

## **Ventura County Watershed Protection Act**

### **California Water Code Appendix, Chapter 46**

#### **§ 46-1 Creation; name; boundaries**

Section 1.

(a) A flood control district is hereby created to be called "Ventura County Watershed Protection District" (district). The boundaries and territory of that district shall be: all the territory of the County of Ventura lying within the exterior boundaries of the county but excluding the islands of Anacapa and San Nicholas.

(b) This act officially changed the name of the district from the Ventura County Flood Control District to the Ventura County Watershed Protection District.

#### **§ 46-2 Zones**

Section 2. Said district is hereby divided into four zones which shall be numbered and denominated Zone One, Zone Two, Zone Three, and Zone Four.

#### **§ 46-3 Zone one**

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

Beginning at a point in the boundary line common to Ventura and Santa Barbara Counties in the shore line of the Pacific Ocean; thence, northerly along the said boundary line to the intersection of said boundary line with the north line of section 29, township 6 north, range 24 west, San Bernardino Base & Meridian; thence, east along the north line of sections 29 and 28 of said township and range to the northeast corner of section 28; thence, south along the east line of said section 28 to the one-quarter corner common to sections 27 and 28 of said township and range; thence, east through the center of sections 27 and 26, said township and range, to the one-quarter corner common to sections 26 and 25; thence, south along the west line of said section 25 to the southwest corner thereof; thence, east along the south line of said section 25, and the south line of section 30, township 6 north, range 23 west San Bernardino Base and Meridian to the northeast corner of section 31; thence, south along the east line of said section 31 to the township line between township 6 north and 5 north, San Bernardino Base & Meridian; thence, east along said township line to the northwest corner of section 6, township 5 north, range 23 west, San Bernardino Base; thence, south along the west line of said section 6 to the northwest corner of the south half of said section 6; thence, east along the north line of the south half of sections 6, 5, 4, 3, 2, and 1 of said township and range to the range line between ranges 23 west and 22 west San Bernardino Meridian; thence, south along the west line of section 6, township 5 north, range 22 west, San Bernardino

Base & Meridian, to the southwest corner of said section; thence, east along the south line of said section 6, to the one-quarter corner common to sections 6 and 7 of said township; thence, south through the center of said section 7, to the one-quarter corner common to sections 7 and 18 of said township and range; thence, east along the south line of sections 7, 8, 9, and 10, to the one-quarter corner common to sections 10 and 15 of the said township and range; thence, south through the center of sections 15 and 22 to the center of section 22, said township and range; thence, east through the center of sections 22 and 23 to the one-quarter corner common to sections 23 and 24, of said township and range; thence, south along the east line of sections 23, 26 and 35 of said township and range, and the east line of sections 2 and 11 of township 4 north, range 22 west San Bernardino Base & Meridian to the north line of Rancho Ojai, as per map recorded at page 25 1/2 of Book 5 miscellaneous records (maps) of Ventura County; thence, easterly along the north line of the Rancho Ojai to the line common to tracts 35 and 36 of said Rancho; thence, south along the line common to tracts 35 and 36 of said Rancho to the line common to the Rancho Ojai and fractional township 4 north, range 22 west, San Bernardino Base & Meridian; thence, westerly along said boundary line to the northwest corner of section 21 of township 4 north, range 22 west San Bernardino Base & Meridian; thence, south along the west line of said section 21 to the north line of the Aliso tract of the Rancho Ex-Mission as per map of said Aliso tract, recorded at page 9 of Book 3, miscellaneous records (maps), of Ventura County; thence, west along the northerly boundary of said Aliso tract, to the northwest corner of lot 5 of subdivision G of said tract; thence, south along the west line of subdivisions G and E of said Aliso tract to the southwest corner of said subdivision E, same being in the north line of fractional township 3 north, range 22 west, San Bernardino Base & Meridian; thence, west along the north line of said fractional township to the northwest corner of fractional section 8 of said township and range; thence, south along the west line of fractional section 8 to the southwest corner of said section; thence, west along the north line of section 18 of said township and range to the northeast corner of lot 1 of said section 18; thence, south along the east line of lots 1, 2, 3, and 4 of said section 18, and east line of lots 2 and 3 of section 19, said township and range, to the south line of said section 19; thence, easterly along the south line of said section 19 to the northeast corner of the Mariano Rancho as per map recorded at page 34, Book 5, miscellaneous records (map), of Ventura County; thence, southerly along the easterly line of the said Mariano Rancho to the southeast corner of lot 8 of said Rancho; thence, south 4° 30' east, 1,566.4 feet more or less to the south line of the Rancho Ex-Mission as per map recorded at page 103 of Book 2, miscellaneous records, of Ventura County; thence, southwesterly along the south line of the Rancho Ex-Mission to the easterly limits of the City of Ventura, thence, southeasterly along the said City limits, same being the westerly line of lots D and M, of the Eells tract as per map recorded at Page 14, Book 1 of County Surveyor's records and the southerly prolongation of said line to the Southerly line of Telegraph Road; thence, westerly along the southerly line of Telegraph Road to the intersection with the northeasterly line of Ventura Boulevard, also known as U.S. Highway #101; thence, south 39° 0' west along said Ventura City limits, a distance of 3,924.31 feet more or less to the "bluff line"; thence,

northwesterly along said "bluff line" to an angle point in said City limits; thence, south 58° 30' west along said Ventura City limits to a point in the shore line of the Pacific Ocean; thence, northwesterly along said shore line to the point of beginning.

**§ 46-4 Zone two**

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

Beginning at a point on the shore line of the Pacific Ocean common to the Rancho Colonia, as per map recorded at Page 14 of Book 3, miscellaneous records (maps) of Ventura County and Rancho Guadalupe as per map recorded at Page 160 of Book 1 of Patents, records of Ventura County; thence northeasterly along the line common to said Ranchos to the center line of Wood Road; thence, north along the center line of said road to northerly line of said Rancho Colonia; thence, westerly along said northerly line of Rancho Colonia to the corner common to the said Rancho Colonia, Rancho Santa Clara Del Norte, as per map recorded at Page 26, Book 3, miscellaneous records, (maps) of Ventura County and Rancho Las Posas, as per map recorded at Page 22 of Book 3, miscellaneous records, (maps) of Ventura County; thence, northeasterly along the line common to said Ranchos Del Norte and Las Posas to the southeasterly corner of lot 43 of the Rancho Del Norte; thence, northwesterly along the southwesterly line of said lot 43 to the corner common to lots 43, 44, 51, and 52 of said Rancho Del Norte; thence, northeasterly along the easterly line of lots 52, 53, and 54 of said Rancho Del Norte to the northeast corner of said lot 54; thence, northwesterly along the northeasterly line of lots 54, and 58, and the northwesterly prolongation thereof to the northwesterly line of Santa Clara Avenue; thence, northeasterly along the northwesterly line of Santa Clara Avenue; and the northeasterly prolongation thereof to the northeasterly line of Los Angeles Avenue; thence, northwesterly along the northeasterly line of said Los Angeles Avenue to the line common to lots 15 and 16 of said Rancho Del Norte; thence, northeasterly along the line common to the said lots 15 and 16 to the northeasterly corner of lot 15; thence, northwesterly along the northeasterly line of lots 15, 14, and 13, of said Rancho to the northwest corner of said lot 13; thence, in a direct line to the corner common to Rancho Del Norte, Rancho Santa Paula y Saticoy, as per map recorded at Page 290 of Book A miscellaneous records of Ventura County, and fractional township 3 north, range 21 west, San Bernardino Base and Meridian; thence, northeasterly along the line common to Rancho Santa Paula y Saticoy and said fractional township and range to the south line of section 32, said township and range; thence, east along the south line of said section 32 to the southeast corner thereof; thence, north along the east line of said section 32 to the one-quarter corner common to sections 32 and 33 said township and range; thence, east through the center of section 33 to the one-quarter corner common to sections 33 and 34, said township and range; thence, north along the west line of sections 34 and 27 to the northwest corner of section 27, said township and range; thence, east along the north line of sections 27 and 26, said township and range, to the southwest corner of section 24 same township and range; thence, north along the west

line of said section 24 to the one-quarter corner common to sections 23 and 24, said township and range; thence, east through the center of said section 24 to the range line between ranges 21 west and 20 west San Bernardino Meridian; thence, north along said range line to the northwest corner of section 19, township 3 north, range 20 west, San Bernardino Base and Meridian; thence, east along the north line of sections 19 and 20, said township and range to the northeast corner of said section 20; thence, south along the east line of said section 20 to the southeast corner thereof; thence, east along the south line of sections 21 and 22, said township and range, to the one-quarter corner common to sections 22 and 27 of said township and range; thence, north through the center of sections 22 and 15 to the center of section 15, said township and range; thence, east through the center of sections 15 and 14 to the one-quarter corner common to sections 13 and 14 of said township and range; thence, south along the west line of said section 13 to the southwest corner thereof; thence, east along the south line of section 13, said township and range, and the south line of sections 18 and 17 of township 3 north, range 19 west San Bernardino Base and Meridian, to the one-quarter corner common to sections 17 and 20 of said township and range; thence, north through the center of section 17 of said township and range, to the one-quarter corner common to sections 8 and 17; thence, east along the south line of section 8 of said township and range, to the southeast corner thereof; thence, north along the east line of said section 8 to the one-quarter corner common to sections 9 and 10 of said township and range; thence, east through the center of sections 9, 10, and 11 of said township and range, to the northwesterly line of the Rancho Simi, as per map recorded at Page 7 of Book 3, miscellaneous records (maps) of Ventura County; thence, northeasterly along said Rancho line to the west line of section 6, township 3 north, range 18 west, Rancho Simi; thence, south along the west line of said section 6 to the southwest corner thereof; thence, east along the south line of section 6, 5, 4, 3, and 2 to the southeast corner of section 2, said township and range, Rancho Simi; thence, south along the east line of section 11, said township and range, to the southeast corner thereof; thence, east along the south line of section 12, said township and range, and the south line of section 7, township 3 north, range 17 west, Rancho Simi, to the southeast corner of said section 7; thence, north along the east line of said section 7 to the one-quarter corner common to sections 7 and 8 of said township and range; thence, east through the center of sections 8 and 9 of said township and range, to the line common to Ventura and Los Angeles Counties; thence, northwesterly along the line common to Ventura and Los Angeles Counties to the north line of section 15, township 8 north, range 19 west, San Bernardino Base & Meridian; thence, west along the north line of sections 15, 16, 17, and 18, of said township and range, and along the north line of section 13, township 8 north, range 20 west, San Bernardino Base & Meridian, to the northwest corner of said section 13; thence, south along the line common to sections 13 and 14, of said township and range, to the southeast corner of said section 14; thence, west along the south line of sections 14, 15, and 16, said township and range to the southwest corner of section 16; thence, north along the west line of said section

