



ENABLING ACT 8934

LAST REVISED JANUARY 1, 2018

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1 *Note: The black section headings of the act appear in the official statutes and are here produced*
2 *in the same language except those enclosed in brackets.*

3 **§ 1. Vallejo Sanitation and Flood Control District Created; District Renamed Vallejo Flood**
4 **and Wastewater District**

5 This act creates a sanitation and flood control district called “Vallejo Sanitation and Flood
6 Control District,” within the County of Solano. Beginning January 1, 2018, the district shall be
7 called “Vallejo Flood and Wastewater District.” The boundaries of and territory included within
8 the district shall be as follows:

9 Beginning at the southeast corner of that certain parcel of land as described in deed
10 from Manuel Dos Reis, et al. to the Great Western Power Co., recorded February 1, 1917, in
11 Book 225, of Deeds, page 436, Instrument No. 414; thence from said point of beginning
12 northeasterly along the southeasterly line of said Great Western Power Co. parcel of land and
13 the extension thereof to the northwesterly line of County Road No. 267, thence continuing along
14 said northwesterly line and the extension northeasterly thereof, to the northwesterly corner of
15 that certain parcel of land as described in deed from John Bernardo De Souza to Maria B.
16 Souza, recorded August 6, 1934, in Book 127, of Official Records, page 36, Instrument No.
17 3228; thence southeasterly along the northerly line of said Souza parcel and the extension
18 southeasterly thereof to the intersection of the northwesterly line of that certain parcel of land as
19 described in Parcel No. 8 of deed recorded September 6, 1918, from Selby Smelting and Lead
20 Company to American Smelters Securities Company, in Book 233 of Deeds, page 465,
21 Instrument No. 2871; thence northeasterly along the northwesterly line of said American
22 Smelters Securities Company property and the northeasterly continuation thereof said
23 northeasterly extension being the northwesterly boundary line of that certain parcel of land
24 described in deed to Antonio Borges recorded November 11, 1941, in Book 251 of Official
25 Records, page 42, Instrument No. 11153, to the most northerly corner of said Borges parcel;
26 thence N. 12° 12' 38" W. to the north line of Section 34, Township 4 North Range 3 West, if said
27 section were projected, running; thence west along the north line of said Section 34 and the

28 extension westerly thereof to the county boundary line between Napa and Solano Counties;
29 hence southerly and westerly along said county boundary line to the center line of Mare Island-
30 Napa River Channel; thence southerly following the center line of Mare Island-Napa River
31 Channel to the boundary line between Contra Costa and Solano County; thence on the Solano
32 County boundary line, generally southerly and easterly to a point due south of the point of
33 beginning; thence northerly to the point of beginning. *Added Stats 1st Ex Sess 1952 ch 17 p*
34 *351, effective April 19, 1952; Amended Stats 2017 ch 387 § 34 (SB 205), effective January 1,*
35 *2018.*

36 **§ 2. Objects and Purposes of Act and Powers of District**

37 Objects and Purposes of Act and Powers of District. The objects and purposes of this
38 act are to provide for the collection and disposal of sewage and industrial waste and for the
39 control and disposition of the storm and flood waters of the district, and to protect the public
40 health and also to protect from damage from the storm and flood waters the waterways,
41 property, public highways and public places in the district. The Legislature hereby declares that
42 special facts and circumstances peculiar to the area within the district make the accomplishment
43 of the purposes of this act impossible under existing general law and special legislation is
44 necessary. The state and the people thereof have a primary and supreme interest in securing to
45 the inhabitants and property owners within the district adequate facilities for the collection and
46 disposal of sewage and the protection from waters naturally flowing into the district from the
47 surrounding mountainous watershed. Special investigation has shown that the conditions within
48 the district are peculiar to that area and that this act is essential to carry out the purposes herein
49 expressed and for the elimination of duplication of governmental authority and securing greater
50 economy of administration. It is further found and determined that the area within the district has
51 no facilities for the sanitary treatment and disposal of sewage and is consequently
52 contaminating and polluting the waters of San Francisco Bay. The area within the district is of
53 strategic importance due to the proximity of Mare Island Navy Yard. The influx of Navy
54 personnel and their families and civilian workers at the Mare Island Navy Yard has greatly

55 aggravated the problem of sewage disposal in that area. The problem of sewage disposal is
56 further aggravated by a lack of adequate drainage and flood water control and the infiltration of
57 storm and flood waters into existing sanitary sewers. Both the problem of sanitary sewage and
58 drainage and the problem of storm water flood control are so interrelated that the special
59 problems relating to each can only be solved by uniform administration and a uniform control
60 plan of sewage disposal and flood control works.

61 The Vallejo Flood and Wastewater District is hereby declared to be a body corporate
62 and politic and may do all of the following:

63 (a) Succession. To have perpetual succession.

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

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

67 (d) Ownership of Property. To take by grant, purchase, gift, devise or lease, hold, use,
68 enjoy, and to lease or dispose of real or personal property of every kind within or without the
69 district necessary to the full exercise of its powers.

70 (e) Acquisition of Property. To acquire or contract to acquire lands, rights-of-way,
71 easements, privileges or property of every kind within or without the district, and construct,
72 maintain and operate any and all works and improvements within or outside the district
73 necessary, convenient or proper to carry out any of the provisions, objects or purposes of this
74 act, and to complete, extend, add to, repair, or otherwise improve any works or improvements
75 acquired by it.

76 (f) Eminent Domain. To exercise the right of eminent domain, either within or outside the
77 district, to acquire any property necessary to carry out any of the objects or purposes of the
78 district.

