



SOLANO COUNTY

Legislative Committee Meeting

Committee
Supervisor Erin Hannigan (Chair)
Supervisor John M. Vasquez

Staff
Michelle Heppner

February 4, 2019
1:30 p.m.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- i. **Introductions** (*Attendees*)
 - ii. **Informational Items**
 - Solano County Delegation Committee Listing
 - CSAC Executive Board Meeting (February 14, 2019)
 - NACo Conference (March 2-6, 2019)
 - iii. **Public Comment** (*Items not on the agenda*)
 - iv. **Federal Legislative update** (*Paragon Government Relations*)
 - FY 19 Budget / Shutdown Watch / Debt Ceiling
 - Organizational Activities – 116th Congress
 - Infrastructure
 - Sen. Feinstein to introduce legislation on homelessness
- Federal Action Items:**
- [S.127](#) ([Feinstein](#) D-CA) Mare Island Naval Cemetery Transfer
 - [HR.357](#) ([Garamendi](#) D-CA-3) Sacramento-San Joaquin Delta National Heritage Area Act
- v. **Update from Solano County Legislative Delegation** (*Representative and/or staff*)
 - vi. **State Legislative Update** (*Karen Lange*)
 - State Budget Update
- State Action Items:**
- [ACA 1](#) ([Aguiar-Curry](#) D) Local government financing: affordable housing and public infrastructure: voter approval.
- vii. **Resolution supporting Fairfield Suisun Sewer District amending Chapter 303, Statutes of 1951 (the Enabling Act) to provide collection, treatment, and disposal for sewage to the cities of Fairfield and Suisun City**
 - viii. **Future Scheduled Meetings:** March 18, 2019
 - ix. **Adjourn**

Federal Delegation Committee Assignments 116th Congress

Senator Diane Feinstein

- Committee on the Judiciary (Ranking Member)
- Committee on Appropriations
- Select Committee on Intelligence

Senator Kamala Harris

- Committee on the Judiciary
- Select Committee on Intelligence
- Homeland Security and Governmental Affairs Committee
- Committee on the Budget

Representative John Garamendi

- Committee on Transportation and Infrastructure
- Armed Services Committee

Note: Garamendi will serve as chairman of the House Armed Services Readiness Subcommittee in the 116th Congress

Representative Mike Thompson

- Committee on Ways and Means

Note: Thompson will serve as chairman of the Subcommittee on Select Revenue Measures in the 116th Congress

State Delegation Committee Assignments (2019)

Senator Bill Dodd

- Standing: Governmental Organization (C) | Business, Professions & Economic Development | Energy, Utilities & Communications | Insurance | Transportation
- Select: California's Wine Industry (C) | Student Success
- Caucus: Delta (CoC) | Aviation | Bay Area | Environmental | Outdoor Sporting | Rural | Senate Democratic Majority | Technology & Innovation
- Joint: Fairs, Allocation & Classification
- Sub-Committee: Agri-Invasive Species | BP&ED-CA's Innovation, Technology & Life Sciences Economy | BP&ED-Professions & Licensure

Assemblymember Cecilia Aguiar-Curry

- Standing: Local Government (C) | Agriculture | Governmental Organization | Health | Transportation
- Select: Wine (C) | Career Technical Education & Building a 21st Century Workforce | Census | Craft Brewing & Distilling | Economic Development & Investment in Rural CA | Housing Affordability for the Middle & Working Class | Natural Disaster Response, Recovery & Rebuilding | Ports & Goods Movement
- Caucus: Assembly Democratic Majority | Bay Area | Delta | Environmental | Latino | Legislative Women's
- Joint: Emergency Management

Assemblymember Jim Frazier

Standing: Transportation (C) | Budget | Insurance | Veterans Affairs

Select: Improving Bay Area Transportation Systems (C) | Intellectual & Developmental Disabilities (C) | Ports & Goods Movement | Regional Transportation Solutions

Caucus: Delta (CoC) | Outdoor Sporting (CoC) | Assembly Democratic Majority | Bay Area | Environmental

Other: Disability Access, Commission (Ex Officio) | State Public Works Board

Sub-Committee: Budget-#1 Health & Human Services

Assemblymember Tim Grayson

Standing: Banking & Finance | Business & Professions | Insurance | Rules | Transportation

Select: Streamlining Services for Victims of Interpersonal Violence (C) | Nonprofit Sector | Rail | Science, Technology, Engineering & Math Education | Small Business & Entrepreneurship

Caucus: Assembly Democratic Majority | Bay Area | Delta | Technology & Innovation

Joint: Rules

Sub-Committee: Rules-Harassment, Discrimination, Retaliation Prevention & Response

PRESS RELEASES

Home (/public/index.cfm/home) / News Room (/public/index.cfm/news-room)
/ Press Releases (/public/index.cfm/press-releases)

Feinstein, Thompson Introduce Mare Island Naval Cemetery Restoration Bill (/public/index.cfm/press-releases?ID=3CFCE54F-A6D0-4580-BF15-F9B200182E3D)

Jan 15 2019

Washington—Senator Dianne Feinstein and Rep. Mike Thompson (both D-Calif.) introduced legislation to restore the historic Mare Island Naval Cemetery, the oldest military cemetery on the West Coast. The legislation would transfer control of the cemetery, which has fallen into disrepair, from the City of Vallejo to the Department of Veterans Affairs to facilitate much-needed repairs and provide ongoing maintenance.

“In its current state, the Mare Island Naval Cemetery is no longer a fitting tribute to the 860 veterans and their families that are buried there,” said Senator Feinstein. **“This was originally a Naval cemetery so it makes sense to transfer control back to the federal government to ensure it’s properly repaired and maintained. We need to restore this historic cemetery, not just to honor the veterans buried there, but to show all veterans that their sacrifices will never be forgotten.”**

“The Mare Island Cemetery is an historic monument to the sacrifice of the hundreds of fallen American heroes buried there,” said Congressman Thompson. **“As their final resting place, it is a sanctuary for our veterans and must be restored to its full beauty and potential. I am honored to reintroduce my bill to transfer control to the VA so it can be repaired without placing a financial burden on the city of Vallejo. I look forward to continuing our fight with local advocates, including Colonel Nestor Aliga, United States Army, Retired, and Captain Ralph Parrot, United States Navy, Retired, to achieve final passage—a solution to fully honor our veterans.”**

The Mare Island Naval Cemetery is the final resting place for 860 veterans, including three Medal of Honor recipients, and Anna Arnold Key, the daughter of Francis Scott Key. It was part of the Mare Island Naval Shipyard that closed in 1993. Since then, the cemetery has fallen into deep disrepair—gravestones are toppled over, broken, or sunken into the ground, serious drainage issues persist, and plants and weeds are overgrown.

This legislation would transfer control of the cemetery from the City of Vallejo to the VA and place it specifically under the purview of the National Cemetery Administration. The VA would pay no fee to acquire the land but would assume the obligation of maintaining the cemetery in the future.

The bill has been previously endorsed by AMVETS, the American Legion, Disabled American Veterans, the Navy League, the Veterans of Foreign Wars and thousands of veterans across the country.

In addition to Feinstein, the Senate bill is cosponsored by Senators Kamala Harris (D-Calif.), Elizabeth Warren (D-Mass.), Bob Menendez (D-N.J.) and Edward J. Markey (D-Mass.).

In addition to Thompson, the House bill is cosponsored by Representatives Susan Davis (D-Calif.), Scott Peters (D-Calif.), Judy Chu (D-Calif.), Jimmy Panetta (D-Calif.), Eleanor Holmes-Norton (D-D.C.), Derek Kilmer (D-Wash.), John Garamendi (D-Calif.), Jackie Speier (D-Calif.), Donald Payne Jr. (D-N.J.), Paul Cook (R-Calif.), Jared Huffman (D-Calif.), Albio Sires (D-N.J.), Zoe Lofgren (D-Calif.), Kathleen Rice (D-N.Y.), Jim Costa (D-Calif.), Doris Matsui (D-Calif.), Eric Swalwell (D-Calif.), Juan Vargas (D-Calif.), Anna Eshoo (D-Calif.), Jerry McNerney (D-Calif.), Mark DeSaulnier (D-Calif.), Adam Schiff (D-Calif.), Pete Aguilar (D-Calif.), Duncan Hunter (D-Calif.), James McGovern (D-Mass.), Nanette Barragan (D-Calif.), Salud Carbajal (D-Calif.), Bill Keating (D-Mass.), Seth Moulton (D-Mass.), Linda Sanchez (D-Calif.), Ro Khanna (D-Calif.), Frank Pallone (D-N.J.), Peter King (R-N.Y.), Anne Kuster (D-N.H.) and Tom McClintock (R-Calif.).

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petitions, opinion polls and unsolicited mass electronic communications cannot be initiated by this office for the 60-day period immediately before the date of a primary or general election. Subscribers currently receiving electronic communications from this office who wish to unsubscribe may do so here (<https://www.feinstein.senate.gov/public/index.cfm/unsubscribe>).

116TH CONGRESS
1ST SESSION

S. 127

To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2019

Mrs. FEINSTEIN (for herself, Ms. HARRIS, Ms. WARREN, Mr. MENENDEZ, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TRANSFER OF MARE ISLAND NAVAL CEMETERY**
4 **TO SECRETARY OF VETERANS AFFAIRS FOR**
5 **MAINTENANCE BY NATIONAL CEMETERY AD-**
6 **MINISTRATION.**

7 (a) AGREEMENT.—The Secretary of Veterans Affairs
8 shall seek to enter into an agreement with the city of

1 Vallejo, California, under which the city of Vallejo shall
2 transfer to the Secretary all right, title, and interest in
3 the Mare Island Naval Cemetery in Vallejo, California, at
4 no cost to the Secretary.

5 (b) MAINTENANCE BY NCA.—If the Mare Island
6 Naval Cemetery is transferred to the Secretary of Vet-
7 erans Affairs pursuant to subsection (a), the National
8 Cemetery Administration shall maintain the cemetery as
9 a national shrine.

○

GARAMENDI REINTRODUCES BILL TO ESTABLISH SACRAMENTO-SAN JOAQUIN DELTA NATIONAL HERITAGE AREA ACT



January 9, 2019 | Press Release

WASHINGTON, DC—Today, Congressman John Garamendi (D-Davis, Fairfield, Yuba City), former Deputy Secretary of the U.S. Department of the Interior under President Bill Clinton, reintroduced the *Sacramento-San Joaquin Delta National Heritage Area Act* (H.R.357 (<https://www.congress.gov/bill/116th-congress/house-bill/357>)), with Reps. Jerry McNerney (D-CA09), Mark DeSaulnier (D-CA11), Mike Thompson (D-CA05), and Doris O. Matsui (D-CA06), as original cosponsors.

"I am proud to call the Delta my home of over 40 years. It sustains California's agriculture, and its beauty attracts visitors from far and wide who provide a vital stimulus to our local economy. Californians cherish the Sacramento-San Joaquin Delta, and I am proud to reintroduce this legislation to unlock federal funding, under a new Natural Heritage Area designation, for community-based efforts to conserve the Delta's cultural heritage and natural character. We must safeguard this iconic landscape and the most productive watershed in the western United States," **said Garamendi.**

“The Delta National Heritage Area legislation is an important step toward heightening awareness of the Delta’s importance,” **said Yolo County Supervisor Oscar Villegas, chair of the State of California Delta Protection Commission.** “Congressman Garamendi’s legislation will help Delta counties work closely with residents to preserve and enhance the unique culture, history, agricultural heritage and economy of our Delta communities. This designation will help to brand the historical significance and attractions of the Sacramento-San Joaquin Delta as an international destination for tourism and recreation.”

“Congressman Garamendi’s bill provides the framework for much-needed funding for cultural, historical, and environmental projects to benefit the Delta region, while respecting property and water rights of Delta landowners. As written, there is promise in this National Heritage Area legislation,” **said Barbara Barrigan-Parrilla, Executive Director of Restore the Delta.**

The legislation (H.R.357 (<https://www.congress.gov/bill/116th-congress/house-bill/357>)) is also endorsed by the National Parks Conservation Association.

A National Heritage Area designation would authorize \$10 million in federal funding over 15 years to provide matching grants to local governments, historical societies, and community nonprofit organizations throughout the Delta. This federal funding would support cultural and historical preservation and environmental conservation projects under a locally developed management plan, coordinated by California’s Delta Protection Commission.

Designating the Sacramento-San Joaquin Delta as a National Heritage Area would have no impact on water rights, landownership or land use, or hunting and fishing within the designated Heritage Area. As confirmed by the National Park Service, which administers the National Heritage Area program, designations do *not* affect individual property rights in any way nor do they restrict local land use decisions.

U.S. Senator Dianne Feinstein (D-CA) has sponsored the Senate companion bill to Garamendi’s *Sacramento-San Joaquin Delta National Heritage Act* since 2010.