16 to the one-quarter corner common to sections 16 and 17 of said township and range; thence, west through the center of sections 17 and 18 of said township and range, to the

center of said section 18; thence, north through the center of said section 18 to the one-quarter corner common to sections 7 and 18 of said township and range; thence, west along the south line of said section 7, said township and range, and sections 12 and 11 of township 8 north, range 21 west, San Bernardino Base & Meridian, to the southwest corner of said section 11; thence, north along the west line of sections 11 and 2 of said township and range, to the line common to Ventura and Kern Counties; thence, west along the line common to said counties, to the east line of section 2, township 8 north, range 22 west, San Bernardino Base & Meridian; thence, south along the east line of said section 2 to the southeast corner thereof; thence, west along the south line of said section 2 to the one-quarter corner common to sections 2 and 11 of said township and range; thence, south through the center of sections 11, 14 and 23, to the one-quarter corner common to sections 23 and 26 of said township and range; thence, east along the south line of sections 23 and 24 of said township and range to the one-quarter corner common to sections 24 and 25 of said township and range; thence, south through the center of said section 25, to the one-quarter corner common to sections 25 and 36 of said township and range; thence, east along the north line of section 36, of said township and range and the north line of section 31, township 8 north, range 21 west, San Bernardino Base & Meridian, to the northeast corner of said section 31; thence, south along the east line of said section 31, and the east line of sections 6 and 7 of township 7 north, range 21 west, San Bernardino Base and Meridian to the southeast corner of said section 7; thence, west along the south line of said section 7 to the one-quarter corner common to sections 7 and 18 of said township and range; thence, south through the center of sections 18 and 19 of said township and range, to the one-quarter corner common to sections 19 and 30 of said township and range; thence, west along the north line of said section 30, and the north line of section 25, township 7 north, range 22 west, San Bernardino Base & Meridian, to the northwest corner of said section 25; thence, south along the west line of said section 25, to the southwest corner thereof; thence, west along the north line of section 35 of said township and range to the northwest corner thereof; thence, south along the west line of said section 35 to the one-quarter corner common to sections 34 and 35 of said township and range; thence, west through the center of said section 34 of said township to the one-quarter corner common to sections 33 and 34 of said township and range; thence, south along the east line of said section 33 and the east line of section 4, township 6 north, range 22 west, San Bernardino Base & Meridian, to the one-quarter corner common to sections 3 and 4 of said township and range; thence, west through the center of section 4, of said township to the one-quarter corner common to sections 4 and 5 of said township and range; thence, south along the east line of said section 5, to the southeast corner thereof; thence, west along the south line of said section 5 to the one-quarter corner common to sections 5 and 8 of said township and range; thence, south through the center of said section 8, to the one-quarter corner common to sections 8 and 17 of said township and range; thence, west along the south line of sections 8 and 7 of said township and range, to the range line common to ranges 22 west and 23 west, San Bernardino; thence, north along said range line, to the east one-quarter corner of section 12, township 6 north, range 23 west, San Bernardino Base

& Meridian; thence, west through the center of said section 12 to the one-quarter corner common to sections 12 and 11 of said township and range; thence, north along the east line of said section 11, to the northeast corner of said section 11; thence, west along the north line of sections 11, 10, 9, and 8 of said township and range to the corner common to sections 5, 6, 7 and 8 thereof; thence, north along the east line of section 6 of said township and range, to the line common to townships 6 north and 7 north, San Bernardino Base; thence, west along said township line to the northeast corner of section 2, township 6 north, range 24 west; San Bernardino Base & Meridian; thence, south along the east line of said section 2 to the one-quarter corner common to sections 1 and 2 of said township and range; thence, west through the center of sections 2 and 3 of said township and range to the one-quarter corner common to sections 3 and 4 of said township and range; thence, south along the east line of said section 4, to the southeast corner thereof; thence, west along the south line of sections 4 and 5 of said township and range, to the line common to Ventura and Santa Barbara Counties; thence, south along the line common to said Counties to the north line of section 29, township 6 north, range 24 west San Bernardino Base & Meridian; thence, east along the north line of sections 29 and 28 of said township and range to the northeast corner of section 28; thence, south along the east line of said section 28 to the one-quarter corner common to sections 27 and 28 of said township and range; thence, east through the center of sections 27 and 26, said township and range, to the one-quarter corner common to sections 26 and 25; thence, south along the west line of said section 25 to the southwest corner thereof; thence, east along the south line of said section 25, and the south line of section 30, township 6 north, range 23 west, San Bernardino Base & Meridian, to the northeast corner of section 31; thence, south along the east line of said section 31 to the township line between township 6 north and 5 north, San Bernardino Base & Meridian; thence, east along said township line to the northwest corner of section 6, township 5 north, range 23 west, San Bernardino Base; thence, south along the west line of said section 6 to the northwest corner of the south half of said section 6; thence, east along the north line of the south half of sections 6, 5, 4, 3, 2, and 1 of said township and range, to the range line between ranges 23 west and 22 west San Bernardino Meridian; thence, south along the west line of section 6, township 5 north, range 22 west San Bernardino Base & Meridian, to the southwest corner of said section; thence, east along the south line of said section 6, to the one-quarter corner common to sections 6 and 7 of said township and range; thence, south through the center of said section 7, to the one-quarter corner common to sections 7 and 18 of said township and range; thence, east along the south line of sections 7, 8, 9, and 10, to the one-quarter corner common to sections 10 and 15 of the said township and range; thence, south through the center of sections 15 and 22 to the center of section 22, said township and range; thence, east through the center of sections 22 and 23 to the one-quarter corner common to sections 23 and 24, of said township and range; thence, south along the east line of sections 23, 26 and 35 of said township and range, and the east line of sections 2 and 11 of township 4 north, range 22 west San Bernardino Base & Meridian to the north line of Rancho Ojai, as per map recorded at page 25 1/2 of Book 5 miscellaneous records (maps) of Ventura County; thence, easterly along the north line of

the Rancho Ojai to the line common to tracts 35 and 36 of said Rancho; thence, south along the line common to tracts 35 and 36 of said Rancho to the line common to the Rancho Ojai and fractional township 4 north, range 22 west, San Bernardino Base & Meridian; thence, westerly along said boundary line to the northwest corner of section 21 of township 4 north, range 22 west San Bernardino Base & Meridian; thence, south along the west line of said section 21 to the north line of the Aliso tract of the Rancho Ex-Mission as per map of said Aliso tract, recorded at page 9 of Book 3, miscellaneous records (maps), of Ventura County; thence, west along the northerly boundary of said Aliso tract, to the northwest corner of lot 5 of subdivision G of said tract; thence, south along the west line of subdivisions G and E of said Aliso tract to the southwest corner of said subdivision E, same being in the north line of fractional township 3 north, range 22 west, San Bernardino Base & Meridian; thence, west along the north line of said fractional township to the northwest corner of fractional section 8 of said township and range; thence, south along the west line of fractional section 8 to the southwest corner of said section; thence, west along the north line of section 18 of said township and range to the northeast corner of lot 1 of said section 18; thence, south along the east line of lots 1, 2, 3, and 4 of said section 18, and east line of lots 2 and 3 of section 19, said township and range, to the south line of said section 19; thence, easterly along the south line of said section 19 to the northeast corner of the Mariano Rancho as per map recorded at page 34, Book 5, miscellaneous records (maps), of Ventura County; thence, southerly along the easterly line of the said Mariano Rancho to the southeast corner of lot 8 of said Rancho; thence, south 4° 30' east, 1,566.4 feet more or less to the south line of the Rancho Ex-Mission as per map recorded at page 103 of Book 2, miscellaneous records, of Ventura County; thence southwesterly along the south line of the Rancho Ex-Mission to the easterly limits of the City of Ventura; thence, southeasterly along the said City limits, same being the westerly line of lots D and M, of the Eells tract as per map recorded at Page 14, Book 1 of County Surveyor's records and the southerly prolongation of said line of the southerly line of Telegraph Road; thence, westerly along the southerly line of Telegraph Road to the intersection with the northeasterly line of Ventura Boulevard, also known as U.S. Highway #101; thence south 39° 0' west along said Ventura city limits, a distance of 3,924.31 feet more or less to the "bluff line"; thence, northwesterly along said "bluff line" to an angle point in said City limits; thence, south 58° 30' west along said Ventura city limits to a point in the shore line of the Pacific Ocean; thence, southeasterly with the shore line of the Pacific Ocean to the point of beginning.