79 (g) Sanitary Sewage Disposal Works. To acquire, construct, reconstruct, alter, own,
80 operate, maintain and repair sewage treatment plants, including digesters, sludge heaters,
81 sludge drying beds, effluent pumping plants, screens, clarifiers, storage ponds, control

82 buildings, oxidizing ponds, sewage digestive systems, intercepting, collecting and outfall
83 sewers, laterals, pipes, manholes, machinery, equipment, and all other facilities for the
84 collection, transmission and disposition of sewage and industrial wastes, together with all works,
85 properties or structures necessary or convenient for sewage disposal purposes. The terms
86 “sanitary sewage disposal works,” “sewage disposal works,” “sanitary sewage disposal
87 purposes” or “sewage disposal purposes” or similar terms shall include all of the works,
88 properties, or structures necessary or convenient for sewage disposal purposes.

89 **(h) Drainage and Flood Control Works.** To construct, maintain, repair, and operate all
90 levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes,
91 ditches, canals, reservoirs, spreading basins, tunnels, drains, machinery and equipment
92 necessary therefor, dredgers and all other auxiliary, incidental, necessary or convenient
93 agencies, work or improvements that may be required to carry out, facilitate, repair, maintain or
94 complete the same, and, in connection with any reservoirs or spreading basins, to acquire or
95 construct improvements, including landscaping, apparatus, and equipment, to permit the
96 incidental use of reservoirs or spreading basins for park, playground, or other recreation
97 purposes. The terms “storm water flood control works,” “drainage works,” “storm water flood
98 control purposes” and “drainage purposes” and similar terms shall mean and include all works,
99 properties, or structures necessary or convenient for drainage and flood control purposes, and
100 for purposes incidental thereto.

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

106 **(j) Revenues from Revenue Producing Utilities.** To prescribe, revise and collect tolls,
107 rents or other charges for any services or facilities furnished by the district; to contract with the
108 City of Vallejo or any other public or private agency for the collection of tolls, rents, or other

109 charges for any facility or service furnished by the district and to provide for the collection of the
110 tolls, rents and charges along with the collection of water charges by the City of Vallejo or any
111 other public or private agency.

112 **(k) Assessments.** To cause assessments to be levied and collected for the purpose of
113 paying any obligations of the district.

114 **(l) Employees.** To employ engineers, attorneys, assistants and other staff as may be
115 necessary, fix their compensation and define their powers and duties, and fix and determine the
116 amount of bond required of each employee and pay the premium on the bond. The board shall
117 prescribe, by resolution, the compensation for each classification of employees of the district.
118 The board may combine, eliminate, or add staff positions in its discretion. The engineer-
119 manager may appoint or hire employees for positions created by the board.

120 **(m) Zones.** To establish and fix the boundaries of zones in the district as in this act
121 hereinafter provided; to make transfers of money from the operation fund of the district to any
122 special fund and to create and administer the special funds as in their discretion may seem
123 advisable; to create and administer revolving funds to facilitate and assist in the carrying on and
124 completing of acquisitions, works, and improvements, and to do any and all things necessary or
125 incidental to the accomplishment of the things which are permitted to be done under this act.

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

133 **(o) Lease of Property.** To lease or rent to or from the City of Vallejo, the County of
134 Solano, or any public or private agency, or person, firm or corporation, any property or rights
135 necessary, in the judgment of the board of trustees of the district, to accomplish or carry out any

136 of the work or improvement or the maintenance thereof herein provided and under terms and
137 conditions agreed to by the parties.

138 **(p) Contributions.** To receive and accept any and all contributions in labor, materials, or
139 money to be applied to the works or improvements herein provided for. *Added Stats 1st Ex*
140 *Sess 1952 ch 17 p 351, effective April 19, 1952. Amended Stats 1953 ch 1439 § 1 p3028; Stats*
141 *1975 ch 587 § 28, operative July 1, 1976; Stats 1993 ch 627 § 2 (AB 848); Stats 2017 ch 387*
142 *§35 (SB 205), effective January 1, 2018.*

143 **§ 2.5. Claims against District**

144 All claims for money or damages against the district are governed by Part 3
145 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of
146 Title 1 of the Government Code except as provided therein, or by other statutes or regulations
147 expressly applicable thereto. *Added Stats 1959 ch 1728 § 67 p 4171. Amended Stats 1963 ch*
148 *1715 § 145 p 3421.*

149 **§ 3. Trustees**

150 **(a)** The Vallejo Flood and Wastewater District shall be governed by, and under the
151 control of, eight trustees. Seven of the trustees shall be the seven members of the Vallejo City
152 Council. The eighth trustee shall be a member-at-large appointed pursuant to subdivision (b).
153 Each city council member shall cease to be a trustee of the district, and his or her office on the
154 board shall become vacant, at any time that he or she ceases to be a member of the Vallejo
155 City Council.

156 **(b)** On or before the date of the first regular meeting of the district, the eighth member-
157 at-large of the board of trustees shall be appointed by the Board of Supervisors of the County of
158 Solano. The board may appoint one of the following persons to be the eighth trustee:

159 **(1)** A member of the Board of Supervisors of the County of Solano that represents
160 Supervisorial District 1 or District 2.

161 **(2)** A public member who resides in the unincorporated area within the boundaries of
162 the Vallejo Flood and Wastewater District.

163 **(c)** The Board of Supervisors for the County of Solano may appoint an alternate to the
164 eight member-at-large of the board of trustees. Appointment of the alternate shall be made
165 pursuant to subdivision (b). *Added Stats 1995 ch 118 § 2 (AB 1388). Amended Stats 1997 ch*
166 *489 § 14 (SB 883); Amended Stats 2017 ch 387 § 36 (SB 205), effective January 1, 2018.*

167 **§ 4. [Section repealed 1995.]** *The repealed section related to appointment of trustees and*
168 *successors, and term of office.*

169 **§ 5. [Section repealed 1955.]** *The repealed section related to qualifications of trustees.*

170 **§ 6. Compensation, Organization and Meetings of Trustees**

171 **(a)** Each trustee of the district who is a member of the Vallejo City Council shall receive
172 one hundred dollars (\$100) per month for his or her services as a trustee of the board and may
173 receive his or her actual and necessary expenses incurred in the performance of his or her
174 duties as trustee, payable from the funds of the district.