The full text of the legislation (H.R.357 (<https://www.congress.gov/bill/116th-congress/house-bill/357>)) is available here (</sites/garamendi.house.gov/files/documents/Sacramento-San%20Joaquin%20Delta%20National%20Heritage%20Area%20Act.pdf>). A map of the proposed National Heritage Area is available here (</sites/garamendi.house.gov/files/documents/Delta%20NHA%20boundary%20map.pdf>).

116TH CONGRESS
1ST SESSION

H. R. 357

To establish the Sacramento-San Joaquin Delta National Heritage Area.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

Mr. GARAMENDI (for himself, Ms. MATSUI, Mr. DESAULNIER, Mr. MCNERNEY, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Sacramento-San Joaquin Delta National
Heritage Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sacramento-San Joa-

5 quin Delta National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage

9 Area” means the Sacramento-San Joaquin Delta

10 Heritage Area established by section 3(a).

1 (e) AVAILABILITY OF MAP.—The map described in
2 subsection (b) shall be on file and available for public in-
3 spection in the appropriate offices of the National Park
4 Service and the Delta Protection Commission.

5 (d) LOCAL COORDINATING ENTITY.—The local co-
6 ordinating entity for the Heritage Area shall be the Delta
7 Protection Commission established by section 29735 of
8 the California Public Resources Code.

9 (e) ADMINISTRATION.—

10 (1) AUTHORITIES.—For purposes of carrying
11 out the Heritage Area management plan, the Sec-
12 retary, acting through the local coordinating entity,
13 may use amounts made available under this Act
14 to—

15 (A) make grants to the State or a political
16 subdivision of the State, nonprofit organiza-
17 tions, and other persons;

18 (B) enter into cooperative agreements
19 with, or provide technical assistance to, the
20 State or a political subdivision of the State,
21 nonprofit organizations, and other interested
22 parties;

23 (C) hire and compensate staff, which shall
24 include individuals with expertise in natural,

1 cultural, and historical resources protection,
2 and heritage programming;

3 (D) obtain money or services from any
4 source including any that are provided under
5 any other Federal law or program;

6 (E) contract for goods or services; and

7 (F) undertake to be a catalyst for any
8 other activity that furthers the Heritage Area
9 and is consistent with the approved Heritage
10 Area management plan.

11 (2) DUTIES.—The local coordinating entity
12 shall—

13 (A) in accordance with subsection (f), pre-
14 pare and submit a Heritage Area management
15 plan to the Secretary;

16 (B) assist units of local government, re-
17 gional planning organizations, and nonprofit or-
18 ganizations in carrying out the approved Herit-
19 age Area management plan by—

20 (i) carrying out programs and projects
21 that recognize, protect, and enhance im-
22 portant resource values in the Heritage
23 Area;

1 (ii) establishing and maintaining in-
2 terpretive exhibits and programs in the
3 Heritage Area;

4 (iii) developing recreational and edu-
5 cational opportunities in the Heritage
6 Area;

7 (iv) increasing public awareness of,
8 and appreciation for, natural, historical,
9 scenic, and cultural resources of the Herit-
10 age Area;

11 (v) protecting and restoring historic
12 sites and buildings in the Heritage Area
13 that are consistent with Heritage Area
14 themes;

15 (vi) ensuring that clear, consistent,
16 and appropriate signs identifying points of
17 public access, and sites of interest are
18 posted throughout the Heritage Area; and

19 (vii) promoting a wide range of part-
20 nerships among governments, organiza-
21 tions, and individuals to further the Herit-
22 age Area;

23 (C) consider the interests of diverse units
24 of government, businesses, organizations, and
25 individuals in the Heritage Area in the prepara-

1 tion and implementation of the Heritage Area
2 management plan;

3 (D) conduct meetings open to the public at
4 least semiannually regarding the development
5 and implementation of the Heritage Area man-
6 agement plan;

7 (E) for any year that Federal funds have
8 been received under this Act—

9 (i) submit an annual report to the
10 Secretary that describes the activities, ex-
11 penses, and income of the local coordi-
12 nating entity (including grants to any
13 other entities during the year that the re-
14 port is made);

15 (ii) make available to the Secretary
16 for audit all records relating to the expend-
17 iture of the funds and any matching funds;
18 and

19 (iii) require, with respect to all agree-
20 ments authorizing expenditure of Federal
21 funds by other organizations, that the or-
22 ganizations receiving the funds make avail-
23 able to the Secretary for audit all records
24 concerning the expenditure of the funds;
25 and

1 (F) encourage by appropriate means eco-
2 nomic viability that is consistent with the Herit-
3 age Area.

4 (3) PROHIBITION ON THE ACQUISITION OF
5 REAL PROPERTY.—The local coordinating entity
6 shall not use Federal funds made available under
7 this Act to acquire real property or any interest in
8 real property.

9 (4) COST-SHARING REQUIREMENT.—The Fed-
10 eral share of the cost of any activity carried out
11 using any assistance made available under this Act
12 shall be 50 percent.

13 (f) HERITAGE AREA MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of enactment of this Act, the local coordi-
16 nating entity shall submit to the Secretary for ap-
17 proval a proposed Heritage Area management plan.

18 (2) REQUIREMENTS.—The Heritage Area man-
19 agement plan shall—

20 (A) incorporate an integrated and coopera-
21 tive approach to agricultural resources and ac-
22 tivities, flood protection facilities, and other
23 public infrastructure;

24 (B) emphasize the importance of the re-
25 sources described in subparagraph (A);

1 (C) take into consideration State and local
2 plans;

3 (D) include—

4 (i) an inventory of—

5 (I) the resources located in the
6 core area described in subsection (b);

7 and

8 (II) any other property in the
9 core area that—

10 (aa) is related to the themes
11 of the Heritage Area; and

12 (bb) should be preserved, re-
13 stored, managed, or maintained
14 because of the significance of the
15 property;

16 (ii) comprehensive policies, strategies
17 and recommendations for conservation,
18 funding, management, and development of
19 the Heritage Area;

20 (iii) a description of actions that gov-
21 ernments, private organizations, and indi-
22 viduals have agreed to take to protect the
23 natural, historical and cultural resources of
24 the Heritage Area;

1 (iv) a program of implementation for
2 the Heritage Area management plan by
3 the local coordinating entity that includes
4 a description of—

5 (I) actions to facilitate ongoing
6 collaboration among partners to pro-
7 mote plans for resource protection,
8 restoration, and construction; and

9 (II) specific commitments for im-
10 plementation that have been made by
11 the local coordinating entity or any
12 government, organization, or indi-
13 vidual for the first 5 years of oper-
14 ation;

15 (v) the identification of sources of
16 funding for carrying out the Heritage Area
17 management plan;

18 (vi) analysis and recommendations for
19 means by which local, State, and Federal
20 programs, including the role of the Na-
21 tional Park Service in the Heritage Area,
22 may best be coordinated to carry out this
23 Act; and

24 (vii) an interpretive plan for the Her-
25 itage Area; and

1 (E) recommend policies and strategies for
2 resource management that consider and detail
3 the application of appropriate land and water
4 management techniques, including the develop-
5 ment of intergovernmental and interagency co-
6 operative agreements to protect the natural,
7 historical, cultural, educational, scenic, and rec-
8 reational resources of the Heritage Area.

9 (3) RESTRICTIONS.—The Heritage Area man-
10 agement plan submitted under this subsection
11 shall—

12 (A) ensure participation by appropriate
13 Federal, State, tribal, and local agencies, in-
14 cluding the Delta Stewardship Council, special
15 districts, natural and historical resource protec-
16 tion and agricultural organizations, educational
17 institutions, businesses, recreational organiza-
18 tions, community residents, and private prop-
19 erty owners; and

20 (B) not be approved until the Secretary
21 has received certification from the Delta Protec-
22 tion Commission that the Delta Stewardship
23 Council has reviewed the Heritage Area man-
24 agement plan for consistency with the plan

1 adopted by the Delta Stewardship Council pur-
2 suant to State law.

3 (4) DEADLINE.—If a proposed Heritage Area
4 management plan is not submitted to the Secretary
5 by the date that is 3 years after the date of enact-
6 ment of this Act, the local coordinating entity shall
7 be ineligible to receive additional funding under this
8 Act until the date that the Secretary receives and
9 approves the Heritage Area management plan.

10 (5) APPROVAL OR DISAPPROVAL OF HERITAGE
11 AREA MANAGEMENT PLAN.—

12 (A) IN GENERAL.—Not later than 180
13 days after the date of receipt of the Heritage
14 Area management plan under paragraph (1),
15 the Secretary, in consultation with the State,
16 shall approve or disapprove the Heritage Area
17 management plan.

18 (B) CRITERIA FOR APPROVAL.—In deter-
19 mining whether to approve the Heritage Area
20 management plan, the Secretary shall consider
21 whether—

22 (i) the local coordinating entity is rep-
23 resentative of the diverse interests of the
24 Heritage Area, including governments, nat-
25 ural and historic resource protection orga-

1 nizations, educational institutions, busi-
2 nesses, and recreational organizations;

3 (ii) the local coordinating entity has
4 afforded adequate opportunity, including
5 public hearings, for public and govern-
6 mental involvement in the preparation of
7 the Heritage Area management plan; and

8 (iii) the resource protection and inter-
9 pretation strategies contained in the Herit-
10 age Area management plan, if imple-
11 mented, would adequately protect the nat-
12 ural, historical, and cultural resources of
13 the Heritage Area.

14 (C) ACTION FOLLOWING DISAPPROVAL.—If
15 the Secretary disapproves the Heritage Area
16 management plan under subparagraph (A), the
17 Secretary shall—

18 (i) advise the local coordinating entity
19 in writing of the reasons for the dis-
20 approval;

21 (ii) make recommendations for revi-
22 sions to the Heritage Area management
23 plan; and

24 (iii) not later than 180 days after the
25 receipt of any proposed revision of the

1 Heritage Area management plan from the
2 local coordinating entity, approve or dis-
3 approve the proposed revision.

4 (D) AMENDMENTS.—

5 (i) IN GENERAL.—The Secretary shall
6 approve or disapprove each amendment to
7 the Heritage Area management plan that
8 the Secretary determines makes a substan-
9 tial change to the Heritage Area manage-
10 ment plan.

11 (ii) USE OF FUNDS.—The local co-
12 ordinating entity shall not use Federal
13 funds authorized by this Act to carry out
14 any amendments to the Heritage Area
15 management plan until the Secretary has
16 approved the amendments.

17 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-
18 CIES.—

19 (1) IN GENERAL.—Nothing in this Act affects
20 the authority of a Federal agency to provide tech-
21 nical or financial assistance under any other law.

22 (2) CONSULTATION AND COORDINATION.—The
23 head of any Federal agency planning to conduct ac-
24 tivities that may have an impact on the Heritage
25 Area is encouraged to consult and coordinate the ac-

1 activities with the Secretary and the local coordinating
2 entity to the maximum extent practicable.

3 (3) OTHER FEDERAL AGENCIES.—Nothing in
4 this Act—

5 (A) modifies, alters, or amends any law or
6 regulation authorizing a Federal agency to
7 manage Federal land under the jurisdiction of
8 the Federal agency;

9 (B) limits the discretion of a Federal land
10 manager to implement an approved land use
11 plan within the boundaries of the Heritage
12 Area; or

13 (C) modifies, alters, or amends any author-
14 ized use of Federal land under the jurisdiction
15 of a Federal agency.

16 (h) PRIVATE PROPERTY AND REGULATORY PROTEC-
17 TIONS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 nothing in this Act—

20 (A) abridges the rights of any property
21 owner (whether public or private), including the
22 right to refrain from participating in any plan,
23 project, program, or activity conducted within
24 the Heritage Area;

1 (B) requires any property owner to permit
2 public access (including access by Federal,
3 State, or local agencies) to the property of the
4 property owner, or to modify public access or
5 use of property of the property owner under
6 any other Federal, State, or local law;

7 (C) alters any duly adopted land use regu-
8 lation, approved land use plan, or other regu-
9 latory authority of any Federal, State or local
10 agency, or conveys any land use or other regu-
11 latory authority to the local coordinating entity;

12 (D) authorizes or implies the reservation
13 or appropriation of water or water rights;

14 (E) diminishes the authority of the State
15 to manage fish and wildlife, including the regu-
16 lation of fishing and hunting within the Herit-
17 age Area; or

18 (F) creates any liability, or affects any li-
19 ability under any other law, of any private
20 property owner with respect to any person in-
21 jured on the private property.

22 (2) OPT OUT.—An owner of private property
23 within the Heritage Area may opt out of partici-
24 pating in any plan, project, program, or activity car-
25 ried out within the Heritage Area under this Act, if

1 the property owner provides written notice to the
2 local coordinating entity.

3 (i) EVALUATION; REPORT.—

4 (1) IN GENERAL.—Not later than 3 years be-
5 fore the date on which authority for Federal funding
6 terminates for the Heritage Area, the Secretary
7 shall—

8 (A) conduct an evaluation of the accom-
9 plishments of the Heritage Area; and

10 (B) prepare a report in accordance with
11 paragraph (3).