**§ 46-5 Zone three**

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

Beginning at a point on the shore line of the Pacific Ocean common to the Rancho Colonia, as per map recorded at Page 14 of Book 3, miscellaneous records, (maps) of Ventura County and Rancho Guadalupe as per map recorded at Page 160 of Book 1 of Patents, records of Ventura County; thence, northeasterly along the line common to said

Ranchos to the center line of Wood Road; thence, north along the center line of said road to northerly line of said Rancho Colonia; thence, westerly along said northerly line of Rancho Colonia to the corner common to the said Rancho Colonia, Rancho Santa Clara Del Norte, as per map recorded at Page 26, Book 3, miscellaneous records, (maps) of Ventura County and Rancho Las Posas, as per map recorded at Page 22 of Book 3, miscellaneous records, (maps) of Ventura County; thence, northeasterly along the line common to said Rancho Del Norte and Las Posas to the southeasterly corner of lot 43 of the Rancho Del Norte; thence, northwesterly along the southwesterly line of said lot 43 to the corner common to lots 43, 44, 51, and 52 of said Rancho Del Norte; thence, northeasterly along the easterly line of lots 52, 53, and 54 of said Rancho Del Norte to the northeast corner of said lot 54; thence, northwesterly along the northeasterly line of lots 54, and 58, and the northwesterly prolongation thereof to the northwesterly line of Santa Clara Avenue; thence, northeasterly along the northwesterly line of Santa Clara Avenue and the northeasterly prolongation thereof to the northeasterly line of Los Angeles Avenue; thence, northwesterly along the northeasterly line of said Los Angeles Avenue to the line common to lots 15 and 16 of said Rancho Del Norte; thence, northeasterly along the line common to the said lots 15 and 16 to the northeasterly corner of lot 15; thence, northwesterly along the northeasterly line of lots 15, 14 and 13, of said Rancho to the northwest corner of said lot 13; thence, in a direct line to the corner common to Rancho Del Norte, Rancho Santa Paula y Saticoy, as per map recorded at Page 290 of Book A miscellaneous records of Ventura County, and fractional township 3 north, range 21 west, San Bernardino Base & Meridian; thence, northeasterly along the line common to Rancho Santa Paula y Saticoy and said fractional township and range to the south line of section 32, said township and range; thence, east along the south line of said section 32 to the southeast corner thereof; thence, north along the east line of said section 32 to the one-quarter corner common to sections 32 and 33 said township and range; thence, east through the center of section 33 to the one-quarter corner common to sections 33 and 34, said township and range; thence, north along the west line of sections 34 and 27 to the northwest corner of section 27, said township and range; thence, east along the north line of sections 27 and 26, said township and range, to the southwest corner of section 24 same township and range; thence, north along the west line of said section 24 to the one-quarter corner common to sections 23 and 24, said township and range; thence, east through the center of said section 24 to the range line between ranges 21 west and 20 west San Bernardino Meridian; thence, north along said range line to the northwest corner of section 19, township 3 north, range 20 west, San Bernardino Base & Meridian; thence, east along the north line of sections 19 and 20, said township and range to the northeast corner of said section 20; thence, south along the east line of said section 20 to the southeast corner thereof; thence, east along the south line of sections 21 and 22, said township and range, to the one-quarter corner common to sections 22 and 27 of said township and range; thence, north through the center of sections 22 and 15 to the center of section 15, said township; thence, east through the center of sections 15 and 14 to the one-quarter corner common to sections 13 and 14 of said township and range; thence, south along the west line of said section 13 to the southwest corner



thereof; thence, east along the south line of section 13, said township and range, and the south line of sections 18 and 17 of township 3 north, range 19 west San Bernardino Base & Meridian, to the one-quarter corner common to sections 17 and 20 of said township and range; thence, north through the center of section 17 of said township and range, to the one-quarter corner common to sections 8 and 17; thence, east along the south line of section 8 of said township and range, to the southeast corner thereof; thence, north along the east line of said section 8 to the one-quarter corner common to sections 9 and 10 of said township and range; thence, east through the center of sections 9, 10, and 11 of said township and range, to the northwesterly line of the Rancho Simi, as per map recorded at Page 7 of Book 3, miscellaneous records (maps) of Ventura County; thence, northeasterly along said Rancho line to the west line of section 6, township 3 north, range 18 west, Rancho Simi; thence, south along the west line of said section 6 to the southwest corner thereof; thence, east along the south line of sections 6, 5, 4, 3, and 2 to the southeast corner of section 2, said township and range, Rancho Simi; thence, south along the east line of section 11, said township and range, to the southeast corner thereof; thence, east along the south line of section 12, said township and range, and the south line of section 7, township 3 north, range 17 west, Rancho Simi, to the southeast corner of said section 7; thence, north along the east line of said section 7 to the one-quarter corner common to sections 7 and 8 of said township and range; thence, east through the center of sections 8 and 9 of said township and range, to the line common to Ventura and Los Angeles Counties; thence, southeasterly along the line common to said counties, to the center line of Mesa Drive, as per map of Santa Susana Park #1, recorded at Page 11 of Book 15, miscellaneous records (maps) of Ventura County; thence, southwesterly along the center line of Mesa Drive of Santa Susana Park #1 and Santa Susana Park #3, as per map recorded at Page 1 of Book 17, miscellaneous records (maps) of Ventura County, to the center line of Second Street of said Santa Susana Park #3; thence, northwesterly along the center line of Second Street of said Santa Susana Park #3 to the intersection with the northeasterly prolongation of the line common to lots 84 and 85 of said subdivision; thence, southwesterly along the northeasterly prolongation of and the line common to lots 84 and 85 to the corner common to lots 84, 85 and 114 of said Santa Susana Park #3; thence, north 60° 05' west with the boundary of Santa Susana Park #3 to the intersection of said boundary with a line running east and west through the center of section 15, township 2 north, range 17 west, Rancho Simi; thence, west through the center of said section 15 to the one-quarter corner common to sections 15 and 16 of said township and range, Rancho Simi; thence, south along the east line of section 16 to the southeast corner thereof; thence, west along the south line of said section 16 to the east line of subdivision A of the Rancho Simi; thence, south along the east line of said subdivision A to the southeast corner thereof; thence, west and southwest along the southerly line of subdivisions A, B and C to the corner common to subdivisions C, D and P of said Rancho, same being a corner common to the Rancho Conejo, as per map recorded at Page 746 of Book 1 of Deeds, Records of Ventura County, and Rancho Simi; thence, southerly along the easterly line of the Rancho Conejo to the north line of section 5 of township 2 north, range 18 west, Rancho Conejo; thence, west along the north line

of sections 5 and 6 of said township and range to the north one-quarter corner of said section 6; thence, south through the center of said section 6 to the one-quarter corner common to sections 6 and 7 of said township and range; thence, west along the north line of said section 7 to the corner common to said sections 6 and 7, and sections 1 and 12, township 2 north, range 19 west, Rancho Conejo; thence, south along the east line of sections 12 and 13 of said township and range, to the southeast corner of said section 13; thence, west along the south line of sections 13, 14, 15, 16, 17 and 18 of said township and range, and the south line of section 13, township 2 north, range 20 west, Rancho Conejo, to the one-quarter corner common to sections 13 and 24 of said township and range; thence, south through the center of said section 24, to the one-quarter corner common to sections 24 and 25 of said township and range; thence, west along the south line of sections 24, 23, and 22 of said township and range to the west line of the Rancho Conejo, same being the east line of the Rancho Guadalupe hereinbefore referred to; thence, southerly along the easterly line of the Rancho Guadalupe to the southeast corner of lot 7 of the Broome Estate Ranch, as partitioned by order of the Superior Court of Ventura County, State of California, Case #5181, records of said court; thence, south 89° 53' west 14,969.44 feet along the south line of said lot to an angle point therein; thence, southwesterly in a direct line to an angle point in the line common to lots 5 and 6 of said Broome Estate Ranch at the northwesterly terminus of that course described as north 41° 09' west 17,213.62 feet; thence, southwesterly in a direct line to an angle point in the line common to lots 4 and 5 of said Broome Estate Ranch at the northerly terminus of that course described as north 15° 08' west 6,107.47 feet in said partition; thence, south 59° 52' west 5,280 feet; thence, south 15° 08' east to a point in the shore line of the Pacific Ocean; thence, northwesterly along the shore line of the Pacific Ocean to the point of beginning.

#### **§ 46-6 Zone four**

Section 6. Zone Four shall comprise all that territory and area as provided in Section 1 hereof not included in Sections 3, 4, and 5.

#### **§ 46-6.1 Special zones; hearing; notice; protests; concurrence of included cities**

Section 6.1. The Board of Supervisors (board) is authorized and empowered at any time and from time to time to create within any of the zones described in Sections 3 to 6, inclusive, of this act, special zones for the purposes of acquiring, engineering, designing, constructing, reconstructing, maintaining, or operating any project authorized by this act or any flood control or storm drainage facilities within such special zones which, in the opinion of the board, will be of special benefit to the area within the special zones. Before creating any special zone under the provisions of this section, the board shall hold a public hearing on the proposal. Notice of the hearing shall be published in a newspaper of general circulation within the proposed special zone, or, if there be one, otherwise notice of the meeting shall be posted in at least seven places within the proposed special zone. Said notice shall describe the boundaries of the proposed special zone and contain a general statement of the nature of the work proposed to be done. At the hearing, any

interested person may appear and protest the creation of the special zone or the performance of any proposed work therein. Before final action is taken to form any special zone, the exterior boundaries of which will include any land lying within the limits of any incorporated city, the board shall have the concurrence of such city to the formation of such special zone, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the governing body of such city, or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in such special zone. Said election shall in all particulars be held as provided by law for holding municipal elections in said city, and the cost thereof shall be a city charge.

**§ 46-6.2 Law governing special zones; powers and duties; taxes and assessments**

Section 6.2. All of the provisions of this act relating to zones are applicable to special zones formed under Section 6.1 of this act and all of the powers and duties conferred or imposed by this act with respect to zones, including the powers and duties to levy and collect taxes or assessments, and to incur indebtedness and to issue and sell bonds, shall apply with like respect to special zones, provided that, whenever an indebtedness or bonded indebtedness is incurred in any special zone, the interest on and the principal of such indebtedness or bonded indebtedness may be paid for out of zone wide funds or taxes or assessments derived from within the area of such special zone, to the extent available. It is hereby declared that for the purposes of any tax or assessment levied under subdivision 2 of Section 12 of this act in any special zone, the property so taxed or assessed is equally benefited.