175 **(b)** The eighth member-at-large trustee, or alternate, shall receive one hundred dollars
176 (\$100) for each district meeting attended, whether regular or special, and for any other meeting
177 attended by that trustee, or alternate, at the request of the board as its representative. That
178 trustee, or alternate, shall not, however, be compensated for more than three meetings, or three
179 hundred dollars (\$300), in any calendar month. Additionally, that trustee, or alternate, may
180 receive his or her actual and necessary expenses incurred in the performance of his or her
181 duties as trustee or alternate.

182 **(c)** The trustees shall annually elect the following officers from among the trustees to
183 serve for a term of one year: president, vice president, and secretary. These officers shall not
184 receive any additional compensation for their services in their capacity as officers for the board.
185 The finance director or the chief financial officer of the district shall be the treasurer of the
186 district.

187 **(d)** The district shall remain a legal and political entity separate and apart from the City
188 of Vallejo and shall enjoy all powers granted by this act without exception, including, but not
189 limited to, its operational functions, appointment of staff, planning, financing and contractual

190 authority. The board may adopt and enforce reasonable rules and regulations, ordinances, and
191 resolutions, for the administration and government of the district and to facilitate the exercise of
192 its powers and duties, and exercise all police powers necessary for the maintenance, operation,
193 preservation, use, and enjoyment of its works and facilities.

194 (e) The trustees shall maintain an office within the district for the transaction of the
195 business of the district at which office all books, records, and papers of the district shall be
196 maintained and shall be open to inspection during normal business hours.

197 (f) The trustees shall hold regular meetings, in compliance with the Ralph M. Brown Act
198 (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government
199 Code), at those places and those times as the trustees shall, by resolution, prescribe. *Added*
200 *Stats 1995 ch 118 § 5 (AB 1388). Amended Stats 1997 ch 489 § 14 (SB 883).*

201 **§ 7. Surveys and Reports on Proposed Work and Zones**

202 Said board of trustees shall have jurisdiction, and it shall be their duty to employ, by
203 resolution, a competent engineer or engineers or firm of engineers and direct such engineer to
204 investigate carefully the best plan to collect and dispose of sewage and industrial waste and to
205 control the flood and storm waters that may flow to or upon said district, or which may originate
206 thereon, and to prepare all necessary and incidental plans, detail drawings, profiles, cross-
207 sections and specifications of and for said work, together with a detailed description of the
208 lands, rights of way, easements and property proposed to be taken, acquired or injured in
209 carrying out said work and improvement, and a statement of the estimated cost of the whole of
210 said work and improvement (inclusive of all incidental expenses and all work and proceedings
211 thereunder); also, to prepare maps or plats of the whole district showing the location of all
212 proposed work and improvement and also the different zones within said district, if any are
213 necessary because of varying benefits, containing the property to be benefited in like measure
214 but in a different measure from those in other zones therein, with a statement as to what
215 percentage of the sum to be raised each year for the payment on the principal and interest of
216 the bonds should be raised from each zone. It shall not be necessary that all of said plan be

217 prepared by the same engineer, but different engineers may be employed for the different
218 projects, whether sanitary sewage disposal or storm water control. Said district may be divided
219 into as many zones as may be deemed necessary, and each zone shall be composed of and
220 include all the property in the district which, in the opinion of the board of trustees, will be
221 benefited in like measure. Each such zone shall be designated by a different letter or number
222 and shall be plainly shown upon the map or plat of the district, either by separate boundaries,
223 coloring, or other convenient or graphic method, together with a statement of the percentage of
224 the costs and expenses to be raised from each zone. Zones, if any, for sanitary sewage
225 disposal may be the same as or separate and distinct from zones for storm water control. If the
226 same zones are established for both sanitary sewage disposal and storm water control
227 purposes, different percentages of benefits for each of such purposes may be attributed to each
228 such zone.

229 It shall not be necessary that all of the work and improvement authorized under this act
230 be included in any one report but different reports may be made from time to time and separate
231 proceedings may be had on each separate report.

232 Upon the filing of the report of the engineer or engineers, together with the maps, plats,
233 plans, profiles, drawings, cross-sections, specifications and estimates as herein provided for,
234 the board of trustees shall consider the same, and may, by resolution, approve them or order
235 modifications or changes to be made therein. Whenever the board of trustees shall determine
236 and declare by resolution that the proposed plan of works as set forth in any such report is
237 satisfactory and is feasible, the trustees shall determine the amount of bonds that should be
238 issued in order to raise the amount of money necessary to accomplish the matters covered by
239 such report, and in determining said amount sufficient shall be included in the estimate to pay
240 interest on the bonds to be issued for a period of not to exceed three years, together with the
241 cost of inspection of works in course of construction.

242 The said trustees shall thereafter prepare a notice of intention to adopt said zones and
243 percentages as finally established by said trustees as the respective zones and percentages of

244 benefit of the district and set a date for the hearing of all interested parties as to whether said
245 zones and percentages should be approved. Said notice shall contain a statement of the time
246 and place of said hearing and reference to the map of said zones and percentages of benefit
247 and shall be published in said district pursuant to Section 6066 of the Government Code. At
248 such hearing any person interested shall have the right to appear and be heard. The trustees
249 may continue said hearing by public announcement from time to time until the hearing is
250 completed. Upon the final hearing the trustees by resolution shall approve, modify or change
251 any of the zones or percentages of benefit applicable to each and shall finally determine and
252 adopt the zones into which the district shall be divided and the percentage of benefit attributable
253 to each zone for sewage disposal and flood control purposes. Said resolution shall also state
254 the amount of the estimated cost for which bonds payable from assessments are to be voted.

255 The said resolution shall be subject to judicial review as to the facts contained therein
256 and as to the regularity of the proceedings pursuant to which it was passed, by any court of
257 competent jurisdiction; provided, that proceedings for that purpose are instituted within 20 days
258 from the date of the adoption of the resolution of the board of trustees, and if such action or
259 proceeding is not commenced within said time the findings and determination of the board of
260 trustees as to the extent and boundaries of the zones and the percentages to be raised
261 therefrom shall be final and conclusive.