12 (2) EVALUATION.—An evaluation conducted
13 under paragraph (1)(A) shall—

14 (A) assess the progress of the local coordi-
15 nating entity with respect to—

16 (i) accomplishing the purposes of this
17 Act for the Heritage Area; and

18 (ii) achieving the goals and objectives
19 of the approved Heritage Area manage-
20 ment plan;

21 (B) analyze the Federal, State, local, and
22 private investments in the Heritage Area to de-
23 termine the leverage and impact of the invest-
24 ments; and

1 (C) review the management structure,
2 partnership relationships, and funding of the
3 Heritage Area for purposes of identifying the
4 critical components for sustainability of the
5 Heritage Area.

6 (3) REPORT.—

7 (A) IN GENERAL.—Based on the evalua-
8 tion conducted under paragraph (1)(A), the
9 Secretary shall prepare a report that includes
10 recommendations for the future role of the Na-
11 tional Park Service, if any, with respect to the
12 Heritage Area.

13 (B) REQUIRED ANALYSIS.—If the report
14 prepared under subparagraph (A) recommends
15 that Federal funding for the Heritage Area be
16 reauthorized, the report shall include an anal-
17 ysis of—

18 (i) ways in which Federal funding for
19 the Heritage Area may be reduced or
20 eliminated; and

21 (ii) the appropriate time period nec-
22 essary to achieve the recommended reduc-
23 tion or elimination.

1 (C) SUBMISSION TO CONGRESS.—On com-
2 pletion of the report, the Secretary shall submit
3 the report to—

4 (i) the Committee on Energy and
5 Natural Resources of the Senate; and

6 (ii) the Committee on Natural Re-
7 sources of the House of Representatives.

8 (j) EFFECT OF DESIGNATION.—Nothing in this
9 Act—

10 (1) precludes the local coordinating entity from
11 using Federal funds made available under other laws
12 for the purposes for which those funds were author-
13 ized; or

14 (2) affects any water rights or contracts.

15 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There is authorized to be appro-
17 priated to carry out this Act \$10,000,000, of which not
18 more than \$1,000,000 may be made available for any fis-
19 cal year.

20 (b) COST-SHARING REQUIREMENT.—The Federal
21 share of the total cost of any activity under this Act shall
22 be determined by the Secretary, but shall be not more than
23 50 percent.

1 (c) NON-FEDERAL SHARE.—The non-Federal share
2 of the total cost of any activity under this Act may be
3 in the form of in-kind contributions of goods or services.

4 **SEC. 5. TERMINATION OF AUTHORITY.**

5 (a) IN GENERAL.—If a proposed Heritage Area man-
6 agement plan has not been submitted to the Secretary by
7 the date that is 5 years after the date of enactment of
8 this Act, the Heritage Area designation shall be rescinded.

9 (b) FUNDING AUTHORITY.—The authority of the
10 Secretary to provide assistance under this Act terminates
11 on the date that is 15 years after the date of enactment
12 of this Act.

○



SUMMARY

ACA 1 will lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing and public infrastructure projects.

ACA 1 is targeted to the urgent needs of local communities. This measure gives local governments a more realistic financing option to fund an increase in the supply of affordable housing, and to address the numerous local public infrastructure challenges cities, counties, and special districts are facing.

BACKGROUND

The California Constitution requires a two-thirds vote at the local level for both GO bonds and special taxes, regardless of what the city, county, or special district proposes to use the funds for.

However, local school districts must only achieve 55 percent voter approval for school bonds to fund the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of schools, or the acquisition or lease of real property vote (Proposition 39, 2000).

From 2001 to 2013, over 2,200 local revenue measures have been placed before voters concerning school, city, county, or special district taxes or bonds. Majority vote tax measures have proven to be much more likely to pass, while just half of two-thirds vote measures succeeded. School bonds with a 55 percent have been the most successful, with four out of every five passing. In contrast, just half of two-thirds vote measures succeeded. A 55 percent voter threshold for special taxes would have made a dramatic difference. Nearly 80 percent of all two-thirds supermajority measures garnered more than 55 percent of “yes” votes.

1) AFFORDABLE HOUSING NEED

According to the Department of Housing & Community Development (HCD), in the last 10 years California has built an average of 80,000 homes per year, while the need to keep up with the housing need is approximately 180,000 homes per year. There is a shortfall of over one million rental homes affordable to extremely low and very low-income households.

2) LACK OF FUNDING FOR PUBLIC INFRASTRUCTURE

Cities, counties, and special districts face numerous challenges in securing funding for important local public infrastructure projects, including:

Water. Much of the state’s water supply, wastewater, and flood control infrastructure is aging. Rebuilding typically requires costly upgrades to meet increasingly high standards for water quality and infrastructure safety. In the last few decades, new mandates on managing stormwater runoff and climate change have added increased costs and heightened levels of management complexity. The water sector has historically relied heavily on locally generated revenues, which means that Proposition 13 (1978), Proposition 218 (1996), and Proposition 26 (2010), have made it increasingly difficult for local agencies to raise funds.

Parks and Recreation. According to the Statewide Comprehensive Outdoor Plan of 2015, 62 percent of Californians live in areas with less than 3 acres of parkland per 1,000 residents (the recognized standard for adequate parks). Additionally, 9 million people do not have a park within a half mile of their home.

Other Local Needs. Our local governments across the state know best what specific priorities matter most in their communities. For some, funding the costs of a new library or other public building is a means to create local engagement and encourage learning. For others, funding the expansion of broadband is a concern that can seem financially impossible. Strained public safety and emergency response resources in many regions could also benefit from much needed investment. Plus, with discussions underway in Washington D.C. about a possible federal infrastructure initiative, the ability to provide matching-dollars for federal grants is critical to being competitive for new grants.

3) IMPACT OF TWO-THIRDS VOTER REQUIREMENT

The California Constitution limits the opportunity for communities to decide to tax themselves to provide funding for local projects that meet goals and laws approved by the majority. One-third of local voters have the power to overrule fiscal decisions.

THIS BILL:

ACA 1 will lower the constitutional vote threshold to 55 percent for both GO bonds and special taxes, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, or the acquisition or lease of real property for those purposes. The bill will also specify requirements for voter protection, public notice, and financial accountability.

In practice, local officials propose a local bond or special tax, and then the voters in that community decide whether they support the idea or not. The voters would still need to overwhelmingly (with 55 percent of the vote) support a bond or special tax in order for it to be approved. ACA 1 will level the playing field and create parity between school districts and cities, counties, and special districts, so that all local governments have a viable financing tool to address community needs.

ACA 1 defines “public infrastructure” to include:

- Projects to provide water or protect water quality, sanitary sewer, treat wastewater or reduce pollution from storm water runoff;
- Protect property from impacts of sea level rise;
- Public buildings, including fire and police facilities;
- Parks, open space and recreation facilities;
- Improvements to transit and streets and highways;
- Flood control;
- Broadband expansion in underserved areas; and,
- Local hospital construction.

ACA 1 defines “affordable housing” to include:

- Housing developments, or portions of housing development, that provide workforce housing affordable to households earning up to 150% of countywide median income; and,
- Housing developments or portions of housing developments, that provide housing affordable to lower, low, or very low-income households, as those terms are defined in state law.

This bill proposes an amendment to the California Constitution, which means that if passed by the Legislature, the proposal would then go to the ballot for voter approval during the next statewide election.

CONTACTS:

Angela Pontes, Assemblymember Aguiar-Curry
angela.pontes@asm.ca.gov

Debbie Michel, Assembly Local Government
debbie.michel@asm.ca.gov

Assembly Constitutional Amendment

No. 1

**Introduced by Assembly Member Aguiar-Curry
(Coauthors: Assembly Members Chiu, Eggman, Eduardo Garcia,
Gloria, McCarty, Mullin, Santiago, and Ting)**

December 3, 2018

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as introduced, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, or city and county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the

local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would similarly lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects, if the proposition proposing that bond includes specified accountability requirements.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2017–18 Regular
3 Session commencing on the fifth day of December 2016, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

1 First—That Section 1 of Article XIII A thereof is amended to
2 read:

3 SECTION 1. (a) The maximum amount of any ad valorem
4 tax on real property shall not exceed ~~One 1 percent (1%)~~ of the
5 full cash value of ~~such~~ *that* property. The ~~one 1 percent (1%)~~ tax
6 ~~to~~ *shall* be collected by the counties and apportioned according to
7 law to the districts within the counties.

8 (b) The limitation provided for in subdivision (a) shall not apply
9 to ad valorem taxes or special assessments to pay the interest and
10 redemption charges on any of the following:

11 (1) Indebtedness approved by the voters ~~prior to~~ *before* July 1,
12 1978.

13 (2) Bonded indebtedness ~~for~~ *to fund* the acquisition or
14 improvement of real property approved on or after July 1, 1978,
15 by two-thirds of the votes cast by the voters voting on the
16 proposition.

17 (3) Bonded indebtedness incurred by a school district,
18 community college district, or county office of education for the
19 construction, reconstruction, rehabilitation, or replacement of
20 school facilities, including the furnishing and equipping of school
21 facilities, or the acquisition or lease of real property for school
22 facilities, approved by 55 percent of the voters of the district or
23 county, as appropriate, voting on the proposition on or after ~~the~~
24 ~~effective date of the measure adding this paragraph.~~ *November 8,*
25 *2000.* This paragraph shall apply only if the proposition approved
26 by the voters and resulting in the bonded indebtedness includes
27 all of the following accountability requirements:

28 (A) A requirement that the proceeds from the sale of the bonds
29 be used only for the purposes specified in ~~Article XIII A, Section~~
30 ~~1(b)(3),~~ *this paragraph*, and not for any other purpose, including
31 teacher and administrator salaries and other school operating
32 expenses.

33 (B) A list of the specific school facilities projects to be funded
34 and certification that the school district board, community college
35 board, or county office of education has evaluated safety, class
36 size reduction, and information technology needs in developing
37 that list.

38 (C) A requirement that the school district board, community
39 college board, or county office of education conduct an annual,

1 independent performance audit to ensure that the funds have been
2 expended only on the specific projects listed.

3 (D) A requirement that the school district board, community
4 college board, or county office of education conduct an annual,
5 independent financial audit of the proceeds from the sale of the
6 bonds until all of those proceeds have been expended for the school
7 facilities projects.

8 (4) (A) *Bonded indebtedness incurred by a city, county, or city
9 and county for the construction, reconstruction, rehabilitation, or
10 replacement of public infrastructure or affordable housing, or the
11 acquisition or lease of real property for public infrastructure or
12 affordable housing, approved by 55 percent of the voters of the
13 city, county, or city and county as appropriate, voting on the
14 proposition on or after the effective date of the measure adding
15 this paragraph. This paragraph shall apply only if the proposition
16 approved by the voters and resulting in the bonded indebtedness
17 includes all of the following accountability requirements:*

18 (i) *A requirement that the proceeds from the sale of the bonds
19 be used only for the purposes specified in this paragraph, and not
20 for any other purpose, including city, county, or city and county
21 employee salaries and other operating expenses.*

22 (ii) *A list of the specific projects to be funded, and a certification
23 that the city, county, or city and county has evaluated alternative
24 funding sources.*

25 (iii) *A requirement that the city, county, or city and county
26 conduct an annual, independent performance audit to ensure that
27 the funds have been expended only on the specific projects listed.*

28 (iv) *A requirement that the city, county, or city and county
29 conduct an annual, independent financial audit of the proceeds
30 from the sale of the bonds until all of those proceeds have been
31 expended for the public infrastructure or affordable housing
32 projects, as applicable.*

33 (v) *A requirement that the city, county, or city and county post
34 the audits required by clauses (iii) and (iv) in a manner that is
35 easily accessible to the public.*

36 (vi) *A requirement that the city, county, or city and county
37 appoint a citizens' oversight committee to ensure that bond
38 proceeds are expended only for the purposes described in the
39 measure approved by the voters.*

1 (B) For purposes of this paragraph, “affordable housing” shall
2 include housing developments, or portions of housing
3 developments, that provide workforce housing affordable to
4 households earning up to 150 percent of countywide median
5 income, and housing developments, or portions of housing
6 developments, that provide housing affordable to lower, low-, or
7 very low income households, as those terms are defined in state
8 law.

9 (C) For purposes of this paragraph, “public infrastructure”
10 shall include, but is not limited to, projects that provide any of the
11 following:

- 12 (i) Water or protect water quality.
- 13 (ii) Sanitary sewer.
- 14 (iii) Treatment of wastewater or reduction of pollution from
15 stormwater runoff.
- 16 (iv) Protection of property from impacts of sea level rise.
- 17 (v) Parks.
- 18 (vi) Open space and recreation facilities.
- 19 (vii) Improvements to transit and streets and highways.
- 20 (viii) Flood control.
- 21 (ix) Broadband Internet access service expansion in underserved
22 areas.
- 23 (x) Local hospital construction.

