pursuant to Article XIII of the California Constitution.

SEC. 23. Section 26 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.26. Any improvement for which bonds are approved 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 the work described in the 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 governing board may order necessary changes made in the proposed work or improvements and may cause any plans and specifications to be made and adopted for that purpose.

SEC. 24. Section 27 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.27. Whenever bonds have been authorized by the district or any zone of the district and the proceeds of the sale thereof have been expended as in this act authorized, and the governing board 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, protecting against sea level rise, or for any of the purposes of this act, the governing board may again proceed as in this act provided, and submit to the qualified voters of the 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 bonds, and for the expenditure of the proceeds of the bonds, shall be deemed to apply to the issue of additional bonds.

SEC. 25. Section 28 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.28. If a proposition for issuing bonds for any zone submitted at any election under this act fails to receive the requisite number of votes of the qualified electors voting at the election to incur the indebtedness for the purpose specified, the governing board of the district shall not for six months after the election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

SEC. 26. Section 30 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.30. There is hereby granted to the San Mateo County Flood and Sea Level Rise Resiliency 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 those works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for those works or adjuncts thereto is made by the district, the governing board shall 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 in claimed or desired, duly verified to be correct. The State Lands Commission may approve, propose amendments to, or reject the selection and plat. If the State Lands Commission approves the selections so made, it shall endorse its approval upon the plat and issue to the district a permit to use the right-of-way and lands.

SEC. 27. Section 31 is added to the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to read:

Sec.31. Nothing in this act supersedes or in any way alters or lessens the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

SEC. 28. Section 32 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.32. (a) The San Mateo County Flood and Sea Level Rise Resiliency 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 San Mateo 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 that proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in the county. Within 30 days after the last publication of the summons shall have been completed and proof thereof filed in the proceeding, any property owner or resident in the district, or any person interested may appear and answer the complaint, in which case the answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in the proceeding. If an answer is filed, the court shall proceed as in other civil cases. The 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.

(b) Bonds issued by the district may be validated pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 29. Section 35 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec.35. This act may be designated and referred to as the "San Mateo County Flood and Sea Level Rise Resiliency District Act" and any reference thereto by that designation shall be deemed sufficient for all purposes.

SEC. 30. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.