262 The term "incidental expense" wherever used in this act shall mean and include all
263 compensation for all clerical, engineering, legal, superintendence and inspection services,
264 printing and advertising of all resolutions, notices and other matter required herein to be printed,
265 posted or published, costs and expenses of legal actions or proceedings, and also rental or
266 purchase of real or personal property used in connection with such work and improvement or
267 incidental thereto, during the progress of the work and improvement and proceedings
268 thereunder or otherwise.

269 Any error or informality in the appointment of any officer or employee by the board of
270 trustees shall not invalidate or in any way affect the proceedings. *Added Stats 1st Ex Sess 1952*
271 *ch 17 p 351, effective April 19, 1952. Amended Stats 1957 ch 357 § 273 p1133.*

272 **§ 8. Bond Election**

273 After the adoption of said final resolution by the board of trustees above provided, said
274 board may call a special election and submit to the qualified electors of said district the
275 proposition of incurring a bonded debt in the amount and for the purposes stated in said
276 resolution.

277 Said board shall call said special election by resolution, and shall recite therein the
278 objects and purposes for which the indebtedness is proposed to be incurred; provided, that it
279 shall be sufficient to give a brief general description of such objects and purposes; and said
280 resolution shall also state the estimated cost of the proposed work and improvements, the
281 amount of the principal of the indebtedness to be incurred therefor, and shall fix the maximum
282 rate of interest to be paid on said indebtedness which shall not exceed 6 percent per annum,
283 and shall fix the date on which said special election shall be held and the manner of voting for or
284 against incurring such indebtedness. A proposition for incurring indebtedness for sanitary
285 sewage disposal purposes and for flood control purposes may be united and be submitted as a
286 single proposition, or separate propositions may be submitted for each of said purposes
287 separately.

288 For the purposes of said election, said board of trustees shall in said resolution establish
289 election precincts within the boundaries of said district, and may form election precincts by
290 consolidating the precincts established for general election purposes in said district to a number
291 not exceeding six for each such bond election precinct, and shall designate a polling place and
292 appoint one inspector, two judges and two clerks for each of such precincts.

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

295 At such election every then qualified elector of Solano County residing within the district
296 shall be entitled to vote thereat.

297 Such resolution calling said election shall, prior to the date set for said election, be
298 published in said district pursuant to Section 6062 of the Government Code. No other notice of
299 such election need be given.

300 No defect or irregularity in the proceedings prior to the election shall affect the validity of
301 the bonds.

302 If at such election a majority of the votes cast are in favor of incurring such bonded
303 indebtedness, then bonds of said district for the amount stated in such proceedings shall be
304 issued and sold as in this act provided. Said bonds and the interest thereon shall be paid by
305 revenue derived from an annual assessment upon all the land within said district, and all the
306 land in the district shall be and remain liable to be assessed for such payments as hereinafter
307 provided. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952. Amended Stats*
308 *1957 ch 357 § 274 p 1135.*

309 **§ 9. Form and Terms of Bonds**

310 The said board of trustees shall, subject to the provisions of this act, prescribe by
311 resolution the form of said bonds, and of the interest coupons attached thereto. The trustees
312 may divide any authorized issue into one or more series or divisions and fix different dates for
313 the bonds of each such series or division. The bonds of each such series or division shall
314 mature and become payable in not to exceed 40 years from the date of each such series or
315 division in such amounts as the trustees may determine; provided, that the earliest maturity of
316 the bonds of any series shall not be more than five years from the date of such series.

317 The bonds shall be issued in such denominations as the said board of trustees may
318 determine, except that no bonds shall be of a less denomination than one hundred dollars
319 (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable
320 on the day and at the place fixed in said bonds (which may be within or without the State of
321 California) and with interest specified in such bonds, which rate shall not be in excess of 6

322 percent per annum, and shall be payable semi-annually (except that interest for the first year
323 may be paid in one installment), and said bonds shall be signed by the president of the board of
324 trustees (or such other member of the board of trustees as the board of trustees shall by
325 resolution designate) and countersigned by the treasurer of the district, and the seal of said
326 district shall be affixed thereto. The interest coupons on said bonds shall be numbered
327 consecutively and signed by the treasurer of said district. The signature on all coupons and one
328 signature on the bonds may be by engraved or lithographed signature. In case any officer
329 whose signature or countersignature appears on the bonds or coupons shall cease to be such
330 officer before the delivery of such bonds to the purchaser, such signature or countersignature
331 shall nevertheless be valid and sufficient for all purposes the same as if such officer had
332 remained in office until the delivery of the bonds. *Added Stats 1st Ex Sess 1952 ch 17 p 351,*
333 *effective April 19, 1952.*

334 **§ 10. Sale of Bonds**

335 The said board of trustees may issue and sell the whole, or from time to time any part, of
336 said bonds but only to the highest bidder or bidders for cash after notice of such sale given by
337 publication in said district pursuant to *Section 6061 of the Government Code*; provided, no sale
338 shall be had prior to the expiration of 15 days from the first publication of said notice. Said board
339 shall have the right to reject any and all bids when in the discretion of said board it appears to
340 the best interests of the district so to do, and thereafter readvertise as in this section provided
341 for original sale. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952. Amended*
342 *Stats 1957 ch 357 § 275 p 1136.*

343 **§ 11. [Action to Determine Validity of Bonds]**

344 An action to determine the validity of bonds may be brought pursuant to Chapter 9
345 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. *Added Stats*
346 *1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952. Amended Stats 1957 ch 357 § 276 p*
347 *1136; Stats 1961 ch 1512 § 1 p 3356.*