24 (c) (1) Notwithstanding any other provisions of law or of this
25 Constitution, a school ~~districts, district,~~ community college
26 ~~districts, and district,~~ or county ~~office~~ office of education may
27 levy a 55 percent vote ad valorem tax pursuant to paragraph (3)
28 of subdivision (b).

29 (2) Notwithstanding any other provisions of law or this
30 Constitution, a city, county, or city and county may levy a 55
31 percent ad valorem tax pursuant to paragraph (4) of subdivision
32 (b).

33 Second—That Section 4 of Article XIII A thereof is amended
34 to read:

35 SEC. 4. ~~Cities, Counties and special districts, Except as~~
36 ~~provided by Section 2.5 of Article XIII C, a city, county, or special~~
37 ~~district, by a two-thirds vote of the qualified electors of such~~
38 ~~district, its voters voting on the proposition, may impose special~~
39 ~~taxes on such district, a special tax within that city, county, or~~
40 ~~special district, except an ad valorem taxes tax on real property~~

1 or a ~~transaction~~ *transactions* tax or sales tax on the sale of real
2 property within ~~such City, County~~ *that city, county,* or special
3 district.

4 Third—That Section 2 of Article XIII C thereof is amended to
5 read:

6 SEC. 2. ~~Local Government Tax Limitation.~~ Notwithstanding
7 any other provision of this Constitution:

8 (a) ~~All taxes~~ *Any tax* imposed by ~~any a~~ *a* local government ~~shall~~
9 ~~be deemed to be~~ *is* either ~~a general taxes tax~~ or ~~a special taxes.~~
10 ~~Special purpose districts tax.~~ *A special district* or ~~agencies, agency,~~
11 ~~including a school districts,~~ *shall have no power district, has no*
12 ~~authority to levy a general taxes.~~ *tax.*

13 (b) ~~No~~ *A* local government may *not* impose, extend, or increase
14 any general tax unless and until that tax is submitted to the
15 electorate and approved by a majority vote. A general tax ~~shall is~~
16 ~~not be~~ deemed to have been increased if it is imposed at a rate not
17 higher than the maximum rate so approved. The election required
18 by this subdivision shall be consolidated with a regularly scheduled
19 general election for members of the governing body of the local
20 government, except in cases of emergency declared by a unanimous
21 vote of the governing body.

22 (c) Any general tax imposed, extended, or increased, without
23 voter approval, by any local government on or after January 1,
24 1995, and ~~prior to~~ *before* the effective date of this article, ~~shall~~
25 *may* continue to be imposed only if *that general tax is* approved
26 by a majority vote of the voters voting in an election on the issue
27 of the imposition, which election shall be held ~~within two years~~
28 ~~of the effective date of this article~~ *no later than November 6, 1996,*
29 and in compliance with subdivision (b).

30 (d) ~~No~~ *Except as provided by Section 2.5,* a local government
31 may *not* impose, extend, or increase any special tax unless and
32 until that tax is submitted to the electorate and approved by a
33 two-thirds vote. A special tax ~~shall is not be~~ deemed to have been
34 increased if it is imposed at a rate not higher than the maximum
35 rate so approved.

36 Fourth—That Section 2.5 is added to Article XIII C thereof, to
37 read:

38 SEC. 2.5. (a) The imposition, extension, or increase of a sales
39 and use tax imposed in accordance with the Bradley-Burns Uniform
40 Local Sales and Use Tax Law (Part 1.5 (commencing with Section

1 7200) of Division 2 of the Revenue and Taxation Code) or a
2 successor law, a transactions and use tax imposed in accordance
3 with the Transactions and Use Tax Law (Part 1.6 (commencing
4 with Section 7251) of Division 2 of the Revenue and Taxation
5 Code) or a successor law, or a parcel tax imposed by a local
6 government for the purpose of funding the construction,
7 reconstruction, rehabilitation, or replacement of public
8 infrastructure or affordable housing, or the acquisition or lease of
9 real property for public infrastructure or affordable housing, is
10 subject to approval by 55 percent of the voters in the local
11 government voting on the proposition, if both of the following
12 conditions are met:

13 (1) The proposition is approved by a majority vote of the
14 membership of the governing board of the local government.

15 (2) The proposition contains all of the following accountability
16 requirements:

17 (A) A requirement that the proceeds of the tax only be used for
18 the purposes specified in the proposition, and not for any other
19 purpose, including general employee salaries and other operating
20 expenses of the local government.

21 (B) A list of the specific projects that are to be funded by the
22 tax, and a certification that the local government has evaluated
23 alternative funding sources.

24 (C) A requirement that the local government conduct an annual,
25 independent performance audit to ensure that the proceeds of the
26 special tax have been expended only on the specific projects listed
27 in the proposition.

28 (D) A requirement that the local government conduct an annual,
29 independent financial audit of the proceeds from the tax during
30 the lifetime of that tax.

31 (E) A requirement that the local government post the audits
32 required by subparagraphs (C) and (D) in a manner that is easily
33 accessible to the public.

34 (F) A requirement that the local government appoint a citizens'
35 oversight committee to ensure the proceeds of the special tax are
36 expended only for the purposes described in the measure approved
37 by the voters.

38 (b) For purposes of this section, the following terms have the
39 following meanings:

1 (1) “Affordable housing” shall include housing developments,
 2 or portions of housing developments, that provide workforce
 3 housing affordable to households earning up to 150 percent of
 4 countywide median income, and housing developments, or portions
 5 of housing developments, that provide housing affordable to lower,
 6 low-, or very low income households, as those terms are defined
 7 in state law.

8 (2) “Parcel tax” means a special tax imposed upon a parcel of
 9 real property at a rate that is determined without regard to that
 10 property’s value and that applies uniformly to all taxpayers or all
 11 real property within the jurisdiction of the local government.
 12 “Parcel tax” does not include a tax imposed on a particular class
 13 of property or taxpayers.

14 (3) “Public infrastructure” shall include, but is not limited to,
 15 the projects that provide any of the following:

16 (A) Water or protect water quality.

17 (B) Sanitary sewer.

18 (C) Treatment of wastewater or reduction of pollution from
 19 stormwater runoff.

20 (D) Protection of property from impacts of sea level rise.

21 (E) Parks.

22 (F) Open space and recreation facilities.

23 (G) Improvements to transit and streets and highways.

24 (H) Flood control.

25 (I) Broadband Internet access service expansion in underserved
 26 areas.

27 (J) Local hospital construction.

28 Fifth—That Section 3 of Article XIII D thereof is amended to
 29 read:

30 ~~SEC. 3. Property Taxes, Assessments, Fees and Charges~~
 31 ~~Limited.~~ (a) ~~No~~ *An agency shall not assess a tax, assessment, fee,*
 32 ~~or charge shall be assessed by any agency~~ upon any parcel of
 33 property or upon any person as an incident of property ownership
 34 except:

35 (1) The ad valorem property tax imposed pursuant to Article
 36 XIII and Article XIII A.

37 (2) Any special tax receiving a two-thirds vote pursuant to
 38 Section 4 of Article XIII ~~A~~ *or Section 2.5 of Article XIII C.*

39 (3) Assessments as provided by this article.

1 (4) Fees or charges for ~~property-related~~ *property-related* services
2 as provided by this article.

3 (b) For purposes of this article, fees for the provision of electrical
4 or gas service ~~shall are not be~~ deemed charges or fees imposed as
5 an incident of property ownership.

6 Sixth—That Section 18 of Article XVI thereof is amended to
7 read:

8 SEC. 18. (a) ~~No~~ A county, city, town, township, board of
9 education, or school district, shall *not* incur any indebtedness or
10 liability in any manner or for any purpose exceeding in any year
11 the income and revenue provided for ~~such~~ *that* year, without the
12 assent of two-thirds of the voters of the public entity voting at an
13 election to be held for that purpose, except that with respect to any
14 such public entity which is authorized to incur indebtedness for
15 public school purposes, any proposition for the incurrence of
16 indebtedness in the form of general obligation bonds for the
17 purpose of repairing, reconstructing or replacing public school
18 buildings determined, in the manner prescribed by law, to be
19 structurally unsafe for school use, shall be adopted upon the
20 approval of a majority of the voters of the public entity voting on
21 the proposition at such election; nor unless before or at the time
22 of incurring such indebtedness provision shall be made for the
23 collection of an annual tax sufficient to pay the interest on such
24 indebtedness as it falls due, and to provide for a sinking fund for
25 the payment of the principal thereof, on or before maturity, which
26 shall not exceed forty years from the time of contracting the
27 indebtedness.

28 (b) Notwithstanding subdivision (a), ~~on or after the effective~~
29 ~~date of the measure adding this subdivision, in the case of any~~
30 ~~school district, community college district, or county office of~~
31 ~~education, any proposition for the incurrence of indebtedness in~~
32 ~~the form of general obligation bonds for the construction,~~
33 ~~reconstruction, rehabilitation, or replacement of school facilities,~~
34 ~~including the furnishing and equipping of school facilities, or the~~
35 ~~acquisition or lease of real property for school facilities, for the~~
36 ~~purposes described in paragraph (3) or (4) of subdivision (b) of~~
37 ~~Section 1 of Article XIII A shall be adopted upon the approval of~~
38 55 percent of the voters of the ~~district or county, school district,~~
39 ~~community college district, county office of education, city, county,~~
40 ~~or city and county, as appropriate, voting on the proposition at an~~

1 election. This subdivision shall apply ~~only~~ to a proposition for the
2 incurrence of indebtedness in the form of general obligation bonds
3 for the purposes specified in this subdivision *only* if the proposition
4 meets all of the accountability requirements of paragraph (3) *or*
5 (4) of subdivision ~~(b)~~ (b), *as appropriate*, of Section 1 of Article
6 XIII A.

7 (c) When two or more propositions for incurring any
8 indebtedness or liability are submitted at the same election, the
9 votes cast for and against each proposition shall be counted
10 separately, and ~~when~~ *if* two-thirds or a majority or 55 percent of
11 the voters, as the case may be, voting on any one of those
12 propositions, vote in favor thereof, the proposition shall be deemed
13 adopted.

O

Resolution No. 2019- _____

RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS ENDORSING ITS SUPPORT FOR AMENDING THE FAIRFIELD-SUISUN SEWER DISTRICT ENABLING ACT.

WHEREAS the Fairfield-Suisun Sewer District (FSSD) was established pursuant to the Fairfield-Suisun Sewer District Act, Chapter 303, Statutes of 1951 (the Enabling Act) to provide collection, treatment, and disposal for sewage to the cities of Fairfield and Suisun City; and,

WHEREAS, FSSD has evolved since the initial adoption of the Enabling Act in 1951 and through legislation in 1959, 1963, 1985, 1992, 1997, 2001, and 2002 which has modified sections of the Enabling Act to incorporate organizational and other changes; and,

WHEREAS, property owners in Middle Green Valley Specific Plan area of Solano County have sought legislative changes to the Enabling Act to allow this area to receive sewer services from the District; and,

WHEREAS, the Fairfield-Suisun Sewer District Board of Directors adopted Resolution 2018-02 supporting the requested change along with other administrative edits related to processes that are no longer efficient or effective.

RESOLVED, the Solano County Board of Supervisors endorses the proposed amendments to the Fairfield-Suisun Sewer District’s Enabling Act as approved by the FSSD Board of Directors on February 19, 2018.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on May 8, 2018 by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

EXCUSED: SUPERVISORS _____

ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

Resolution No. 2018 - ____
Page 2

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk

BOARD OF DIRECTORS

MICHAEL SEGALA, PRESIDENT

HARRY PRICE, VICE PRESIDENT

PAM BERTANI

JANE DAY

MIKE HUDSON

CATHERINE MOY

PETE SANCHEZ

CHUCK TIMM

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LORI WILSON

BOARD OF DIRECTORS
SPECIAL MEETING NOTICE/ AGENDA

Meeting Date: Monday, February 19, 2018

Meeting Place: 1010 Chadbourne Road
Fairfield, California

Meeting Time: 6:00 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Public Comments
4. Board Comments
5. General Manager Report

<p><i>Teleconference Notice:</i> <i>Director Jane Day will be participating from a teleconference location at 301 Morgan Street, Suisun City, CA 94585.</i></p>

6. <u>Discussion/Action Items</u>	<u>Page</u>
(a) Adopt Resolution No.2018-02, Supporting Legislative Changes to the Fairfield-Suisun Sewer District Act.....	2

-- End of Agenda --



FAIRFIELD-SUISUN SEWER DISTRICT

1010 CHADBOURNE ROAD • FAIRFIELD, CALIFORNIA 94534 • (707) 429-8930 • WWW.FSSD.COM
GREGORY G. BAATRUP, GENERAL MANAGER

February 12, 2018

LE-200.10

MEMORANDUM

TO: Board of Directors

FROM: Greg Baatrup, General Manager

SUBJECT: Legislative Changes to the Fairfield-Suisun Sewer District Act

Recommendation: Adopt Resolution No.2018-02 (Exhibit B) supporting legislative changes to the Fairfield- Suisun Sewer District Act (referred to as the Enabling Act or Act).