**§ 46-6.3 Annexation to or withdrawal from special zone**

Section 6.3. The board of supervisors is authorized and empowered at any time and from time to time to annex or withdraw territory from a special zone after payment of all debts of said zone. Annexation to, or withdrawal of territory from, a special zone, or termination after payment of all debts of a special zone, may be accomplished on order of the board after notice and public hearing before the board and findings by the board as hereinafter indicated. In the case of a proposed annexation of territory to a special zone, notice of the hearing shall be published in a newspaper of general circulation within the territory proposed to be included within said special zone, if there be one, otherwise, notice of the meeting shall be posted in at least seven places within the territory proposed to be included within said special zone. In the case of a proposed withdrawal of territory from or termination of a special zone, notice of the hearing shall be published in a newspaper of general circulation within said special zone, if there be one, otherwise notice of the meeting shall be posted in at least seven places within said special zone. Said notice shall describe the boundaries of the existing special zone and the boundaries of the territory proposed to be annexed or withdrawn from said zone, as the case may be, and shall contain a general statement of the nature of the work proposed to be done. At the hearing, any interested party may appear and protest the proposed change. In the case of a proposed annexation, if, in the opinion of the board, the territory proposed to be annexed will receive a special benefit from annexing to a special zone, the board shall

enter its order annexing such territory to said zone. In the case of a proposed withdrawal or termination, if, in the opinion of the board, the territory proposed to be withdrawn will receive no special benefit from remaining in the special zone or the land included within a special zone has no outstanding debts and will receive no special benefit from continuation of the zone, as the case may be, the board shall enter its order withdrawing such territory from the special zone or terminating the special zone as the case may be. Any territory annexed to a special zone shall be liable for payment of principal and interest and any other amounts which shall become due on account of any outstanding, or then authorized but thereafter issued, bonds or any thereafter authorized or incurred contractual or other obligations or expenses of said special zone and shall be subject to the levying or fixing and collection of any special zone taxes or assessments or fees or charges or all of them, including but not limited to, taxes or assessments pursuant to Section 6.2 and 19 of this act for payment of principal and interest on any bonded indebtedness of the special zone as may be necessary to provide for such payment. Any territory withdrawn from a special zone shall remain liable for payment of principal and interest on any outstanding or then authorized and issued bonds of the special zone and discharge of contractual or other obligations or expenses existing or authorized prior to such withdrawal and shall be subject to the levying or fixing and collection of any special zone taxes or assessments or fees or charges or all of them, including, but not limited to, taxes or assessments pursuant to Sections 6.2 and 19 of this act for payment of principal and interest on any bonded indebtedness of the special zone as may be necessary to provide for such payment. All assets of a special zone which is terminated shall be paid to the general fund of, and belong to, the zone within which the terminated special zone shall have been situated.

**§ 46-7 Objects and purposes; nature of district; powers**

Section 7. The objects and purposes of this act are to:

- a. provide for the control of the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district;
- b. to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters;
- c. to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district;
- d. to prevent waste of water or diminution of the water supply in, or exportation of water from said district and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; and
- e. to provide for the protection from erosion of beaches and shorelines within the district and to provide for the restoration of such beaches and shorelines.

## Ventura County Watershed Protection Act

Ventura County Watershed Protection District is hereby declared to be a body corporate and politic and, as such, shall have power:

1. To have perpetual succession.
2. To sue and be sued, in the name of said district, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of, real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers.
5. To acquire by purchase, lease, construction, or otherwise, or contract to acquire, lands, right-of-way, easements, privileges, and property of every kind, whether real or personal, and to construct, maintain, and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of the 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.
6. To store water in surface or underground reservoirs within or outside of the district for the common benefit of a 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, same for any useful purpose to the district. To commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district, or of common benefit to any land situated therein, or involving the wasteful use of water therein. To commence, maintain, intervene in, defend, and compromise, and to assume the costs 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 said district. To prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district; and to commence, maintain, and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district. However, that said, the 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 within the boundaries of the district and which do not involve taking water outside of or away from the district or wasteful use of water.
7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for

beneficial and useful purposes within said district by spreading, storing, retaining, and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters, and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life, and property in said district.

8. To exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. Nothing in this act contained shall be deemed to authorize said 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 detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless previous compensation be first ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.
9. To enter upon any land, to make surveys, and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways, and other rights-of-way. To acquire by purchase, lease, contract, gift, or other legal means all lands, water and water rights, and other property necessary or convenient for the construction, use, supply, maintenance, repair, and improvement of said 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 said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or rights. To enter into and do anything 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 Watershed Protection District. To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, or conduit not owned or controlled by the district. To grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnel, canal, ditch, or conduit of the district. To enter into and do acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm, or individual, or any number of them, for the transfer, sale, or delivery to any such district, corporation, association, firm, or individual of any water right or water pumped, stored, appropriated, or otherwise acquired or secured for the use of the District or any zone thereof, or for the purpose of exchanging the same for other water, water right, or water supply in exchange for water, water right, or water supply to be delivered to said district by the other party to said agreement. To cooperate with,

and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To carry on technical and other investigations or all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods, and use of water, both within and without said district; and for this purpose, said district shall have the right of access through its authorized representative to all properties within said district.
11. To incur indebtedness and to issue bonds in the manner herein provided.
12. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.
13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.
14. To cooperate and to act in conjunction with, or to contribute funds to, the United States or the state for the purposes of protecting beaches or shorelines within the district, or restoring such beaches or shorelines.
15. To carry on technical investigations pertaining to ocean currents, tides, erosion, soundings and beach surveys.

#### **§ 46-7.1 Land development fees; amounts; use of revenues**

##### Section 7.1.

(a) In addition to the powers listed in Section 7, the district shall have the power by ordinance or resolution to prescribe, revise, and collect fees and charges in any zone and in any special zone as a condition of development of land. Land to be developed within a special zone shall be subject to both the fees and charges of the zone in which it is located and the fees and charges of the special zone in which it is located. Development of land for the purposes of this section shall include, but not be limited to, subdivision; development as governed by the Subdivision Map Act; construction of new buildings, structures and improvements for residential, commercial, or industrial purposes; and any development of land requiring either zone variance or special use permit.

(b)

(1) The amount of fees and charges levied for each zone and for each special zone shall be determined separately and shall be based on the need created by development of land for flood control facilities within the zone or special zone.

(2) The amount of fees and charges levied for any zone, other than a special zone, shall not exceed two thousand four hundred dollars (\$2,400) for each acre or portion thereof of land to be developed. The district, by ordinance or resolution, may annually adjust the maximum amount of the fees and charges for each acre or portion thereof of land to be developed in a zone based upon a recognized cost index. An ordinance or resolution adjusting the maximum amount of the fees and charges in a zone shall become operative upon approval of two-thirds of the electors voting on the proposition in the zone.

(3) Fees and charges prescribed as a condition of development of land pursuant to this section shall be in addition to any other conditions imposed on the development by any other agency having power to prescribe such other conditions.

(c) Except as hereinafter provided, revenues derived from fees and charges prescribed for any zone may be used only for the acquisition, engineering, design, construction, reconstruction, maintenance, or operation of flood control or storm drainage facilities within that zone, or within any special zone located in that zone, or be used to pay the interest on or reduce the principal of any bonded indebtedness of that zone. At the discretion of the board of supervisors, all or part of the fees and charges prescribed for any zone which are collected as a condition of development of land located within a special zone may be used to pay the interest on, or reduce the principal of, any bonded indebtedness of that special zone.

(d) Except as hereinafter provided, revenues derived from fees and charges prescribed for any special zone may be used only for the acquisition, engineering, design, construction, reconstruction, maintenance, or operation of flood control or storm drainage facilities within that special zone or used to pay the interest on, or reduce the principal of, any bonded indebtedness of that zone.

(e) Whenever the development of land within any zone or within any special zone is made subject to fees or charges by the board of supervisors pursuant to this section, the board of supervisors may allow a credit against those fees for the acquisition, engineering, design, construction, reconstruction, maintenance, or operation costs of any flood control or storm drainage facility within the zone or special zone which has been constructed or paid for in connection with the development of land within that zone or special zone.

(f) The board of supervisors may also reduce fees or charges prescribed for any part of the land to be developed within the zone or special zone if it finds that, because of special circumstances, the payment thereof would be inequitable or would cause undue hardship, and the reduction of the fees would be in the public interest.

(g) The consent and approval of the legislative body of a city shall be necessary before any fees or charges may be levied on the development of land located within the



corporate boundaries of a city which are higher than any fees or charges levied on the development of land located outside the corporate boundaries of that city.

### **§ 46-7.3 Nuisance Abatement**

Section 7.3. In addition to other provisions specified in this act, the district may exercise the authority granted to a county pursuant to Section 25845 of the Government Code for the purpose of abating a nuisance. For the purposes of carrying out this section, a reference to the “county” in Section 25845 of the Government Code means the district. An abatement lien that is created pursuant to this section is subject to subdivisions (e), (f), and (g) of Section 25845 of the Government Code and shall have no greater priority than a lien created pursuant to that section.