348 **§ 12. Registration**

349 Bonds may be registered with the treasurer in accordance with the provisions of any law
350 applicable to the registration of municipal bonds, and thereafter the principal and interest
351 thereon shall be paid to the proper registered owner thereof. *Added Stats 1st Ex Sess 1952 ch*
352 *17 p 351, effective April 19, 1952.*

353 **§ 13. Validity of Bonds**

354 All bonds issued under this act shall by their issuance be conclusive evidence of the
355 regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made
356 under this act. No error, defect, irregularity, informality and no neglect or omission of any officer
357 of the district in any procedure taken hereunder, which does not affect the jurisdiction of the
358 board of trustees to order the doing of the thing or things proposed to be done, shall avoid or
359 invalidate such proceeding or any bonds issued thereunder. *Added Stats 1st Ex Sess 1952 ch*
360 *17 p 351, effective April 19, 1952.*

361 **§ 14. Legal Investments**

362 Any bonds which shall be issued under the provisions of this act shall be legal
363 investments for all trust funds, and for the funds of insurance companies, banks, both
364 commercial and savings, and trust companies, and for state school funds, and whenever any
365 money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities
366 and counties, counties, school districts or irrigation districts within the State of California, such
367 money or funds may be invested in the bonds issued under this act, and whenever bonds of
368 cities, cities and counties, counties, school districts or irrigation districts within this State may, by
369 any law now or hereafter enacted, be used as security for the performance of any act or the
370 deposit of any public moneys, the said bonds issued under this act may be so used. *Added*
371 *Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952.*

372 **§ 15. Proceeds of Sale of Bonds**

373 All proceeds received from the sale of the bonds issued hereunder shall be deposited
374 with the treasurer and be paid out by him only by warrant drawn upon authority of the board of

375 trustees. All proceeds from the sale of bonds and interest on such proceeds in excess of the
376 final actual cost of all work and improvement and proceedings thereunder shall be deposited by
377 the treasurer in the interest and sinking fund of the district and applied to the retirement of the
378 bonds issued by the district. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19,*
379 *1952.*

380 **§ 16. Assessments for Bond Principal and Interest**

381 The board of trustees shall file with the Board of Supervisors of Solano County a
382 certified copy of the map or plat of the district showing the zones into which the district has been
383 divided and the percentage of the amount to be raised from each zone. All assessments for
384 district purposes shall be made and collected by the County Assessor and Tax Collector,
385 respectively, of the County of Solano. All lands situated within the district subject to
386 assessments for district purposes but not included on the county roll for taxation for county
387 purposes shall immediately upon the effective date of this act be placed upon and thereafter
388 carried on the county roll of Solano County. The assessed valuation of the lands shall be
389 determined and fixed by the county assessor and the amount of the assessed valuation
390 corrected and equalized by the Board of Supervisors of Solano County at the same time or
391 times and in the same manner as the assessed valuation of other lands upon the assessment
392 rolls are fixed, determined, corrected and equalized by the county officials.

393 On or before the second Monday of August of each year the County Auditor of Solano
394 County shall transmit to the board of trustees of the district a statement in writing showing the
395 total value of all land within the district, which value shall be ascertained from the assessment
396 book of the county for that year as equalized and corrected by the board of supervisors of the
397 county and which statement shall also show the total value of all land in each of the zones,
398 respectively.

399 The board of trustees shall on or before the third Monday in August determine the total
400 amount to be raised by district assessment for the then current fiscal year and shall fix the rate
401 of assessment for each zone and the number of cents per each one hundred dollars (\$100)

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402 using as a basis the value of land as it is assessed by the county assessor, and returned to the
403 board of trustees of the district by the county auditor as hereinabove provided, which rate of
404 taxation shall be sufficient to raise the total amount previously fixed by the board as
405 hereinabove subscribed. Such acts by the board of trustees of the district shall constitute a valid
406 assessment of the property and a valid levy of the assessment so fixed. The board of trustees
407 shall immediately thereafter transmit to the County Auditor of Solano County a statement of the
408 rate of assessment so fixed by the board for each zone into which the district may be divided,
409 and the county auditor shall enter that rate upon the county tax roll. Such assessment so levied
410 shall be collected at the same time and in the same manner as county taxes, and when
411 collected the net amount thereof shall be credited to the treasurer of the district and shall be
412 kept by the county treasurer in a separate fund to be designated "Vallejo Flood and Wastewater
413 District Interest and Sinking Fund," and the moneys in the fund shall be applied exclusively to
414 the payment of principal and interest on the bonds of the district. The special assessments by
415 the district shall be in addition to all other taxes and assessments levied for state, county or
416 municipal purposes. If the district has been divided into zones and the percentage of the amount
417 to be raised for the redemption of principal and interest of bonds of the district from each such
418 zone has been determined as provided in this act, the amount of the assessment levy shall be
419 divided according to the percentages and the percentage to be raised from the lands within
420 each zone shall be levied upon and against the property of the zone as hereinabove provided.
421 The district assessments shall be payable only with and not separately from county taxes when
422 collected. Whenever any land situated in the district has been sold for assessments and has
423 been redeemed, the money paid for the redemption shall be apportioned and credited by the
424 county treasurer to the district in the proportion which the assessment due to the district bears
425 to the total tax for which the property was sold. All assessments levied under the provisions of
426 this act shall be a lien upon the property on which they are levied and shall become due and
427 payable and be delinquent at the same time and in the same manner as county taxes, and
428 enforced in the same manner and by the same means as provided by law for the enforcement

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429 of liens for state and county taxes, all provisions of law relating to the enforcement of the latter
430 being hereby made a part of this act.