Background: At their January 22, 2018 meeting, the Board of Directors was asked to adopt a resolution to support changes to the Fairfield-Suisun Sewer District Act. The changes can be grouped into two categories, 1) changes to allow the District to serve properties in the Middle Green Valley Specific Plan and the Rockville Corners Area, and 2) changes proposed by staff to clarify language around treating organics, as well as administrative changes to clean up outdated language from the original act.

The Board of Directors tabled taking action to a future date to allow additional information to be made available, and to give more time for the decision. District Counsel and the General Manager reviewed the questions and comments and prepared a memorandum (Exhibit A) addressing the most prominent of the issues.

Subsequent to the Board of Directors meeting, the District received two requests for records under the Public Records Act: 1) A January 22, 2018 letter from the Law Offices of Donald Mooney representing the Rockville Homeowners Association and 2) A January 29, 2018 e-mail from Stephen Hallett, District Representative for Solano County Supervisor Monica Brown. Records were provided on February 8, 2018 to both as requested, and the Board was provided a copies of each.

Exhibits: Exhibit A - February 12, 2018 Memorandum to the Board of Directors
Exhibit B - Resolution No. 2018-02



FAIRFIELD-SUISUN SEWER DISTRICT

1010 CHADBOURNE ROAD • FAIRFIELD, CALIFORNIA 94534 • (707) 429-8930 • WWW.FSSD.COM
GREGORY G. BAATRUP, GENERAL MANAGER

February 12, 2018

MEMORANDUM

TO: Board of Directors

FROM: Greg Baatrup, General Manager
Bernadette Curry, District Counsel

SUBJECT: Legislative Changes to the Fairfield-Suisun District Act

Background: In response to a January 5, 2018 letter from Amanda Monchamp, sent in her capacity as representative of certain property owners in Rockville Corners and Middle Green Valley, staff presented an agenda item first to the Executive Committee on January 15, 2018 and then to the full Board at the January 22, 2018 meeting. The recommendation being approval of a resolution supporting the requested changes, along with staff proposed amendments.

Due to concerns raised by several speakers and questions/comments from the Board members, the Board determined it needed more time and information before acting on the item. The agenda item was continued until a special meeting scheduled to be held on February 19, 2018.

The comments and questions about changes to the Fairfield-Suisun Sewer District Act (referred to as the “Enabling Act” or “Act”) raised during the discussion on the item generally fit into three main categories; 1) Urgency for a decision, 2) Fiscal Impact to the District, and 3) Level of entitlement to be given to the outside areas using the term “shall” verses “may” in proposed Section 48(b). Lastly, there are several changes proposed by staff to clean up outdated references and procedures and to add clarity about processing organics.

This memo groups the issues in three parts, where Part 1 provides the legislative history, jurisdictional and the legislative actions permitting extension of service to areas outside the District, that have established conflicts between the Enabling Act and California Government Code. Part 2 addresses comments and questions raised about the changes to the Enabling Act, that if approved would provide District services to two specific areas outside the District’s boundary. Part 3 highlights the other administrative changes and clarifications proposed by staff.

Part 1 – Legislative History and Actions

History of Fairfield-Suisun Sewer District Enabling Act

As mentioned in the previous staff reports, the Enabling Act was approved by the California Legislature and signed into law by the Governor on May 5, 1951, in order to create a dependent

Special District whose purpose is to finance, construct, maintain and operate sanitary sewage and storm drainage systems for the Cities of Fairfield and Suisun City. Given the timing of the legislation and the then authority of the respective cities, the purpose of the special legislation was to authorize the provision of such services outside of the boundaries of the Cities, specifically to Travis A.F.B., which at the time of the legislation, had not yet been incorporated into the City of Fairfield.¹

Jurisdiction of the District

Section 1 of the Enabling Act provides that the District consists of the territory in Solano County contained within the Cities of Fairfield and Suisun City, and any territory subsequently annexed into either city becomes annexed into the District. Except by annexation to either city, the District's boundaries cannot be modified except by action of the State Legislature.

LAFCO's Authority to Approve Service outside Existing Service Areas

The most recent amendment to the Enabling Act occurred in 2002, and while it did not expand the boundaries, it did authorize the District, pursuant to Section 48², to provide service outside its boundaries under the following circumstances:

- (a) Except as otherwise provided in subdivisions (b) and (c), the District may not accept or contract for the disposal of any sewage emanating from outside the District, except sewage from public buildings or buildings of a public utility subject to regulation by the Public Utilities Commission.
- (b) The District may accept and contract for the disposal of sewage emanating from buildings outside the District, if those buildings are connected to the District's sewage treatment system on March 1, 2002.
- (c) Pursuant to Section 56133 of the Government Code, the District may contract with Solano County or another public entity, for the disposal of sewage emanating from buildings outside the District, if the Board of the District determines that the contract furthers the protection of public health and safety, and is in the best interests of the district.
- (d) Every user that is connected to the District's sewage treatment system is subject to the District's ordinances, resolutions, and other laws.

Gov. Code section 56133 authorizes new or extended services outside a City or District's jurisdictional boundary in the following situations:

- (a) Outside the jurisdictional boundary only if the City or District first requests and receives written approval from LAFCO.
- (b) When the new or extended service is outside the City or District's jurisdictional boundary, but within its sphere of influence (SOI) in anticipation of a later change of organization.
- (c) If outside the jurisdictional boundary and outside the SOI to respond to existing or impending threat to the health or safety of the public when:
 - i. Threat to the health or safety to the public or the residents of the affected territory

¹ Travis A.F.B. was formally annexed into the City of Fairfield on March 30, 1966.

² Amended in full, Statutes of 2002, Ch. 426

- has been documented
- ii. LAFCO has notified alternate service providers of the intent to provide the extended service.

Per Gov. Code section 56076, “sphere of influence” means a plan for the probable physical boundaries of the service are of a local agency, as determined by the commission. As indicated in LAFCO’s Final Wastewater Services Municipal Service Review, dated February 27, 2017, “[t]he Fairfield-Suisun Sewer District does not yet have a sphere of influence. LAFCO has not established a SOI for this District. The 1951 enabling legislation did not address the District’s SOI, as it was enacted prior to LAFCO law.” (MSR, pp 3-4, 3-5.)

Since LAFCO has not approved a SOI for the District, and the proposed areas are not within either cities’ SOI and due to Measure L, are not anticipated to be annexed in the future. Without an SOI, LAFCO does not have authority to authorize an extension of service under 56133(b), and only has jurisdiction in the case of an existing or impending threat to public health and safety under 56133(c).

Court Decision on District Service to the proposed Woodcreek project

The issue of service to properties outside the District boundary was recently addressed when Solano County Orderly Growth Committee, the Upper Green Valley Homeowner Associations, and the Rockville Homeowners Association sued the County challenging the County’s approval of the Woodcreek Environmental Impact Report (EIR). With regard to sewer services, Judge Carringer, in her ruling dated July 12, 2017, determined:

“As to sewer services, the Fairfield Suisun Sewer District (“FSSD”) is precluded by law from providing services outside of Fairfield and Suisun city limits, unless in response ‘to an existing or impending threat to the health or safety of the public or the residents of the affected territory.’ Sewer District Act §48 of the Fairfield-Suisun Sewer District Act. The court here finds that while this exception could apply to remedy threats to existing residents, it cannot be used to justify extension of the existing sewer system to accommodate this proposed project, which until constructed cannot possibly cause any “existing or impending threats”.

Although Judge Carringer cited to the Enabling Act, she was actually citing to the language of Gov. Code Section 56133(c). As a result, this recent decision has created a question of law as to the ability of the District under Section 48(c) to provide service by contract if it “further the protection of public health and safety and is in the best interest of the district,” or only in situations justified by 56133(c).

Legislative Intent

If the Legislature meant for Section 48(c) to apply only in situations involving existing homes with failing systems, it could have used that specific language. Instead, it provided a standard of “furthering the protection of public health and safety,” which is arguably different than merely responding to an existing or impending threat. Without clarification from the Legislature, there is a risk that the District, operating under the standard of Section 48(c), could be sued for extending service beyond existing or impending threats as authorized under Section 56133(c). For example,

the Board could determine that contracting with the County to provide sewer service to Middle Green Valley furthers the protection of public health as opposed to the installation and operation of 400 new septic systems in the valley, or the construction of a stand-alone treatment system that would discharge its effluent into the adjacent creeks only to be challenged based on Judge Carringer's opinion above.

Conclusion

Given this legal ambiguity, we believe that the Enabling Act should be amended to clarify the District's ability to contract to provide extraterritorial service under Section 48(c) and to what extent that authority is governed by section 56133(c).

Part 2 – Responses to Comments and Questions from the January 22, 2018 Meeting

As noted above, the comments and questions about changes to the Enabling Act raised during or after the January 22nd discussion, generally fit into three main categories and the following addresses them:

1) Timing of the Action

Although staff was first informed by the applicants' idea to proceed with a legislative fix last Fall, it wasn't until the end of the year that we were notified that they were submitting proposed language to the respective legislators, in order to meet Legislative Counsel's deadline to submit new legislation in 2018.

We have subsequently learned that while language may have been submitted, no bill was actually drafted or introduced. Therefore, we have no information at this time whether proposed legislation can still proceed in this Legislative Session.

2) Fiscal Impact to the District

Any customer that desires to connect to the District's system is obligated to pay the cost of such connection, including the cost of upgrading the system if required by such connection. In addition, customers are required to pay applicable Sewer Capacity Fees and Sewer Service Charges as established by District ordinances. Additional customers increase the number of ratepayers, therefore costs are spread across a larger customer base. While these two specific areas will have a small impact due to their size, they will add to the base and will not be subsidized by existing customers.

3) Level of Entitlement to be given only to these two specific areas by using the term "shall" verses "may" in Section 48(b).

Using the term "shall" was intended to insulate the District from any legal challenge by project opponents ensuring an entitlement that is consistent with the entitlement afforded to other District customers. The proposed language does not mandate service, but rather states that if requested, the District shall provide it.

To provide certainty about complying with District regulations, Section 48(d), which states "Every user that is connected to the District's sewage treatment system is subject to the District's Ordinances, Resolutions, and other laws", protects the District from unacceptable uses and ensures conformance with District regulations like all other District customers.

Although staff believes the District rights are protected, staff is proposing that Section 48(b) be revised to delete the word “shall” and shift the focus to establish that the District is authorized to contract to provide services to these two specific areas.

Part 3 – Proposed Staff Changes to the Enabling Act

Lastly, numerous changes are proposed by staff to clean-up outdated references and procedures, and to add clarity about processing organics. Attached is the edited version of the Enabling Act that includes both the applicant’s requested changes and staff’s proposals. Staff changes are highlighted in yellow and include the following:

Section	Proposed Edit
18(a), (b), (c), (d), (e), (f), (g),	Delete unnecessary references to City or County and renumber accordingly
18(g)	Insert new definition of “organic materials”
27	Delete reference to first election
28	Delete requirement for Board to appoint a Clerk
29	Eliminate requirement for Board President to execute all warrants
34	Provide cleaner language on bond requirements for District employees or officers.
46	Insert “political subdivision” in the list of eligible partners
48(e)	Authorize the District to accept organic materials outside the District boundaries, in the judgement of the Board is in the best interest of the District
56	Clarify that the District has the ability to contract for the purchase or sale of effluent as provide by State law
59	Update posting requirements for Ordinances
150 & 153	Delete unnecessary references to City

Next Steps

Staff is recommending that the Board take action to support District initiated edits. With regards to the applicants’ requested changes, the Board has several options from which to choose.

The Board could:

1. Approve resolution supporting applicants’ and staff proposed language as presented;
2. Authorize staff to draft a letter to the Legislature requesting an amendment to the Enabling Act to clarify the District’s Sphere of Influence or ability to provide extraterritorial service; or
3. Take no action on the applicants’ proposed edits.

CHAPTER 303
State of California
Statutes of 1951

The Fairfield-Suisun Sewer District Act, as last amended September 2002

An act relating to the financing, construction, maintenance and operation of sanitary sewerage and storm drainage systems for the Cities of Fairfield and Suisun City, creating the Fairfield-Suisun Sewer District and prescribing its boundaries, change of boundaries, organization, operation, management, financing and powers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 1951 Filed with
Secretary of State May 5.1951.]

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

Article 1. General Provisions

SECTION 1. The Fairfield-Suisun Sewer District is hereby created to consist of the territory in Solano County now contained within the Cities of Fairfield and Suisun City. Any territory hereafter annexed to either city shall be a part of the district upon annexation. No property shall become a part of the district unless it is a part of either the City of Fairfield or the City of Suisun City.