### **§ 46-7.5 Additional powers; financing zone projects; procedure; tax liens**

Section 7.5.

a) In addition to the powers specified in Section 7, the district shall have the power to borrow money to finance any flood control or conservation project of any zone of the district. In Zone 1, the loans shall not exceed one percent of the total assessed valuation of the zone. In Zones 2, 3, and 4, the loans shall not exceed two percent of the assessed valuation of the respective zones. In special zones, the loans shall not exceed five percent of the assessed valuation of the special zone. Any loan shall be repaid in installments over a period not to exceed the term approved at the special election required by this section. The loan shall constitute a charge against the funds of the zone in which the construction occurs. Pursuant to the powers herein granted, the board of supervisors may borrow money from the United States of America, or any agency or department thereof, or from the State of California or any agency or department thereof, or from any bank or banking institution authorized to transact business within the State of California, or from any private corporation organized under the laws of the State of California and authorized by its articles of incorporation to lend money to public agencies for construction of public works. The power to borrow money authorized by this section shall be exercised only when both of the following actions have been taken:

1. The board of supervisors has declared the existence of an emergency and ordered holding of a special election not less than 30 days from the date of the resolution declaring the existence of an emergency, or the board of supervisors has formed a special zone pursuant to Section 6.1 and ordered the holding of a special election not less than 30 days from the date of the resolution forming the special zone.
2. The proposition of borrowing money has been ratified and authorized by two-thirds of the votes cast at a special election called for the purpose. A special election may be consolidated with a primary or general election.

b) Interest on any loan shall not exceed the rate permitted under Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. A loan made pursuant to this act shall be evidenced by a written contract signed by the chair of the board specifying the particular flood control work or projects for which the

contracts shall be let. If a surplus remains after completion of the work, the surplus shall be applied to the payment of the principal and interest due under the contract. The board of supervisors shall annually levy a tax upon the taxable property of the zone or zones within which the work is performed, sufficient to pay the installments and interest on the loan as the same shall become due and payable in accordance with the terms of the contract, except that the tax levy for the payment of principal and interest on any loan shall not, together with all other charges and obligations for construction, maintenance, operation and improvements within the zone, exceed the limitations fixed by Section 12.

c) All tax liens for taxes imposed under this section shall attach annually as of noon on the first Monday in March proceeding the fiscal year for which the taxes are levied.

**§ 46-7.7 Notes; limitation; purposes; payment**

Section 7.7. In addition to the powers specified in Sections 7 and 7.5 of this act, the district shall have the power to issue notes of indebtedness in amounts not exceeding five hundred thousand dollars (\$500,000) to repair or remove flood control structures including dams and appurtenant works which the board of supervisors has determined by four-fifths vote are a danger to life or property. Such notes shall be authorized investments for a local agency as provided in Section 53601 of the Government Code. All such notes may be payable in installments over a period fixed by the board of supervisors and shall be obligations of the district or of any zone thereof. The notes may be issued without an election.

**§ 46-7.8 was repealed by Stats. 1972, c. 416, p. 740, § 1**

**§ 46-7.8 Chaptered via AB 561 (Gorell) 8/4/2011**

Notwithstanding any other section of this act, and consistent with Section 18 or Article XVI of the California Constitution, the district may do either or both of the following:

- a) Participate in state or federal revolving loan programs for the purposes enumerated in Section 7.
- b) Issue securitized limited obligation notes pursuant to Article 7.4 (commencing with Section 53835 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. Notwithstanding subdivision (e) of Section 53838 of the Government Code, the total amount of limited obligation notes outstanding at any one time for all zones within the district shall not exceed the sum of thirteen million dollars (\$13,000,000).

**§ 46-7.9 Ordinances; purposes**

Section 7.9. In addition to the powers specified in Sections 7, 7.5, and 7.7 of this act, the district shall have the power, after holding a public hearing after reasonable notice thereof, to adopt and enforce ordinances within the incorporated and unincorporated areas of the district for the following purposes:

- a) The establishment, protection and regulation of designated floodways in accordance with the provisions of the Cobey-Alquist Flood Management Act (Chapter 4, commencing with Section 8400, Part 2, Division 5 of the Water Code).
- b) The protection and regulation of any flood control, storm water drainage or water conservation facility or right-of-way.
- c) The protection and regulation of any natural or artificial watercourse, including any stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo, or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks.
- d) The protection and regulation of any area adjacent to any natural or artificial watercourse which is an area designated by the board of supervisors as subject to inundation or erosion by reason of overflow or flood or storm water.

Violation of any of the provisions of a district ordinance enacted pursuant to this section may be abated as a public nuisance, and the board of supervisors may, by ordinance, establish a procedure for abatement of such a nuisance and assess the cost of any abatement to the violator. If the violator maintains the nuisance upon real property in which he has an interest, the assessment shall be a charge on such real property. The assessment may be collected at the same time and in the same manner as ordinary district taxes are collected, and shall be subject to the same penalties and the same procedure for sale in case of delinquency as provided for ordinary district taxes. All laws applicable to the levy, collection, and enforcement of county taxes shall be applicable to such assessment.

Every person who violates any of the provisions of a district ordinance adopted pursuant to this section is guilty of a misdemeanor.

**§ 46-7.10 Object and purpose of this act; derivation of funds**

Section 7.10.

(a) A specific object and purpose of this act is to provide for the recreational use and beautification of lands and properties in connection with the carrying out of, and as a part of, the broader flood control and water conservation objects and purposes of this act, to the end that the scenic beauty and natural environment of such lands is enhanced, protected, and preserved. To carry out such specific object and purpose, the district shall have, in addition to the other powers vested in it by the act, the following powers:

- 1) To acquire, construct, maintain, operate, and install recreational facilities or landscaping within the district, or any zone of the district, in connection with any dam, reservoir, flood control, or storm drainage facility or work of improvement, or other property owned or controlled by the district, or in connection with any flood control or water conservation project in which the district participates in the cost of construction, operation, or maintenance, or in the cost of land acquisition therefor.
- 2) Upon a finding of the board of supervisors that the acquisition is necessary to the full exercise of its power under the provisions of paragraph (1) of this subdivision,

to acquire by grant, purchase, gift, devise, lease, construction, condemnation, or otherwise; and to hold, use, enhance, protect, preserve, manage, occupy, possess, and enjoy any lands or interests in lands contiguous to any property owned or controlled by the district, or contiguous to any flood control or water conservation project in which the district participates in the cost of construction, operation, or maintenance thereof, or in the cost of land acquisition therefor, for recreational use or beautification purposes. It is hereby declared that the use of lands or interests in lands which may be condemned, taken, or appropriated under the provisions of this paragraph is a public use subject to the regulation and control of the state in the manner prescribed by law.

- 3) Upon finding of the board of supervisors that any of the facilities or properties acquired or held by the district pursuant to the provisions of this section are no longer necessary to be retained for the uses and purposes thereof, or upon a finding by the board of supervisors that provision will be made for the continued recreational use or beautification of such facilities or property by others, to provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use or beautification of such facilities or properties or for the leasing or disposal of such facilities or properties; provided, however, that no such agreement, lease, or disposal of any such facilities or property shall interfere or be inconsistent with any flood control or water conservation use or purpose of such facilities or properties or contiguous properties owned or controlled by the district.
- 4) To exercise any of the powers vested in it by this act and to do all acts necessary for the full exercise of the powers vested in it by this section.

(b) Funds for exercise of the powers vested in the district by this section may be derived from ad *valorem* taxes or assessments levied pursuant to Section 12 of this act, or fees and charges collected pursuant to Section 7.1 of this act. It is hereby declared that, for the purposes of any tax or assessment levied under Subdivision 2, Section 12 of this act for recreational use or beautification purposes of special benefit to any zone of the district, the property so taxed or assessed is equally benefited. In regard to any flood control, water conservation, or storm drainage facility or work of improvement for which bonds are hereafter voted under the provisions of this act, the proceeds of such bonds may be used for recreational use or beautification purposes authorized by the provisions of this section. However, in connection with any flood control or water conservation project in which the district participates in whole or in part, in no event shall the district expend funds, regardless from what source or sources derived, for the acquisition, construction, or installation of any recreational facilities or landscaping or for the acquisition of lands or interests in lands for recreational or beautification purposes, the total amount of which exceeds 10 percent of the costs of construction of such flood control or water conservation project.

(c) As used in this section, "recreation" means recreational activities associated with the out-of-doors, such as camping, picnicking, fishing, boating, sightseeing, hiking, and water contact sports and the associated facilities of campgrounds, riding and hiking trails, picnic

areas, parking areas, boat launching ramps, view points, water supply and sanitary facilities, and such other facilities as may be necessary to make project land and water areas available for use by the public.

**§ 46-8 Supervisors; officers, ordinances, resolutions and other legislative acts**

Section 8. The board of supervisors of Ventura County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Ventura County Watershed Protection District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Each member of the board as such ex officio officer shall receive a salary of fifty dollars (\$50) per month payable from the funds of the Ventura County Watershed Protection District in addition to his salary as county supervisor.

The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Ventura, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Ventura County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Ventura County Watershed Protection District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Ventura County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board of supervisors may provide for compensation for his services hereunder, in addition to his salary as county surveyor of Ventura County. Such increase shall be paid from the funds of the Ventura County Watershed Protection District.

In addition to the officers and employees herein otherwise prescribed, said board of supervisors may in their discretion appoint a chairman, a secretary and such other officers, agents and employees for said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of the board.

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

**§ 46-9 Administrative rules and regulations**

Section 9. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint and employ all needful agents, superintendents, engineers, and employees to properly look after the performance of any work provided for in this act and

to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

**§ 46-10 Engineers; investigation of flood control plans; reports; cost estimates; removal**

Section 10. Said board of supervisors shall have jurisdiction and power to employ by resolution a competent registered civil engineer or engineers to investigate carefully the best plan or plans to control the flood and storm waters of said district, and the zones thereof, and the flood and storm waters of streams that have their source outside of said district but which stream and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or conserve in any manner, any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution may direct such engineer or engineers to make and file reports from time to time with said board of supervisors, which shall show:

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

Said engineer or engineers shall from time to time and as directed by the board of supervisors file with said board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Such engineer or engineers, employed by said resolution, shall have power and authority, subject to the control and direction of said board of supervisors, to employ such

engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

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

**§ 46-11 Property**

Section 11. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of supervisors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of supervisors may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same.

**§ 46-12 Taxes, assessments or fees: levy; limitations; expenditures**

Section 12. The board of supervisors of the district shall have power, in any year, to do any of the following:

1. To levy an ad valorem tax on all taxable property, or an assessment on all taxable real property in the district, or a fee imposed pursuant to Article XIII D of the California Constitution, to pay the costs and expenses of the Ventura County Watershed Protection District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole.
2. To levy an ad valorem tax on all taxable property, or an assessment upon all taxable real property, or a fee imposed pursuant to Article XIII D of the California Constitution, in each or any of the zones, according to the benefits derived or to be derived by the respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to the respective zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works or improvements within the respective zones. It is declared that all property within a given zone is equally benefited under this act.