431 It shall be the duty of the Board of Supervisors of Solano County and of each and every
432 officer of Solano County charged with any official duty relating to the levy and collection of
433 county taxes to cause such district assessments to be levied and collected at the time and in the
434 same manner as county taxes are levied and collected, and in any event it shall be the duty of
435 the board of trustees to cause the assessments to be levied against and upon all land within the
436 district at the time for fixing the general tax levy for county purposes, and in the manner for the
437 general tax levy provided, and to cause to be collected annually each year until the bonds are
438 paid or until there shall be a sum in the treasury of the district set apart for that purpose to meet
439 all sums coming due for principal and interest on the bonds, assessments sufficient to pay the
440 interest on the bonds and also the part of the principal thereof as shall become due before the
441 time for fixing the next general tax levy, in which assessments may be included a sum sufficient
442 in the judgment of the board of trustees to take care of anticipated delinquencies; provided,
443 however, that if the maturity of the indebtedness created by the issuance of bonds be made to
444 begin more than one year after the date of issuance thereof the assessments shall be levied
445 and collected at the time and in the manner aforesaid annually each year in an amount sufficient
446 to pay the interest on the indebtedness as it falls due and also to constitute a sinking fund for
447 the redemption thereof on or before maturity. The assessments herein required to be levied and
448 collected shall be in addition to all other assessments levied for district purposes and shall be
449 collected at the same time and in the same manner as other district assessments are collected,
450 and be used for no other purpose than the payment of the bonds and accruing interest.

451 All assessments levied by the district shall be levied solely upon lands within the district,
452 including any land which is the operative property of any public utility, but excluding any
453 personal property or any lands belonging to any county, municipality or political subdivision
454 within the district or lands belonging to the United States of America or the State of California or

455 the district. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952; Amended Stats*
456 *2017 ch 387 § 37 (SB 205), effective January 1, 2018.*

457 **§ 17. Assessments for Maintenance and Operation**

458 The board of trustees of the district shall have power, in any year, to levy an assessment
459 upon the taxable property in the district as set forth in Section 16 hereof at the time and in the
460 manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the
461 costs and expenses of maintaining, operating, extending and repairing any work or
462 improvement of the district for the ensuing fiscal year, and the board of trustees shall have
463 power to control and order the expenditures for the purposes of all revenues so derived;
464 provided, that those assessments levied under this section for any one year shall not exceed
465 fifty cents (\$0.50) on each one hundred dollars (\$100) of the assessed valuation of the land in
466 the district as the assessed valuation is shown on the last preceding assessment roll for state
467 and county purposes; provided, further, that such assessment shall be in addition to any
468 assessment levied to meet the bonded indebtedness of the district and all interest thereon.
469 Such assessments, when collected, shall be held by the treasurer in a special fund to be
470 designated "Vallejo Flood and Wastewater Operation Fund." The moneys in the fund shall be
471 withdrawn on warrants authorized by the trustees. Prior to the bond election at which bonds
472 shall be authorized as herein provided, the district shall have the right to incur indebtedness for
473 organization purposes, preliminary engineering expenses and general incidental expenses as in
474 this act specified, to an amount not exceeding two hundred thousand dollars (\$200,000), the
475 indebtedness to be evidenced by warrants of the district issued in payment of valid obligations
476 incurred by the district, and which warrants shall be paid by the treasurer of the district out of the
477 first proceeds of the sale of bonds of the district or out of moneys collected from the annual
478 assessment to be levied under this Section 17, and until so paid the warrants shall bear interest
479 at the rate of 6 percent per year from date of presentation and registration until paid. If funds are
480 not available for the payment of the warrants at the time of their presentation to the treasurer,
481 the same shall be registered in the office of the treasurer and shall be paid in the order of their

482 registration. The treasurer shall publish notice of call for redemption of the warrants or any
483 thereof whenever funds are available for their payment and interest on the warrants shall cease
484 upon the date fixed for that redemption. The notice shall be published in the district pursuant to
485 Section 6061 of the Government Code.

486 The provisions in this Section 17 contained for the levy and collection of assessments for
487 the payment of maintenance and operation costs of the district shall be effective for the Fiscal
488 Year 1952-1953, and it shall be the duty of the County Assessor of Solano County and the State
489 Board of Equalization forthwith upon the effective date of this act to take all necessary steps to
490 enable the district to levy and collect an assessment for the Fiscal Year 1952-1953 for
491 maintenance and operation and the payment of the initial costs of the organization of the district
492 and other expenses incident thereto; provided, that such assessment for the Fiscal Year 1952-
493 1953 shall be levied at a uniform rate on all land in the district. The creation of any zone in the
494 district shall not be effective for the purposes of any assessment unless and until the board of
495 trustees shall file with the county assessor and also with the State Board of Equalization a map
496 or plat showing the zones into which the district is to be divided and the percentages to be
497 raised from each zone. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952.*
498 *Amended Stats 1957 ch 357 § 277 p 1137; Amended Stats 2017 ch 387 § 38 (SB 205),*
499 *effective January 1, 2018.*

500 **§ 18. Revenue Bonds**

501 As an alternative procedure for the raising of funds, the district is hereby authorized to
502 issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed
503 by the district, in the manner provided by the "Sanitation, Sewer and Water Revenue Bond Law
504 of 1941," constituting Title 5, Division 2, Part 1, Chapter 6 of the Government Code, as now or
505 hereafter amended, all of the provisions of which are hereby made applicable to the district. The
506 district is hereby declared to be a local agency within the meaning of said law. The district may
507 issue revenue bonds under said law for any one or more facilities or enterprises authorized to
508 be acquired, constructed or completed by the district or, in the alternative, may issue revenue

509 bonds under said law for the acquisition, construction and completion of any one of such
510 facilities and also issue bonds payable from assessments in accordance with the procedure
511 provided by this act for any other of such facilities. Nothing in this act contained shall prevent
512 the district from availing itself of or making use of any procedure provided hereunder for the
513 issuance of bonds of any type or character for any of the facilities or works authorized
514 hereunder, and all such proceedings may be carried on simultaneously or, in the alternative, as
515 the trustees may determine. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19,*
516 *1952.*

517 **§ 19. Change in Boundaries of District**

518 **(a)** The boundaries of the district may be altered and additional land may be annexed to
519 the district if the land will be benefited thereby, and any tract of land within the district may be
520 excluded if not benefited thereby. The procedure for the annexation and exclusion of territory
521 shall be in accordance with Division 3 (commencing with Section 56000) of Title 5 of the
522 Government Code.