Sec. 2. This act shall be known and may be cited as "Fairfield-Suisun Sewer District Act."

Sec. 3. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Article 2. Definitions

Sec. 10. Unless the context otherwise requires, the provisions of this article shall govern the construction of this act.

Sec. 11. "District" means the Fairfield-Suisun Sewer District.

Sec. 12. "Board" means the board of directors of the district.

Sec. 13. "Cities" refers to the Cities of Fairfield and Suisun City.

Sec. 14. "Charges" includes fees, tolls, rates and rentals.

Sec. 15. "County" means the County of Solano.

Sec. 16. "Board of supervisors" means the Board of Supervisors of the County of Solano.

Sec. 17. "Clerk" means the clerk of the district.

Sec. 18. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, the terms used in those laws shall have the following meanings:

~~(a) "City council," "council," and "legislative body" mean the board~~

~~(b) "City," "municipality" and "local agency" mean the district, "~~

~~(ca) "Clerk" and "city clerk" means the clerk of the district.~~

(b) "Middle Green Valley Specific Plan" means all property included within the Middle Green Valley Specific Plan adopted by the Board of Supervisors

(c) "Rockville Corners" mean those properties located in the Rockville Corners area with the following Assessor Parcel Numbers: 27-030-07; 27-120-03; 27-130-02, -03, -04, -05, -06; 27-141-07, -11, 13, -20, -21, -24, -26, -28, -30, -37, 39; 27-142-07; 27-150-01, 02, 03; 27-160-01; 27-170-01, -04, -05, -07, -08, -09, -10, -11; 27-180-02, -03, -04, -06, -07, -08, -09, -11; 27-190-01, -03, -04, -06, -10, -11; 27-200-06, -15, -16, -19, -20, -21, -23; 27-210-02, -10, -11, -12; 153-170-22; 153-180-01, -02, -03, -04, -06, -08, -09, -10, -11, -12, or as such parcels may be subdivided.

~~(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district or any other person appointed to perform those duties. The person performing those duties shall be called the district engineer.~~

~~(e) "Tax collector" means either the county tax collector or another~~ the person designated as the tax collector by the board.

~~(fc) "Treasurer" and "city treasurer" means either the County Treasurer of the County of Solano or another~~ person designated as the treasurer by the board.

~~(gf) "Auditor" and "city auditor" means either the County Auditor of the County of Solano or another~~ person or entity designated as the auditor by the board.

(hg) "Organic materials" means material that is organic in nature, such as plant material, food and beverage waste, and paper products, which can be recycled using treatment processes such as composting, digestion or other processes to decompose the organic matter. Gas produced from the process can be captured and used for generating electricity and heat.

Article 3. General Administrative Provisions

Sec. 25. The district shall be governed by a board of directors of 10 members who shall be ex officio, all members of the city councils of the Cities.

Sec. 26. A quorum for the transaction of business shall consist of any six members of the board. No action shall be taken without the affirmative vote of at least six members.

Sec. 27. ~~At its first meeting, and thereafter at the first meeting following such election of councilmen for the cities,~~ The board shall choose one of its members as president and elect other officers in accordance with Board policy.

Sec. 28. ~~At its first meeting, or as soon thereafter as may be practicable, the board shall appoint a clerk, who may be a city clerk. He shall serve at the pleasure of the board and his compensation shall be fixed by it.~~

Sec. 29. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district ~~by the president and countersigned by the clerk~~ in accordance with Board policy.

Sec. 30. (a) Subject to subdivision (b), each board member shall receive one hundred dollars (\$100) for each day of his or her actual attendance of the meetings of the board and of committees of the board, and for each day's service otherwise rendered as a board member by request of the board, not exceeding a total of six days in any calendar month.

(b) The board may, by ordinance, increase the compensation received by board members above one hundred dollars (\$100) a day, provided that the increase shall not exceed an amount equal to 5 percent of the compensation which is received when the ordinance is adopted, for each calendar year following the operative date of the last increase.

Sec. 31. Each board member shall be reimbursed for actual expenses incurred in the conduct of district business.

Sec. 32. The board may, in its discretion, establish a district treasury and appoint a district treasurer to serve at the pleasure of the district board.

Sec. 33. All district elections other than bond elections shall be conducted in accordance with the election laws applicable to general law cities.

Sec. 34. The board may require any employee or officer to be bonded. The district shall pay the cost of the bonds. ~~All county officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.~~

Article 4. Powers

Sec.40. The district may adopt and use a seal which shall be alterable at the pleasure of the board.

Sec. 41. The district may sue and be sued.

Sec. 42. The district may acquire, construct, reconstruct, alter, enlarge, lay, repair, renew, replace, replace, maintain, and operate such sewers, drains, septic tanks, and sewage collection, outfall, treatment works, and other sanitary disposal systems, and storm water, storm water collection, outfall, and disposal systems, and water reclamation and distribution systems, within or without the district, as in the judgment of the board shall be necessary and proper.

Sec. 43. The district may take, acquire, hold, use and dispose of property of every kind within or without the district necessary, expedient, or advantageous to the full exercise and economic enjoyment of its purposes and powers.

Sec. 44. The district may exercise the right of eminent domain to acquire any property necessary to carry out any of the objects or purposes of the district.

Sec. 45. The district may make and accept contracts, deeds, releases and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

Sec. 46. The district may cooperate and contract with the United States, or any agency thereof, with the State, or any political subdivision thereof, or with either of the cities for the joint acquisition, construction or use or aid in the construction of any facilities which the district may be empowered to construct under this act, including assignment to the district of any subventions of either of the cities.

Sec. 47. All existing contracts of either of the cities relating to the collection and disposal of sewage may be assumed by the district.

Sec 48. (a) Except as otherwise provided in subdivisions (b), ~~and (c), and (d)~~, the district may not accept or contract for the disposal of any sewage emanating from outside the district except sewage from any public buildings ~~or buildings of a public utility subject to regulation by the Public Utilities Commission.~~

(b) Upon request of a landowner, ~~The district may shall, upon request,~~ is hereby authorized to accept and contract for the disposal of sewage emanating from buildings outside the district if those buildings are connected to the district's sewage treatment system on March 1, 2002 or from any building within the County Service Area ~~Middle Green Valley Specific Plan and Rockville Corners.~~

(c) Except as provided in subdivision (b) above, ~~Pursuant to Section 56133 of the Government Code,~~ the district may, pursuant to Section 56133 of the Government Code, contract with Solano County or another public entity for the disposal of sewage emanating from buildings outside the district if the board of the district determines that the contract furthers the protection of public health and safety and ~~or~~ is in the best interests of the district.

(d) Every user that is connected to the district's sewage treatment system is subject to the district's ordinances, resolutions, and other laws.

(e) The district may accept organic materials originating from within or outside the district, as in the judgment of the board is in the best interests of the district.

Sec. 49. The district may borrow money and provide for its repayment without regard to any limitation by reason of any budget law or otherwise.

Sec. 50. The district may guarantee the performance of any of its transactions, including the payment of local improvement bonds issued pursuant to any general law, without regard to any limitation by reason of any budget law or otherwise.

Sec. 51. The district may refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

Sec. 52. The district may incur indebtedness and issue bonds in the manner herein provided.

Sec. 53. The district may issue warrants in payment of district obligations. When not paid for want of funds, the warrants shall be registerable as provided in the Government Code for registration of city warrants when not paid for want of funds. 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 by those statutes, other statutes, ordinances, or regulations, and expressly applicable to those 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 a general law city. All claims shall be free of the limitation of any budget law.

Sec. 54. The district may cause special assessments to be levied and collected on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of local improvements. If all or any portion of such assessment remains unpaid, the district may issue bonds, not in excess of the amount of the assessment remaining unpaid, secured by the assessment.

Sec. 55. The district may appoint, employ, and fix the compensation of such engineers, attorneys, assistants and other employees as it deems proper.

Sec. 56. The district may ~~sell~~ contract for the purchase and/or sale of any effluent resulting from the operation of any sewage treatment plant as in the judgment of the board shall be necessary and proper and is in the best interests of the district ~~constructed by or for the district~~. Sections 6520.7 and 6520.9 of the Health and Safety code are applicable to the district.

Sec. 57. The district may obtain insurance in such form and in such amounts as the board may deem necessary for the adequate protection of the district's property, officers, employees and interests.

Sec. 59. The district may adopt all necessary and proper regulations for all sanitary purposes not in conflict with the laws of this State. Any person who violates any regulation of the district is guilty of a misdemeanor. A regulation of the board shall be adopted by ordinance and shall be ~~posted for one week in three public places in each of the cities~~ published pursuant to Section 6061 of the Government Code in a newspaper of general circulation and shall take effect upon expiration of the week of such ~~posting~~ publication. A subsequent finding of the board, entered in its minutes, that ~~posting~~ publication has been made is conclusive evidence that the ~~posting~~ publication has been properly made.

Sec. 60. The district may compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewage or drainage disposal service with the sewer and storm drains in streets.

Sec. 61. The district may prescribe, revise and collect charges for services and facilities furnished by it.

Sec. 62. The district may contract for the collection of charges for any sewer enterprise or service together with and not separately from the charges for any other utility service rendered by the cities, and that all charges shall be billed upon the same bill and collected as one item. If all or any part of the bill is not paid, the district or either of the cities may discontinue its utility service until the said bill is paid. Such contract shall provide for the payment of a reasonable collection charge to the city involved.

Sec. 63. The district may require that its charges be payable in advance. In case any charges remain unpaid at the time specified for fixing the tax rate of the district, if the property is owned, controlled, or in the possession of the same person who owned, controlled, or was in possession of it during the time the charges were incurred, or if the only transfers were made of the property since the date the charges were incurred, have been transfers by gift, descent, bequest, or devise, the amount due to the charges may be collected at the same time and in the same manner as annual taxes levied against the land served by the district facilities. The charges shall constitute a lien on the land. If the taxes are divided and made payable in two installments, the unpaid charges may be added to, and become a part of, the first installment. The board shall include in the statement of tax rate transmitted to the county auditor the amount of the charges to be levied against the land served, and the county auditor shall include the charges in the tax bills. Alternatively, charges, for any services and facilities which the district is authorized to provide and for which it is authorized to collect charges, may be collected in the manner provided by Section 5473 of the Health and Safety Code in accordance with the procedures set forth in other applicable provisions of Article 4 (commencing with Section 5470) of Chapter 6 of Division 5 of the Health and Safety Code.

Sec. 64. The district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the board deems beneficial or to prevent the passage of legislation which the board deems detrimental to the district. Expenses incident thereto are proper charges against the district.

Sec. 65. The district may enter in associations. Through a representative of the associations, it may also attend the Legislature to accomplish the purposes outlined in the next preceding section.

Sec. 66. All contracts for the construction of any unit of work shall be governed by Sections 22032 to 22039, inclusive, contained in Article 3 (commencing with Section 21200) of Chapter 2 of Part 3 of Division 2 of the Public Contract Code.

Article 5. General Obligation Bonds

Sec. 80. The district may issue bonds as provided in this article.

Sec. 81. The district may issue bonds for any of the purposes stated in Sections 42 and 51 of this act.

Sec. 82. When in its judgment it is advisable, the board may, and, upon a petition of 10 percent of the registered voters residing in the district shall, adopt a resolution calling an election to submit to the voters of the district the question whether bonds shall be issued.

Sec. 83. The resolution calling the election may submit as one proposal the question of issuing bonds to make all of the outlays or so many of them as may be selected, or the resolution may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

Sec. 84. Notice of bond elections shall be given by posting notices, signed by the clerk of the board, in three public places in the district, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Sec. 85. The notice shall contain:

- (a) Time and place of holding the election.
- (b) The names of the officers of election appointed to conduct it.
- (c) The hours during the day in which the polls will be open.
- (d) A statement of the purpose for which the election is held.
- (e) The amount and denomination of the proposed bonds, the rate of interest and the number of years, the whole or any of the bonds are to run.

Sec. 86. The vote shall be by ballot, without reference to the general law in regard to the form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (-0 upon his ballot after the "Yes" or "No," to indicate whether he has voted for or against the bonds.

Sec. 87. After the votes have been announced the ballots shall be sealed and delivered to the clerk or president of the board, which board shall on the seventh day after the election, at 8 o'clock p.m., meet and canvass them and enter the returns in its minutes.

The entry is conclusive evidence of the fact and regularity all prior proceedings and of the facts stated in the entry. No informality shall affect the validity of said bonds.

Sec.88. Except as herein provided, the election shall be conducted as nearly as practicable in accordance with laws relating to general elections.

Sec. 89. If, at the election, a majority of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the resolution calling the election.

Sec. 90. Bonds issued by the district under this article shall be in the denominations determined by the board.

Sec. 91. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at the rate determined by the board but not to exceed the amount specified in Section 53531 of the Government Code.

Sec. 92. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board. The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity.

Sec. 93. Each bond shall be signed by the president and countersigned by the clerk.