The taxes, assessments, or fees imposed pursuant to Article XIII D of the California Constitution, shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from the taxes, assessments or fees shall be paid into the county treasury to the credit of the district. The board of supervisors shall have the power to control and order the expenditure thereof for those purposes, except that no revenues, or portions thereof, derived in any of the several zones from the taxes, assessments, or fees levied under the provisions of subdivision 2 of this section shall be

expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in section 14. The aggregate taxes, assessments, or fees levied under this act for any one fiscal year shall not exceed thirty-two cents (\$0.32) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in Zone 1, shall not exceed forty cents (\$0.40) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in Zones 2 and 4, shall not exceed twenty-seven cents (\$0.27) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for Zone 1, 2, 3, or 4 and exclusive of any tax, assessment, or fee levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of the zones or district and the interest on that bonded indebtedness.

The amendment of this section made at the 1987-88 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

(Amended by AB 554, 10/04/05)

#### **§ 46-12a Taxes or assessments; construction of provisions**

Section 12a. The provisions of this act concerning the levy and collection of taxes shall be construed to mean that all proceedings in connection with the preparation and adoption of a budget for the district may be done and taken in conjunction with the preparation and adoption of the budget for the County of Ventura except that the resolution adopting the final budget for the district shall be adopted by the Board of Supervisors of the Ventura County Watershed Protection District. The fixing of the tax or assessment rate of the district, and the levying of any tax or assessment, shall be done by the Board of Supervisors of the County of Ventura in accordance with the provisions of Section 29120 of the Government Code.

#### **§ 46-12.1 Additional tax in Zone**

Section 12.1. In addition to the taxes which may be levied pursuant to Section 12 of this act, the board of supervisors may levy an additional tax in Zone 1 not to exceed five cents (\$0.05) on each one hundred dollars (\$100) of the assessed valuation of the taxable property in Zone 1 for the purpose of financing the repair or removal of Matilija Dam.

#### **§ 46-12.2 Additional tax on assessment in Zone 3**

Section 12.2. In order to carry out the objects and purposes of this act, the board of supervisors of said district shall have the power in any year to levy an ad valorem tax or assessment upon all taxable property in Zone 3, according to the benefits derived or to be derived by said zone, to pay the interest on or reduce the principal of any bonded indebtedness of any protection district established under the Protection District Act of 1907 located within said zone; provided, however, that the aggregate taxes or assessments levied pursuant to this section and Section 12 of this act on the taxable property in Zone 3 for any one fiscal year shall not exceed the amount of taxes or



assessments which may be levied pursuant to Section 12 of this act on the taxable property in Zone 3 for any one fiscal year. Said tax or assessment shall be levied and collected together with, and not separately from, taxes for country purposes, and the revenues from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purpose. It is hereby declared that all property within said Zone 3 so taxed or assessed is equally benefited under this act.

**§ 46-12.3 Assessment for flood control and maintaining property value roll or system; utilities; assessment proceedings combined with bond issuance proceedings:**

Section 12.3.

(a) The Legislature hereby finds and declares that a county may face substantial expense in maintaining a roll or system which reflects both current values of property for purposes of ad valorem assessments, as well as the property values for general taxation mandated by Article XIII A of the California Constitution. The Legislature further finds and declares that a fair and proper assessment for flood control purposes may be levied according to the benefits derived or to be derived by the real property within a zone, which benefit may be determined on the basis of proportionate storm water runoff from each parcel of real property in a zone.

(b) In addition to, and not in derogation of or limited by, existing authority to levy assessments under section 12 and other provisions of this act, the board may, in any year, levy an assessment on taxable real property in the district based on the benefit which each parcel of real property to be assessed shall derive from the works and improvements to be constructed, maintained, operated, extended, or repaired. The assessments may be imposed and used to finance the maintenance and operation costs of flood control services and the cost of installation and improvement of flood control facilities. The assessments may also be used to pay for the costs of maintaining a roll or system which reflects current values of property for the purposes of ad valorem assessments. For purposes of levying any assessment, the board may establish one or more areas of benefit, including parcels of real property, which benefit similarly from those works and improvements, and may levy different assessments within those areas of benefit. The areas of benefit shall be identified and described in a resolution adopted by the board. In the case of any assessment levied under this act, the benefit may be determined on the basis of proportionate storm water runoff from each parcel of real property. In levying assessments under this act, the board shall be subject to the substantive requirements of Section 54711 of the Government Code and shall employ the procedures provided for in Sections 54715 and 54716 of the Government Code. Whenever a railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way is included in an area proposed to be assessed, the railroad, gas, water, telephone, cable television, electric utility right-of-way, electric line right-of-way, or other utility right-of-way shall be subject to assessment only

if, and to the extent that it is found that it shall benefit from the service. Proceedings for levying assessments under this act may be combined with proceedings for issuance of bonds prescribed in Section 20.2 to 20.12 inclusive, and the proceedings prescribed by those sections may be modified as the board deems necessary to accommodate the combination of proceedings.

**§ 46-13 Claims for money or damages; law governing; other claims; procedure**

Section 13. Claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

**§ 46-14 Joint projects**

Section 14. The board of supervisors of said district may institute joint projects by contiguous zones for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement located or to be located in either of said zones and of common benefit to said participating zones. For the purpose of acquiring authority to proceed with any such joint project, the board of supervisors shall adopt a resolution specifying its intention to undertake such joint project, together with the engineering estimates of the cost of same and proportionate costs to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in each of said participating zones, and if there be no such newspaper, then by posting notice for two consecutive weeks prior to said hearing in five public places in each of said participating zones. Said notice must designate a public place in each of said participating zones where a copy of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors shall consider all written and oral objections to the proposed joint project. Upon the conclusion of the hearing, the board of supervisors may abandon the proposed joint project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed joint project signed by a majority in number of the registered voters residing within either of said zones be filed with the board of supervisors, in which event said project must be abandoned.

**§ 46-15 Bonds; determination of necessity; election call; irregularities; vote required**

Section 15.

(1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work of improvement in any zone, the board may by resolution, passed by a four-fifths vote of the board, determine and declare the amount of bonds in order to raise the amount of money necessary for such work of improvement and the maximum rate of interest of said bonds. Such cost of any work of improvement may include the cost of any financial assistance required of the Ventura County Watershed Protection District by any unit of the federal government as a condition to the installation by such unit of the federal government of any channel improvement within the Ventura County Watershed Protection District for which federal or state financial assistance is authorized by the federal or state government. Said work of improvement may be described by reference to the report filed pursuant to Section 10 hereof and no other description shall be necessary. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount determined in said resolution and for the purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to describe such purposes, by reference to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each

such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts. As an alternative, said ordinance may provide for the consolidation of said election with a statewide or other election in accordance with the provisions of the Elections Code governing consolidated elections.

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

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

Said ordinance calling for such election shall, prior to the date set forth for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds (2/3) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

#### **§ 46-15.1 Issuance of authorized but unissued bonds**

Section 15.1. Authorized but unissued bonds in the amount of twenty-five million dollars (\$25,000,000) of Zone III of the Ventura County Watershed Protection District approved at an election within such zone on May 16, 1967, and any other authorized but unissued bonds for any zone of the Ventura County Watershed Protection District heretofore or hereafter authorized at an election within such zone, may be issued as to interest rates and maturities, in accordance with the provisions of, and subject only to, the limitations contained in Section 16 of this act as now or hereafter amended, any provisions or limitation to the contrary in the authorizations of such bonds notwithstanding.

#### **§ 46-16 Bonds; form; payment; series; maturity; denominations; interest; signatures; seal; authentication**

Section 16. The board of supervisors shall, subject to this act, prescribe by ordinance or resolution the form for all bonds authorized to be issued or sold under this act. Bonds shall be issued in registered form. Bonds shall be payable substantially in accordance with this section. The board of supervisors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of

one series may be made payable at different times from those of any other series, except that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the date of the bonds of that issue or series.

The final maturity date of any bond shall not exceed 40 years from the date of the bond. The board of supervisors may determine in the resolution authorizing the issuance of the bonds that the principal amount of the bonds maturing each year shall be other than an amount equal to an equal annual proportion of the aggregate principal of the bonds, and it may determine that the amount of principal maturing in each year plus the amount of interest payable in that year shall as nearly as possible be an aggregate amount that is equal each year, except for the principal and interest due on the first series of the bonds which shall be adjusted to reflect the amount of interest earned from the date when the bonds bear interest to the date when the first interest is payable on the bonds, or it may make such other determination as to the amount of the aggregate principal of the bonds which shall mature in each year as it shall choose.

The bonds shall be issued in such denominations the board of supervisors may determine, and shall be payable on the date and at the place fixed in the bonds, and with interest payable semiannually at the rate specified in the bonds, which rate shall not be in excess of the rate permitted under Article 7 (commencing with Section 53530), Chapter 3, Part 1 of Division 2 of Title 5 of the Government Code. The bonds shall be signed by the chairperson of the board of supervisors, and countersigned by the auditor of the County of Ventura, and the seal of the district shall be affixed thereto. The bonds may be authenticated by a paying agent selected by the board of supervisors, and the signatures of the chairperson and auditor thereon may be facsimile signatures. In case any officer whose signatures or countersignatures appear on the bonds shall cease to be such an officer before the delivery of the bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds.

**§ 46-17 Bonds; issuance and sale; price; disposition of proceeds; payment from district fund**

Section 17. The board of supervisors may issue and sell the bonds of the district or the zones authorized as provided in this act at not less than 95 percent of par value. The proceeds of the sale of the bonds shall be placed in the Treasury of the County of Ventura to credit of the district and the zone or special zone for which the bonds were issued, and the proper record of the transactions shall be placed on the books of the county treasury. The proceeds shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution calling the bond election, or, if pursuant to Sections 20.2 and 20.12 inclusive, no election is required, in the resolution confirming the engineer's report. Payments from district or zone funds shall be made upon demands prepared, presented, allowed, and audited in the same way as demands on the funds from the County of Ventura.