523 **(b)** No change in the boundaries of the district may impair or affect its organization or its
524 rights in or to property or any of its rights or privileges, or may affect, impair, or discharge any
525 contract, obligation, lien or charge for or upon any lands in the district or for which the district
526 was or might become liable or chargeable had the change of boundaries not been made.

527 **(c)** The district may annex land across a county boundary line but only with the consent,
528 by resolution, of the board of supervisors of the county in which the annexed land is situated,
529 prior to the adoption by the board of trustees of its resolution of annexation.

530 **(d)**

531 **(1)** The requisite number of petitioners required under Section 58231 of the Government
532 Code may be, if the petitioners are landowners, that number of persons owning more than one-
533 half of the area of land sought to be annexed or excluded or, alternatively, if there are at least
534 12 electors residing on the land and the petitioners are electors, that number of persons
535 constituting a majority of the electors.

536 **(2)** The requisite number of petitioners required under Section 58238 of the Government
537 Code shall be, if the petitioners are landowners, that number of persons owning more than one
538 fourth of the area of land sought to be annexed or excluded or, alternatively, if there are at least
539 12 electors residing on the land and the petitioners are electors, that number of persons
540 constituting one-fourth of the electors. However, no election may be called under Section 58238
541 if there are less than 12 electors residing on the land, but instead the board shall determine the
542 matter as provided in Section 58237 of the Government Code.

543 **(e)** If the district annexes land situated in a county other than Solano County, the board
544 of supervisors, county assessor, county tax collector, and county auditor of the county in which
545 the additional land is situated have all of the powers and duties in relation to the making,
546 equalizing, and collection of taxes for district purposes which are granted to the same county
547 officials of Solano County by Sections 16 and 17.

548 **(f)** The taxes of the district levied in any county other than Solano County shall be
549 collected at the same time and in the same manner as county taxes. When collected, the
550 amount shall be paid to the Treasurer of Solano County and shall be held by the treasurer in the
551 fund provided for in Section 16. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19,*
552 *1952. Amended Stats 1959 ch 471 § 1 p 2406, effective May 19, 1959; Stats 1993 ch 627 § 4*
553 *(AB 848).*

554 **§ 20. [Section repealed 1984.]**

555 **§ 21. Additional Bonds**

556 Whenever bonds have been issued by said district and said board of trustees has
557 determined that the public interest or necessity of said district demand the issuance of additional
558 bonds for carrying out any work or improvements of the district herein provided for, said board
559 of trustees may again proceed as in this act provided, and have an engineering report made, a
560 hearing on the question of benefits and zones, if any, into which the district may be divided, and
561 submit to the qualified voters of said district the question of issuing additional bonds in the same
562 manner and with like procedure as hereinbefore provided, and all of the provisions of this act

563 (including the division of the district into zones) and for the issuance and sale of such bonds,
564 and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of
565 additional bonds. The district may also issue any additional revenue bonds from time to time in
566 accordance with the procedure set forth in Section 18 of this act.

567 **§ 21.5. [Issuance of Refunding Bonds; Notice of Intention; Hearing; Amount]**

568 The board of trustees may adopt a resolution declaring its intention to issue refunding
569 bonds of the district for the purpose of refunding any or all outstanding bonds of the district. The
570 board of trustees shall thereafter prepare a notice of its intention to issue refunding bonds and
571 set a date for the hearing of all interested parties as to whether the refunding bonds should be
572 issued. The notice shall contain a statement of the time and place of the hearing and of the
573 advantages and disadvantages which might accrue to the district, and the taxpayers thereof, by
574 the issuance of refunding bonds. The notice shall be published in a newspaper of general
575 circulation, printed and published in the district, at least once each week for two successive
576 weeks before the date set for the hearing.

577 At the hearing any person interested may appear and be heard. The trustees may
578 continue the hearing by public announcement from time to time until the hearing is completed.
579 At the conclusion of the hearing the board of trustees may by resolution call a special election
580 for the purpose of submitting to the qualified electors of the district the proposition of incurring a
581 bonded debt to refund existing indebtedness of the district. Thereafter the board of trustees
582 shall proceed with the issuance of refunding bonds in the manner provided by this act for the
583 issuance and sale of the general obligation bonds of the district, except that refunding bonds
584 may be issued only during the period of two years following the date of the election at which
585 such bonds were approved.

586 Refunding bonds may be issued in a principal amount sufficient to provide funds for:

587 **(a)** The payment of the bonds to be refunded thereby.

588 **(b)** All expenses incidental to the calling, retiring, or payment of the outstanding bonds
589 and the issuance of the refunding bonds, including the difference in amount between the par
590 value of the refunding bonds and any amount less than par for which they may be sold.

591 **(c)** Any amount necessary to be made available for the payment of interest upon the
592 refunding bonds from the date of their sale to the date of maturity or payment of the bonds to be
593 refunded out of the proceeds of the sale, or the date upon which the bonds to be refunded will
594 be paid pursuant to call thereof or agreement with the holders thereof.

595 **(d)** The premium, if any, necessary to be paid in order to call or retire the outstanding
596 bonds. *Added Stats 1961 ch 557 § 1 p 1668.*

597 **§ 22. Revolving Funds**

598 The board of trustees of said district shall have power to create such revolving
599 or other funds, to abolish same, and to make transfers of the funds of said district from any fund
600 to any other as they may deem necessary to effect the provisions of this act (except that no
601 funds shall be transferred from the Interest and Sinking Fund except for the payment of bonds
602 and interest thereon), to make and enforce all needful rules and regulations for the
603 administration and government of said district, to employ in their discretion and fix the
604 compensation of all needful agents and employees to look after the performance of any work or
605 improvement provided for in this act, and to perform all other acts necessary or proper in their
606 discretion to accomplish the purposes of this act.