Sec. 94. The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

Sec. 95. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by it in its discretion. No bond may be disposed of for less than its face value.

Sec. 96. The term of bonds issued shall not exceed 40 years.

Sec. 97. The board may in its discretion, before issuance commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation district bonds, provided for by Division 11 of the Water Code, and its provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. The judgment has the same effect as a judgment in relation to irrigation district bonds under the provisions of Division 11 of the Water Code. The board may use the same procedure to validate the creation of the district and any annexations thereto.

Sec. 98. An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

Sec. 99. The board may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the board separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Article 6. Revenue Bonds

Sec. 105. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds of the district shall be conducted in substantial accordance with and with like legal effect as is now or hereafter provided in the Sanitation, Sewer and Water Revenue Bond Law of 1941.

Sec. 106. The board shall have and exercise for the district the powers and duties of local agencies under the said law, and the bondholders shall have the rights and remedies therein provided.

Sec. 107. The board may guarantee the payment of any part of the principal and interest of said bonds which are not paid for want of sufficient revenues of the enterprise. For that purpose it may pledge all revenues of the district, including tax revenues.

Article 7. Assessment Bonds

Sec. 110. The Municipal Improvement Act of 1913, the Improvement Act of 1911, the Street Opening Act of 1903 and the Improvement Bond Act of 1915 are applicable to the district.

Sec. 111. In its resolution of intention adopted pursuant to any of the acts mentioned in Section 110, the board may determine and declare that bonds will be issued and paid, and the assessments therefor levied, collected and augmented in accordance with the applicable provisions of Sections 14, 15, 16, 17, 20, 21, 22, 24, 25, 26, 27, and 28 of the Refunding Assessment Bond Act of 1935, as now or hereafter provided, in which case the applicable provisions of said act are incorporated herein and made a part hereof by reference. Appropriate changes shall be made in the form of the bond to show that it is for a public improvement or acquisition under this act.

The list of unpaid assessments shall be filed, noticed, heard, and the bonds ordered issued, interest shall accrue from the date, the assessments thereafter paid before maturity, bonds called, premium paid, and illegal assessments and bonds reassessed, all as provided in the Improvement Bond Act of 1915. The bond shall be entitled "Improvement Bond." The provisions for payment of the bond before maturity, as contained in the bond form in the Improvement Bond Act of 1915, shall be inserted in the place of the similar provision in said refunding bond form. There shall also be inserted in the bond form after the title of the refunding act the words "as modified in the Fairfield-Suisun Sewer District Act."

Sec. 112. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by the district under Article 4 of this act.

Sec. 113. Notwithstanding the provisions of any act to the contrary, it shall not be necessary to obtain the consent of either of the cities to conduct assessment proceedings. It shall only be necessary to record the assessment in the office of the district engineer and in the office of the county' surveyor or county engineer of the county. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the district engineer and in the office of the county' surveyor or county engineer of the county'.

Sec. 114. Division 4 of the Streets and Highways Code shall not apply to proceedings under this act.

Article 8. Finances and Taxation

Sec. 120. The lien for taxes for the first fiscal year after the district is formed shall attach on the first Monday in March or on the date the district is created, whichever is later.

Sec. 121. Annually, at least 15 days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by law for county purposes, the board shall furnish to the board of supervisors a written statement of the following:

1. The amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

2. The amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district.

Sec. 122. The board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable property in the district, based upon the last equalized assessment roll of the county, sufficient to pay the amounts set forth in the statement of the board.

Sec. 123. If the board fails to furnish the written statement, the board of supervisors shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the proceeds of the next general tax levy shall become available, and shall levy and cause to be collected the amount.

Sec. 124. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury of Solano County to the credit of the proper district fund, as provided in Article 9 hereof. The board shall control and order its expenditure.

Sec. 125. The tax is a lien on all property within the district and of the same force and effect as other liens for taxes, and its collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Sec. 126. The principal and interest on district bonds shall be paid by the treasurer in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

Sec. 127. Compensation to the county for the performance of services described in this article is hereby fixed at one-half of 1 percent of all money collected for the district.

Sec. 128. Sections 54900 to 54903, inclusive, of the Government Code shall not apply to the district.

Article 9. Funds

Sec. 150. There is created in the treasury of ~~either of the cities, or of~~ the district, as determined by the board, a fund entitled the “Fairfield-Suisun Sewer District General Fund.”

Sec. 151. The proceeds of the sale of revenue bonds or general obligation bonds or proceeds of special assessments levied by the board shall be deposited with the treasurer and shall be by him placed in the fund to be called the “Fairfield-Suisun Sewer District Construction Fund No. _____.” (inserting number)

Sec. 152. The money in any construction fund shall be used for the purpose indicated in the resolution calling the election upon the question of the issuance of bonds, or for the purpose described in the resolution of intention in the assessment proceedings, or for repayment of money borrowed for the purpose of financing the improvement for which bonds were subsequently issued, or the assessment levied, and for no other purpose, except that any money in the construction fund determined by resolution of the board to be in excess of the amounts required for completion of the improvement authorized may, by the resolution so determining, be transferred to any other fund of the district and be used for any lawful purpose.

Sec. 153. There is created, at the discretion of the board, in the district treasury ~~of either city~~ ~~or in the treasury~~ a fund called the “Fairfield-Suisun Sewer District Bond Fund, Series _____,” (inserting series number) in which the treasurer shall keep money levied by the board for that fund.

Sec. 154. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of principal and interest of the bonds of the district, or for repayment of money borrowed for the purpose of paying the principal and interest of the bonds of the district, until said bonds are fully paid, at which time it may be transferred to any other fund.

Sec. 155. The budget laws do not apply to the district.

Sec. 156. The district treasurer or any other person authorized by the district board to fulfill the treasurer's duties shall give bonds to the district conditioned for performance of their duties, fixed and approved by the governing body and that premium paid by the district.

Sec. 157. Any investments made by the Fairfield-Suisun Sewer District shall be performed pursuant to Article 1 (commencing with Section 53600) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

Article 10. Urgency

Sec. 160. The purpose of this act is to form the Fairfield-Suisun Sewer District in order that the area benefited may be served with sewer and storm drain facilities; special facts and circumstances, applicable to the area in which the district lies and not generally, makes the accomplishment of this purpose impossible under existing general laws, and therefore special legislation is necessary. The special facts are as follows:

- (a) The area has no facilities for the treatment and disposal of sewage and is consequently contaminating and polluting the waters of Suisun Bay.

- (b) Recent increases have resulted in a population disproportionate to the assessed valuation of taxable property in the area, and construction of adequate facilities cannot therefore be financed within the framework of existing general laws.
- (c) The area is of strategic importance during times of war or threatened war because of the proximity of the Travis Air Force Base, formerly known as the Fairfield-Suisun Army Air Base, center of military air operations on the Pacific Coast. Influx of military men and their families has greatly aggravated the problem of sewage disposal in the area.

Sec. 161. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall take effect immediately. The facts constituting such necessity are:

Water pollution and contamination are critical problems in the proposed district. State and local health authorities are agreed on the urgent need for immediate sewage treatment facilities in the area if a serious health condition is to be avoided. Inadequacy of existing law makes it necessary that this legislation take immediate effect so that necessary facilities may be provided.

FAIRFIELD-SUISUN SEWER DISTRICT
RESOLUTION NO. 2018-02

**A RESOLUTION SUPPORTING AMENDMENTS TO THE FAIRFIELD-SUISUN
SEWER DISTRICT ACT**

WHEREAS, the Fairfield-Suisun Sewer District (District) was established pursuant to the Fairfield-Suisun Sewer District Act, Chapter 303, Statutes of 1951 (the Enabling Act) to provide collection, treatment, and disposal for sewage to the cities of Fairfield and Suisun City; and,

WHEREAS, the District has evolved since the adoption of Enabling Act in 1951 and through legislation in 1959, 1963, 1985, 1992, 1997, 2001, and 2002 has modified sections of the Enabling Act to incorporate organizational and other changes; and,

WHEREAS, property owners in Middle Green Valley Specific Plan area and Rockville Corners areas of unincorporated area of Solano County have sought legislative changes to the Enabling Act to allow these areas to receive sewer services from the District; and,

WHEREAS, Enabling Act references certain roles that were fulfilled by the City of Fairfield in an ex officio capacity that are no longer applicable; and,

WHEREAS, Enabling Act established certain processes that are no longer efficient or effective;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FAIRFIELD-SUISUN SEWER DISTRICT:

1. Supports the changes to the Enabling Act set forth in attachment hereto and incorporated herein.
2. The General Manager is hereby authorized and directed to do all things necessary and proper to implement this resolution.

PASSED AND ADOPTED THIS 19th day of February 2018, by the following vote:

AYES: Directors _____

NOES: Directors _____

ABSENT: Directors _____

President

ATTEST:

District Clerk

CHAPTER 303
State of California
Statutes of 1951

The Fairfield-Suisun Sewer District Act, as last amended September 2002

An act relating to the financing, construction, maintenance and operation of sanitary sewerage and storm drainage systems for the Cities of Fairfield and Suisun City, creating the Fairfield-Suisun Sewer District and prescribing its boundaries, change of boundaries, organization, operation, management, financing and powers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 1951 Filed with
Secretary of State May 5.1951.]

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

Article 1. General Provisions

SECTION 1. The Fairfield-Suisun Sewer District is hereby created to consist of the territory in Solano County now contained within the Cities of Fairfield and Suisun City. Any territory hereafter annexed to either city shall be a part of the district upon annexation. No property shall become a part of the district unless it is a part of either the City of Fairfield or the City of Suisun City.

Sec. 2. This act shall be known and may be cited as "Fairfield-Suisun Sewer District Act."

Sec. 3. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Article 2. Definitions

Sec. 10. Unless the context otherwise requires, the provisions of this article shall govern the construction of this act.

Sec. 11. "District" means the Fairfield-Suisun Sewer District.

Sec. 12. "Board" means the board of directors of the district.

Sec. 13. "Cities" refers to the Cities of Fairfield and Suisun City.

Sec. 14. "Charges" includes fees, tolls, rates and rentals.

Sec. 15. "County" means the County of Solano.

Sec. 16. "Board of supervisors" means the Board of Supervisors of the County of Solano.

Sec. 17. "Clerk" means the clerk of the district.

Sec. 18. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, the terms used in those laws shall have the following meanings:

- (a) ~~“City council,” “council,” and “legislative body” mean the board~~
- ~~(b) “City,” “municipality” and “local agency” mean the district, “~~
- ~~(ca) “Clerk” and “city clerk” means the clerk of the district.~~
- (b) “Middle Green Valley Specific Plan” means all property included within the Middle Green Valley Specific Plan adopted by the Board of Supervisors
- (c) “Rockville Corners” mean those properties located in the Rockville Corners area with the following Assessor Parcel Numbers: 27-030-07; 27-120-03; 27-130-02, -03, -04, -05, -06; 27-141-07, -11, 13, -20, -21, -24, -26, -28, -30, -37, 39; 27-142-07; 27-150-01, 02, 03; 27-160-01; 27-170-01, -04, -05, -07, -08, -09, -10, -11; 27-180-02, -03, -04, -06, -07, -08, -09, -11; 27-190-01, -03, -04, -06, -10, -11; 27-200-06, -15, -16, -19, -20, -21, -23; 27-210-02, -10, -11, -12; 153-170-22; 153-180-01, -02, -03, -04, -06, -08, -09, -10, -11, -12, or as such parcels may be subdivided.
- (d) ~~“Superintendent of streets,” “street superintendent,” and “city engineer” mean the engineer of the district or any other person appointed to perform those duties. The person performing those duties shall be called the district engineer.~~
- (e) ~~“Tax collector” means either the county tax collector or another~~ the person designated as the tax collector by the board.
- (f) ~~“Treasurer” and “city treasurer” means either the County Treasurer of the County of Solano or another~~ person designated as the treasurer by the board.
- (g) ~~“Auditor” and “city auditor” means either the County Auditor of the County of Solano or another~~ person or entity designated as the auditor by the board.
- (h) “Organic materials” means material that is organic in nature, such as plant material, food and beverage waste, and paper products, which can be recycled using treatment processes such as composting, digestion or other processes to decompose the organic matter. Gas produced from the process can be captured and used for generating electricity and heat.

Article 3. General Administrative Provisions

Sec. 25. The district shall be governed by a board of directors of 10 members who shall be ex officio, all members of the city councils of the Cities.

Sec. 26. A quorum for the transaction of business shall consist of any six members of the board. No action shall be taken without the affirmative vote of at least six members.

Sec. 27. ~~At its first meeting, and thereafter at the first meeting following such election of councilmen for the cities,~~ The board shall choose one of its members as president and elect other officers in accordance with Board policy.

Sec. 28. ~~At its first meeting, or as soon thereafter as may be practicable, the board shall appoint a clerk, who may be a city clerk. He shall serve at the pleasure of the board and his compensation shall be fixed by it.~~

Sec. 29. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district ~~by the president and countersigned by the clerk~~ in accordance with Board policy.