**§ 46-18 Bonds; lien; property tax for payment; individual zone liability**

Section 18. Any bonds issued under the provisions of section 15 shall be a lien on all but only the taxable property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within the zone, or out of any other funds of the zone and all the taxable property in the zone shall be and remain liable to be taxed for those payments as hereinafter provided. No zone of the Ventura County Watershed Protection District, nor the property therein, shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest of the bonded indebtedness of any other zone.

**§ 46-19 Tax or assessment; payment of bond interest and principal**

Section 19. The board of supervisors shall levy a tax upon all taxable property or an assessment on all taxable real property, as the case may be, each year in the zone of issuance sufficient to pay so much of the interest as is due upon the bonds for that year and that portion of the principal thereof as is to become due before the time for making the next general tax levy which will not otherwise be paid out of other funds. 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 country treasury of Ventura County to the credit of the zone of issuance, to 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 country treasurer of Ventura County in the manner provided by law for the payment of principal and interest on bonds of the county.

**§ 46.20 Tax or assessment; laws applicable**

Section 20. So far as they are applicable and not in conflict with the specific provisions of this act, all matters relating to taxes and assessments levied pursuant to this act are to be governed by the laws of this State relating to county property taxes, and the duties of several county officers with respect thereto. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

**§ 46-20.1 Sections 46-20.2 to 46-20.12 Separate procedure for improvements, local payment therefore, and bond issuance**

Section 20.1. The provisions of sections 20.2 to 20.12 inclusive, establish a separate and alternative authorization and procedure for making improvements, or paying the local share of the cost thereof, and issuing bonds of the district.

**§ 46-20.2 Bonds; flood control improvements; engineer report; cost estimates; map; assessment analysis; different benefit areas**

Section 20.2. The board of supervisors may determine that it may be necessary to sell bonds of the district to finance needed flood control improvements for the protection and benefit of a zone or special zone of the district which the board determines cannot be financed from annual revenues from taxes or assessment, or both, over a period of years without selling bonds. The board of supervisors may also determine that it may be necessary to sell bonds of the district to finance the local share of the cost of any flood control improvements or projects undertaken by the federal government or the state, or both. The board of supervisors shall make these determinations by adopting a resolution indicating its intention to finance the improvements through the issuance of bonds, generally describing the improvements to be financed with the proceeds of the bonds, and referring the improvements to an engineer selected by the board and therein named for the preparation and filing with the board of a report with regard to the proposed improvements. The zone or special zone of the district which will benefit from the sale of the bonds and the flood control improvements to be financed shall be designated in the resolution of the board making those determinations.

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

- a) A general description of the improvements.
- b) Estimates of the cost of the improvements, the cost of land, rights-of-way, and easements, incidental expenses in connection with the improvements, and expenses in connection with the issuance of the bonds, and if part of the cost of the improvements will be paid from contributions from the federal government or the state, or both, an estimate of the expected total amount of those contributions.
- c) A map which shows the location of the proposed improvements and lands, rights-of-way, easements, and property to be taken, acquired, or injured in carrying out the construction of the improvements, and any other information in regard to those matters as may be deemed useful. However, improvements, lands, rights-of-way, easements, and property which will be located outside the district or outside the zone or special zone need not be shown on the map.
- d) A general analysis by the engineer as to how the real property to be assessed in the zone or special zone and each proposed area of benefit therein will derive benefit from the proposed improvements.

The engineer may propose in the report that parcels of real property in the zone or special zone which benefit similarly, but differently from other parcels, from the improvements be included in different areas of benefit which shall be identified by boundary lines on a map or maps of the zone or special zone. The engineer may also propose assessments based on special benefit determined in accordance with Section 20.3.

**§ 46-20.3 Property located within designated floodway, floodplain or flood- risk zone; special benefit assessment**

Section 20.3. If the proposed improvements provide protection against flooding in a floodway or floodplain designated in the general plan of the County of Ventura or any city

therein or a floodplain area or flood-risk zone established by the Secretary of Housing and Urban Development of the United States pursuant to Section 4101, et seq. of Title 42 of the United States Code, the fact that a lot or parcel of property is located within the floodway or plain or flood-risk area shall be conclusive evidence that it will derive special benefit from the improvements. Assessments based on special benefit may be levied on lots and parcels of property in addition to assessments determined on the basis of proportionate stormwater runoff.

**§ 46-20.4 Engineer report; approval; hearing; notice; protest**

Section 20.4.

(a) When the report of the engineer is filed with the board of supervisors, the board may, at a regular or special meeting, approve the report and schedule a hearing thereon. The hearing shall be scheduled not earlier than 30 days and not later than 90 days following approval of the report. Notice of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the zone or special zone, and the first publication shall occur not later than 20 days before the date of the hearing. The notice to be published shall be entitled: "Notice of Flood Control Improvements," and shall include the time and place of the hearing on the proposed improvements and on the proposed bonds and annual assessments; shall generally describe the proposed improvements and refer to the proposed bonds and annual assessments; shall generally describe the proposed improvements and refer to the report of the engineer for further particulars; shall state that the board of supervisors is considering issuing bonds to finance the cost of the proposed improvements, or the local share thereof, and the amount of the bonds which would be issued; shall also state that the board of supervisors is considering levying annual assessments on lots and parcels of real property in the zone or special zone to pay principal and interest on the bonds; and shall contain the name and telephone number of an officer or employee of the district to answer inquiries regarding the protest proceedings.

(b) A notice of the time and place of the hearing shall also be mailed, postage prepaid, to all persons owning real property in the zone or special zone as their names and addresses appear on the last equalized assessment roll for county taxes. The notices shall be mailed not later than 20 days before the date of the hearing. The notice to be mailed shall be entitled "Notice of Flood Control Improvements" and shall contain all of the following:

1. A statement of the time, place, and purpose of the hearing on improvements and the proposed annual assessments.
2. A statement of the total estimated cost of the proposed improvements.
3. A statement that the board of supervisors proposes to issue and sell bonds to finance the cost of the proposed improvements, or the local share thereof, and to levy annual assessments on lots and parcels of real property within the zone or special zone to pay the principal of, and interest on, the bonds.



4. The estimated amount of the typical annual assessments to be levied on the real property in the zone or special zone.
5. A statement that any owner of a lot or parcel of real property in the zone or special zone may file a written protest with the clerk.
6. The name and telephone number of an officer or employee of the district designated by the board of supervisors to answer inquiries regarding the protest proceedings.

(c) If the engineer's report proposes any assessments based on special benefit, separate notice shall be given to the owners of all real property on which assessments based on special benefit are proposed.

#### **§ 46-20.5 Filing protest**

Section 20.5. Any owner of real property in the zone or special zone may file a written protest with the clerk at or before the time set for the hearing. Each protest shall contain a description of the lot or parcel in which each signer thereof has an ownership interest sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of the lot or parcel, the protest shall contain or be accompanied by written evidence that the signers are the owners of the property. The clerk shall endorse on each protest the date of its receipt, and at the time appointed for the hearing, shall represent to the board of supervisors all protests filed with the clerk.

#### **§ 46-20.6 Hearing**

Section 20.6. At the time of the hearing, the engineer's report shall be summarized and the board of supervisors shall afford all persons who are present an opportunity to comment upon, object to, or present evidence with regard to, the proposed improvements, the issuance and sale of the bonds, the proposed estimated annual assessment against any lot or parcel of property, or any other matter relating thereto. At the conclusion of the hearing, the board of supervisors may confirm the report of the engineer or direct its modification in any respect, and thereafter confirm the report as modified. The hearing may be continued from time to time not exceeding a total of 180 days.

#### **§ 46-20.7 Protests by at least 25 percent of owners; issuance of bond amount exceeding flood control costs; elections**

Section 20.7. If the board of supervisors finds that written protests filed at or before the time of the hearing are signed by the owners of more than 25 percent of the area of land in the zone or special zone, and protests are not withdrawn at the time of the hearing or continued hearing so as to reduce the protest in the zone or special zone below that percentage, the board of supervisors shall either abandon the proceedings or by duly adopted resolution submit the propositions of the issuance of the bonds and the levy of the assessments to the qualified electors within the zone or special zone from which the zone or special zone from which the protest was received and not so reduced, and shall

not proceed further with the proceedings as to a zone or special zone unless a majority of the votes cast at the election in the zone or special zone wherein it is held are in favor of the issuance of bonds and the levy of assessments. The election shall be held in conformity with the general election laws of the state.

Notwithstanding any other provision of the law, bonds shall not be issued pursuant to Section 20.2 to 20.1 2, inclusive, in amounts greater than that required to finance flood control projects or improvements identified pursuant to Section 20.2 and 20.4, unless the issuance of the bonds is first approved by a majority of the voters within the zone or special zone voting on the proposition of the issuance of the bonds.

**§ 46-20.8 Failed proposition; initiation of similar proposition**

Section 20.8. If the board of supervisors abandons the proceedings rather than call an election, or if an election is held and a majority vote in favor of the propositions is not received, the board of supervisors shall not initiate similar proceedings within a period of 180 days from the date of adoption of the resolution ordering abandonment of the proceedings or the date of the election.

**§ 46-20.9 Approval of proposition; resolution adopting engineer report, ordering improvements, and issuing bonds**

Section 20.9. If, at the conclusion of the hearing, the board of supervisors determines that protests received from the zone or special zone are below the percentage set forth in Section 20.7, or if the propositions regarding issuance of the bonds and the levy of annual assessments are submitted to election in the zone or special zone and the votes cast are in favor of the propositions, the board may adopt a resolution confirming the engineer's report and ordering the improvements, or payment of the local share of the cost thereof, if the improvements are to be undertaken by the federal government or the state, or both, and the issuance of the bonds.