607 As an alternative procedure to depositing the funds of said district in the county treasury,
608 the board of trustees, by resolution, may designate a bank or banks as a depository of any or all
609 of said district funds. The county treasurer shall be the depository for any or all district funds not
610 designated for deposit in a bank or banks. The question of interest rates given shall not affect
611 the selection of a bank or banks and the charges of any bank or banks selected as a depository
612 shall be a proper expense of the district. If the board of trustees selects a bank or banks as a
613 depository, then it shall appoint a person to act as a finance officer who shall serve at the
614 pleasure of the board and shall fix the amount of and approve a bond for the finance officer. The

615 finance officer may invest any or all district funds which are deposited in any such designated
616 bank or banks, but the finance officer shall have no authority over the investment of district
617 funds on deposit with the county treasurer. The finance officer may be, but is not required to be,
618 a member of the board or consolidated with the engineering or management office of the
619 district.

620 Said board of trustees shall have power to do all work and to construct and acquire all
621 improvements necessary, incidental or useful for carrying out any of the purposes of this act,
622 and to acquire either within or without the district by purchase, condemnation, donation or by
623 other lawful means in the name of said district, from private persons, public and private
624 corporations, associations, agencies or districts, all lands, rights of way, easements, property or
625 materials, and to make, execute, carry out and enforce all contracts of every character
626 necessary, incidental or useful for carrying out the provisions or purposes of this act; to compel
627 by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct,
628 embankment or other structure which shall be intersected, traversed or crossed by any channel,
629 ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer
630 a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed
631 of any stream, waterway, conduit or canal, and whenever necessary in the case of existing
632 works or structures, to compel the removal or alteration thereof for such purpose or purposes.

633 *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952. Amended Stats 1975 ch*
634 *305 § 1.*

635 **§ 23. [Section repealed 1976.]** *The repealed section related to condemnation proceedings.*

636 **§ 24. Directory Provisions**

637 The provisions of this act relative to the performance of official duty as to any time or
638 place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument
639 shall be deemed directory. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952.*

640 **§ 25. Construction of Act**

641 This act shall be liberally construed to the end that the purposes may be effective. No
642 error, irregularity or informality, and no neglect or omission of any officer of the district in any
643 procedure taken hereunder which does not directly affect the jurisdiction of the board of trustees
644 to order the work done or improvement to be made shall avoid or invalidate such proceeding or
645 any assessment for the cost of work or improvement done thereunder. *Added Stats 1st Ex Sess*
646 *1952 ch 17 p 351, effective April 19, 1952.*

647 **§ 26. Special Assessment Proceedings**

648 (a) In addition to all other powers granted under this act, the district may acquire,
649 construct, complete, and maintain any improvements if the improvements are authorized by
650 special assessment proceedings or special tax proceedings, or both.

651 (b) The Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with
652 Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, the Improvement Act
653 of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the
654 Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and
655 Highways Code), and the Landscape and Lighting Act of 1972 (Division 15 (commencing with
656 Section 22500) of the Streets and Highways Code) are applicable to the district and the powers,
657 and duties conferred by those acts may be exercised by the district.

658 (c) The improvements authorized to be constructed or acquired by this section are
659 limited to those permitted to be constructed or acquired by the district under the provisions of
660 this act. *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952. Amended Stats*
661 *1993 ch 627 § 5 (AB 848).*

662 **§ 27. Constitutionality**

663 In case any section, subsection, sentence, clause or phrase of this act shall be declared
664 unconstitutional or invalid for any reason, the remaining portions of this act shall not be
665 invalidated but shall remain in full force and effect. *Added Stats 1st Ex Sess 1952 ch 17 p 351,*
666 *effective April 19, 1952.*

667 **§ 28. Short Title**

668 This act may be designated and referred to as “Vallejo Flood and Wastewater District
669 Act.” *Added Stats 1st Ex Sess 1952 ch 17 p 351, effective April 19, 1952; Amended Stats 2017*
670 *ch 387 § 39 (SB 205), effective January 1, 2018.*

671 **§ 29. Urgency Clause**

672 This act is an urgency measure necessary for the immediate preservation of the public
673 peace, health and safety within the meaning of Article IV of the Constitution, and shall go into
674 immediate effect.

675 The facts constituting such necessity are: The area surrounding the City of Vallejo has
676 experienced an extraordinary growth due primarily to the influx of civilian workers and Navy
677 personnel and their families at Mare Island Navy Yard, and the City of Vallejo and the
678 surrounding territories are so located that adequate sanitary sewage disposal facilities cannot
679 and have not been provided by any unified agency, and many of the homes have no facilities for
680 the disposal of sewage. Much of the sewage from the City of Vallejo and surrounding area is
681 now flowing into and contaminating the waters of San Francisco Bay. The problem of sanitary
682 sewage disposal is aggravated by lack of adequate drainage and flood control facilities and the
683 infiltration of storm and flood waters into existing sanitary sewers within the City of Vallejo. Said
684 city and its immediately surrounding territory is located at the foot of a range of hills from which
685 storm water naturally flows down into the populated areas. The problem of sanitary sewage
686 disposal and the problem of storm water and flood control are so correlated and interrelated that
687 the special problems relating to this particular area can only be solved by uniform administration
688 and a uniform plan of control. No existing legislation is available and no uniform law can be
689 made available to take care of the peculiar problems of this particular locality which are special
690 and particular to the locality in question. Experience with the heavy rainfall of the winter of 1951-
691 52 has shown the necessity for the prompt and immediate adoption of a complete unified
692 system of sanitary sewage disposal and storm water flood control in an area of strategic
693 importance to the national defense. Engineering plans must be prepared immediately for a

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694 project of this character and construction work started in order to prevent a recurrence of the
695 disastrous floods and the contamination from present sanitary sewage outlets into San
696 Francisco Bay.

697 It is therefore necessary that this act take effect immediately. *Added Stats 1st Ex Sess*
698 *1952 ch 17 p 351, effective April 19, 1952.*