**§ 46-20.10 Bond issuance and sale; bids or negotiated sale; counsel; underwriters**

Section 20.10. The board of supervisors may authorize the issuance of bonds on the basis of competitive bids or negotiated sale. The board of supervisors shall establish a process for selecting bond counsel and, if the bonds are to be sold on the basis of a negotiated sale, the process of selecting underwriters. If competitive bids are to be received, notice of the time and place of the receipt of bids shall be published in a financial journal of general circulation in the state as provided in Section 6066 of the Government Code. The bonds shall be issued and sold as provided in and be subject to Sections 16 and 17.

**§ 46-20.11 Annual assessment upon real property; payment of bond principal and interest**

Section 20.11. After the authorization and sale of bonds pursuant to Sections 20.2 and 20.10, inclusive, the board of supervisors shall levy an assessment each year upon the

real property in the zone or special zone in the manner prescribed herein in a total amount sufficient to pay interest on the bonds for that year and that portion of the principal thereof as is to become due before the time of making the next general tax levy. The board may also include in the total amount of the assessment levied in any year the estimated amount of the district's cost of levying and collecting the assessments, the cost of registration, transfer, and payment of the bonds, the expected amount of delinquency in payment of assessments, and the amount, if any, needed to replenish the reserve fund for the bonds as a result of past delinquencies in payment of assessments. The annual assessments shall be levied, collected, and become delinquent at the same time and in the same manner, and have the same lien priority and bear the same penalties and interest after delinquency as the general tax levy for county purposes. When collected, the assessments shall be paid into the county treasury of the County of Ventura to the credit of the district, and be used for the purposes for which it was levied, and for no other purpose. The principal of, and interest on, the bonds shall be paid by the county treasurer of the county in the manner provided by law for the payment of principal of, and interest on, bonds of the county, except that the board of supervisors may determine in the resolution authorizing the issuance of the bonds that the principal and interest shall be paid by a paying agent, other than the county treasurer, named therein.

#### **§ 46-20.12 Bond reserve fund**

Section 20.12. The board of supervisors may include in the aggregate principal amount of the bonds an amount for a reserve fund for the payment of the principal of, and interest on, the bonds in the event that, as a result of delinquencies in the payment of annual assessments levied in the zone or special zone, there is a deficiency in the amount needed for the payment of principal and interest. The amount to be included for the reserve fund shall not exceed 15 percent of the total principal amount of the bonds. The reserve fund and all interest earned thereon shall be used for the payment of the principal of, and interest on, the bonds, if there is a deficiency, and then only to the extent of the deficiency, or such funds may be transferred to the redemption fund for the bonds for advance or final retirement of the bonds.

Notwithstanding any provision of this section, the amount and disposition of the reserve fund shall conform to the provisions of the Internal Revenue Code (Title 26 of the United States Code) or the regulations of the Department of the Treasury there under.

#### **§ 46-21 Bonds: legal investments**

Section 21. The bonds of said Ventura County Watershed Protection District issued for 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 any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said 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, such bonds of said 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.

**§ 46-22 Bonds; tax exemption; nature of district**

Section 22. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1 3/4, Article XIII, of the Constitution of this State.

**§ 46-23, 46-23.1 Repealed by Stats. 1984, c. 1128, §§96, 97**

**§ 46-24 Bonded improvement; conformity to report plans, specifications, etc.**

Section 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, or by the discovery of further or new information, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

**§ 46-25 Zone bonds; issuance of additional bonds**

Section 25. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of all of its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

**§ 46-26 Zone bonds; defeat of proposal; waiting period before new election**

Section 26. Should a proposition for issuing bonds for any zone submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall not for six months after such election call [or other] another election in that zone for incurring indebtedness and issuing bonds under the

terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

**§ 46-27 Repeals of amendments; effect on obligations**

Section 27. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

**§ 46-28 Right of way over public lands**

Section 28. There is hereby granted to Ventura County Watershed Protection District the right of way for the location, construction and maintenance of flood control channels, water distribution and transfer channels, ditches, waterways, conduits, canals, storm dikes, embankments and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district, the board of supervisors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same are claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

**§ 46-29 Flooding of streets; railroad, etc.; relocation**

Section 29. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with that property, within or without the district, whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal, or other property in accordance with plans prescribed by the court.

**§ 46-30 Liberal construction**

Section 30. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

**§ 46-31 Partial invalidity**

Section 31. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

**§ 46-32 Title of act**

Section 32. This act may be known and may be cited as the Ventura County Watershed Protection Act.

**§ 46-33 Legislative declaration**

Section 33. The area of the district is subject to periodical floods of devastating violence during the rainy seasons and during the dry seasons portions of the area are subject to extreme drought, greatly imperiling the health and lives of persons and livestock and the growing of crops. Recognizing this fact, the United States Army [Corps of] Engineers have made studies toward the economic advisability of flood control in Zones 1, 2, and 3. The recommendations of the United States Army [Corps of] Engineers for Zone 1 have been approved and are incorporated in an omnibus bill now presented to the Congress of the United States of America. The report on Zone 2 is almost completed and Zone 3 is under study. The general law contains no provision for the issuance of bonds for purposes of raising funds to assist in such work. The cost of adequate flood control is beyond the means of the property owners and taxpayers of said district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is desirable to immediately form a political entity to satisfactorily deal with agencies of the United States Government.

Investigation having shown conditions in the County of Ventura to be peculiar to that county, it is hereby declared that a general law can not be made applicable thereto and that the enactment of this special law is necessary for the conservation, development, control and use of said waters for the protection of life and property therein and for the public good.

**§ 46-34 Action to determine validity of district**

Section 34. The 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 Ventura, 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 and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in said county. Within thirty (30) days after the last publication of said summons shall have been completed and proof thereof filed in said proceeding, any property owner or resident in said district, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

**§ 46-35 Bonds; issuance by district as a unit**

Section 35. Notwithstanding any other provisions of this act, bonds may be issued by the Ventura County Flood Control District as a unit and without regard to zones to finance any project for importing water into the district for the benefit of the entire district. Said bonds shall be authorized and issued in the same manner and form and with the same effect and the proceeds shall be subject to the same restrictions as provided in Sections 15, 16, and 17 of this act for the issuance of bonds for any zone, except that it shall be sufficient to do anything required to be done by said sections as though the entire district constitutes but one zone. The form of the bond need not designate any participating zone but the bonds shall be issued in the name of the district.

Before any resolution required by the provisions of subdivision (1) of Section 15 is adopted, there shall first be on file in the office of the board of supervisors a report or reports from engineers showing the matters specified in subdivisions 1, 2, 3, 4, and 5 of Section 10 of this act, and if the project is undertaken or is to be undertaken in conjunction with or in cooperation with other public or private bodies, a general statement of the financing plan of the entire project shall likewise be on file. The resolution shall state that such report or reports are on file and shall refer to it or them for further particulars. The provisions of Section 21 of this act shall apply to bonds issued pursuant to this section and the provisions of Section 21 of this act shall apply to any issue of additional bonds under this section.

Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property in the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said district, and all the taxable property in said district shall be and remain liable to be taxed for such payments.

The board of supervisors shall levy a tax or assessment each year upon said bonds for that year and such portion of the principal thereof as is to become due before the time for making the next general tax levy which will not otherwise be paid out of other funds. Such tax shall be levied and collected in the district together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Ventura County to the credit of the district, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer of said Ventura County in the manner provided by law for the payment of principal and interest on bonds of said county. Any funds of the district received from the sale of water imported as the result of the construction of any project by the expenditure of money raised by the sale of bonds issued in accordance with this section or by the sale or rental of any property purchased in accordance with this section may be applied toward the payment of the principal and interest on said bonds without, however, causing said bonds to be or to become revenue bonds. Taxes or assessments levied pursuant to the provisions of this section are

declared to be for the common benefit of the district as a whole and it is further declared that all property within the district is equally benefitted by any action taken under the provisions of this section.

Should a proposition for issuing bonds for the district submitted at any election under this section fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purposes specified, the board of supervisors of said district shall not for six months after such election call or order another election in the district for incurring indebtedness and issuing bonds under the terms of this section.

**§ 46-36 Improvement districts; formation; purposes; levy and collection of taxes**

Section 36. Notwithstanding anything in this act to the contrary, improvement districts may be formed in the district or in any zone or in any combination of zones for the purpose of importing water or to engage(d) in any purpose for which an improvement district in an irrigation district may be formed pursuant to Part 7 (commencing with Section 23600) Division 11 of the Water Code. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts for any of these purposes, including the importation of water, as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts, and assessments for any improvement district shall be levied, collected and enforced at the same time and as nearly in the same manner as practicable as annual taxes of the county, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

The provisions of the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to the district for any of the purposes authorized by this section. Such acts or any of them may be used in the discretion of the board in the construction of work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

The powers conferred by this section are in addition to the powers conferred by any other section of this act or other law.

**§ 46-37 Action to test validity of bonds, special assessment or contract Section 37.**

An action to determine the validity of bonds, levy of any assessment, or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action, all findings of fact or conclusions of the board of supervisors upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

**§ 46-37.1 Action to test validity of proceedings regarding flood control improvements; limitations; appeal; bonds as evidence of regularity of proceedings**



## Ventura County Watershed Protection Act

Section 37.1. The validity of any proceedings conducted under Sections 20.2 to 20.12, inclusive, shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the adoption by the Board of supervisors of a resolution or resolutions confirming, or modifying and confirming as modified, the engineer's report and authorizing the issuance of bonds. An appeal from a final judgment in any such action or proceeding shall be perfected within 30 days after the entry of a judgment. Bonds issued under Section 20.2 to 20.12, inclusive, shall be conclusive evidence of the regularity of all proceedings leading up to the issuance of the bonds.

### **§ 46-37.2 Special assessment investigation, limitation and majority protest act of 1931; application**

Section 37.2. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 starting with Section 2800 of the Streets and Highways Code) does not apply to assessments levied