Sec. 30. (a) Subject to subdivision (b), each board member shall receive one hundred dollars (\$100) for each day of his or her actual attendance of the meetings of the board and of committees of the board, and for each day's service otherwise rendered as a board member by request of the board, not exceeding a total of six days in any calendar month.

(b) The board may, by ordinance, increase the compensation received by board members above one hundred dollars (\$100) a day, provided that the increase shall not exceed an amount equal to 5 percent of the compensation which is received when the ordinance is adopted, for each calendar year following the operative date of the last increase.

Sec. 31. Each board member shall be reimbursed for actual expenses incurred in the conduct of district business.

Sec. 32. The board may, in its discretion, establish a district treasury and appoint a district treasurer to serve at the pleasure of the district board.

Sec. 33. All district elections other than bond elections shall be conducted in accordance with the election laws applicable to general law cities.

Sec. 34. The board may require any employee or officer to be bonded. The district shall pay the cost of the bonds. ~~All county officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.~~

Article 4. Powers

Sec.40. The district may adopt and use a seal which shall be alterable at the pleasure of the board.

Sec. 41. The district may sue and be sued.

Sec. 42. The district may acquire, construct, reconstruct, alter, enlarge, lay, repair, renew, replace, replace, maintain, and operate such sewers, drains, septic tanks, and sewage collection, outfall, treatment works, and other sanitary disposal systems, and storm water, storm water collection, outfall, and disposal systems, and water reclamation and distribution systems, within or without the district, as in the judgment of the board shall be necessary and proper.

Sec. 43. The district may take, acquire, hold, use and dispose of property of every kind within or without the district necessary, expedient, or advantageous to the full exercise and economic enjoyment of its purposes and powers.

Sec. 44. The district may exercise the right of eminent domain to acquire any property necessary to carry out any of the objects or purposes of the district.

Sec. 45. The district may make and accept contracts, deeds, releases and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

Sec. 46. The district may cooperate and contract with the United States, or any agency thereof, with the State, or any political subdivision thereof, or with either of the cities for the joint acquisition, construction or use or aid in the construction of any facilities which the district may be empowered to construct under this act, including assignment to the district of any subventions of either of the cities.

Sec. 47. All existing contracts of either of the cities relating to the collection and disposal of sewage may be assumed by the district.

Sec 48. (a) Except as otherwise provided in subdivisions (b), ~~and (c), and (d)~~, the district may not accept or contract for the disposal of any sewage emanating from outside the district except sewage from any public buildings ~~or buildings of a public utility subject to regulation by the Public Utilities Commission.~~

(b) Upon request of a landowner, ~~The district may shall, upon request,~~ is hereby authorized to accept and contract for the disposal of sewage emanating from buildings outside the district if those buildings are connected to the district's sewage treatment system on March 1, 2002 or from any building within the County Service Area ~~Middle Green Valley Specific Plan and Rockville Corners.~~

(c) Except as provided in subdivision (b) above, ~~Pursuant to Section 56133 of the Government Code,~~ the district may, pursuant to Section 56133 of the Government Code, contract with Solano County or another public entity for the disposal of sewage emanating from buildings outside the district if the board of the district determines that the contract furthers the protection of public health and safety and ~~or~~ is in the best interests of the district.

(d) Every user that is connected to the district's sewage treatment system is subject to the district's ordinances, resolutions, and other laws.

(e) The district may accept organic materials originating from within or outside the district, as in the judgment of the board is in the best interests of the district.

Sec. 49. The district may borrow money and provide for its repayment without regard to any limitation by reason of any budget law or otherwise.

Sec. 50. The district may guarantee the performance of any of its transactions, including the payment of local improvement bonds issued pursuant to any general law, without regard to any limitation by reason of any budget law or otherwise.

Sec. 51. The district may refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

Sec. 52. The district may incur indebtedness and issue bonds in the manner herein provided.

Sec. 53. The district may issue warrants in payment of district obligations. When not paid for want of funds, the warrants shall be registerable as provided in the Government Code for registration of city warrants when not paid for want of funds. 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 by those statutes, other statutes, ordinances, or regulations, and expressly applicable to those 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 a general law city. All claims shall be free of the limitation of any budget law.

Sec. 54. The district may cause special assessments to be levied and collected on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of local improvements. If all or any portion of such assessment remains unpaid, the district may issue bonds, not in excess of the amount of the assessment remaining unpaid, secured by the assessment.

Sec. 55. The district may appoint, employ, and fix the compensation of such engineers, attorneys, assistants and other employees as it deems proper.

Sec. 56. The district may ~~sell contract for the purchase and/or sale of~~ any effluent resulting from the operation of any sewage treatment plant as in the judgment of the board shall be necessary and proper and is in the best interests of the district~~constructed by or for the district~~. Sections 6520.7 and 6520.9 of the Health and Safety code are applicable to the district.

Sec. 57. The district may obtain insurance in such form and in such amounts as the board may deem necessary for the adequate protection of the district's property, officers, employees and interests.

Sec. 59. The district may adopt all necessary and proper regulations for all sanitary purposes not in conflict with the laws of this State. Any person who violates any regulation of the district is guilty of a misdemeanor. A regulation of the board shall be adopted by ordinance and shall be ~~posted for one week in three public places in each of the cities~~published pursuant to Section 6061 of the Government Code in a newspaper of general circulation—and shall take effect upon expiration of the week of such ~~posting~~publication. A subsequent finding of the board, entered in its minutes, that ~~posting~~publication has been made is conclusive evidence that the ~~posting~~publication has been properly made.

Sec. 60. The district may compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewage or drainage disposal service with the sewer and storm drains in streets.

Sec. 61. The district may prescribe, revise and collect charges for services and facilities furnished by it.

Sec. 62. The district may contract for the collection of charges for any sewer enterprise or service together with and not separately from the charges for any other utility service rendered by the cities, and that all charges shall be billed upon the same bill and collected as one item. If all or any part of the bill is not paid, the district or either of the cities may discontinue its utility service until the said bill is paid. Such contract shall provide for the payment of a reasonable collection charge to the city involved.

Sec. 63. The district may require that its charges be payable in advance. In case any charges remain unpaid at the time specified for fixing the tax rate of the district, if the property is owned, controlled, or in the possession of the same person who owned, controlled, or was in possession of it during the time the charges were incurred, or if the only transfers were made of the property since the date the charges were incurred, have been transfers by gift, descent, bequest, or devise, the amount due to the charges may be collected at the same time and in the same manner as annual taxes levied against the land served by the district facilities. The charges shall constitute a lien on the land. If the taxes are divided and made payable in two installments, the unpaid charges may be added to, and become a part of, the first installment. The board shall include in the statement of tax rate transmitted to the county auditor the amount of the charges to be levied against the land served, and the county auditor shall include the charges in the tax bills. Alternatively, charges, for any services and facilities which the district is authorized to provide and for which it is authorized to collect charges, may be collected in the manner provided by Section 5473 of the Health and Safety Code in accordance with the procedures set forth in other applicable provisions of Article 4 (commencing with Section 5470) of Chapter 6 of Division 5 of the Health and Safety Code.

Sec. 64. The district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the board deems beneficial or to prevent the passage of legislation which the board deems detrimental to the district. Expenses incident thereto are proper charges against the district.

Sec. 65. The district may enter in associations. Through a representative of the associations, it may also attend the Legislature to accomplish the purposes outlined in the next preceding section.

Sec. 66. All contracts for the construction of any unit of work shall be governed by Sections 22032 to 22039, inclusive, contained in Article 3 (commencing with Section 21200) of Chapter 2 of Part 3 of Division 2 of the Public Contract Code.

Article 5. General Obligation Bonds

Sec. 80. The district may issue bonds as provided in this article.

Sec. 81. The district may issue bonds for any of the purposes stated in Sections 42 and 51 of this act.

Sec. 82. When in its judgment it is advisable, the board may, and, upon a petition of 10 percent of the registered voters residing in the district shall, adopt a resolution calling an election to submit to the voters of the district the question whether bonds shall be issued.

Sec. 83. The resolution calling the election may submit as one proposal the question of issuing bonds to make all of the outlays or so many of them as may be selected, or the resolution may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

Sec. 84. Notice of bond elections shall be given by posting notices, signed by the clerk of the board, in three public places in the district, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Sec. 85. The notice shall contain:

- (a) Time and place of holding the election.
- (b) The names of the officers of election appointed to conduct it.
- (c) The hours during the day in which the polls will be open.
- (d) A statement of the purpose for which the election is held.
- (e) The amount and denomination of the proposed bonds, the rate of interest and the number of years, the whole or any of the bonds are to run.

Sec. 86. The vote shall be by ballot, without reference to the general law in regard to the form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (-0 upon his ballot after the "Yes" or "No," to indicate whether he has voted for or against the bonds.

Sec. 87. After the votes have been announced the ballots shall be sealed and delivered to the clerk or president of the board, which board shall on the seventh day after the election, at 8 o'clock p.m., meet and canvass them and enter the returns in its minutes.

The entry is conclusive evidence of the fact and regularity all prior proceedings and of the facts stated in the entry. No informality shall affect the validity of said bonds.

Sec.88. Except as herein provided, the election shall be conducted as nearly as practicable in accordance with laws relating to general elections.

Sec. 89. If, at the election, a majority of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds as proposed in the resolution calling the election.

Sec. 90. Bonds issued by the district under this article shall be in the denominations determined by the board.

Sec. 91. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at the rate determined by the board but not to exceed the amount specified in Section 53531 of the Government Code.

Sec. 92. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board. The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity.

Sec. 93. Each bond shall be signed by the president and countersigned by the clerk.

Sec. 94. The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

Sec. 95. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by it in its discretion. No bond may be disposed of for less than its face value.

Sec. 96. The term of bonds issued shall not exceed 40 years.

Sec. 97. The board may in its discretion, before issuance commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation district bonds, provided for by Division 11 of the Water Code, and its provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. The judgment has the same effect as a judgment in relation to irrigation district bonds under the provisions of Division 11 of the Water Code. The board may use the same procedure to validate the creation of the district and any annexations thereto.

Sec. 98. An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

Sec. 99. The board may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the board separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Article 6. Revenue Bonds

Sec. 105. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds of the district shall be conducted in substantial accordance with and with like legal effect as is now or hereafter provided in the Sanitation, Sewer and Water Revenue Bond Law of 1941.

Sec. 106. The board shall have and exercise for the district the powers and duties of local agencies under the said law, and the bondholders shall have the rights and remedies therein provided.

Sec. 107. The board may guarantee the payment of any part of the principal and interest of said bonds which are not paid for want of sufficient revenues of the enterprise. For that purpose it may pledge all revenues of the district, including tax revenues.

Article 7. Assessment Bonds

Sec. 110. The Municipal Improvement Act of 1913, the Improvement Act of 1911, the Street Opening Act of 1903 and the Improvement Bond Act of 1915 are applicable to the district.

Sec. 111. In its resolution of intention adopted pursuant to any of the acts mentioned in Section 110, the board may determine and declare that bonds will be issued and paid, and the assessments therefor levied, collected and augmented in accordance with the applicable provisions of Sections 14, 15, 16, 17, 20, 21, 22, 24, 25, 26, 27, and 28 of the Refunding Assessment Bond Act of 1935, as now or hereafter provided, in which case the applicable provisions of said act are incorporated herein and made a part hereof by reference. Appropriate changes shall be made in the form of the bond to show that it is for a public improvement or acquisition under this act.

The list of unpaid assessments shall be filed, noticed, heard, and the bonds ordered issued, interest shall accrue from the date, the assessments thereafter paid before maturity, bonds called, premium paid, and illegal assessments and bonds reassessed, all as provided in the Improvement Bond Act of 1915. The bond shall be entitled "Improvement Bond." The provisions for payment of the bond before maturity, as contained in the bond form in the Improvement Bond Act of 1915, shall be inserted in the place of the similar provision in said refunding bond form. There shall also be inserted in the bond form after the title of the refunding act the words "as modified in the Fairfield-Suisun Sewer District Act."

Sec. 112. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by the district under Article 4 of this act.

Sec. 113. Notwithstanding the provisions of any act to the contrary, it shall not be necessary to obtain the consent of either of the cities to conduct assessment proceedings. It shall only be necessary to record the assessment in the office of the district engineer and in the office of the county' surveyor or county engineer of the county. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the district engineer and in the office of the county' surveyor or county engineer of the county'.

Sec. 114. Division 4 of the Streets and Highways Code shall not apply to proceedings under this act.

Article 8. Finances and Taxation

Sec. 120. The lien for taxes for the first fiscal year after the district is formed shall attach on the first Monday in March or on the date the district is created, whichever is later.

Sec. 121. Annually, at least 15 days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by law for county purposes, the board shall furnish to the board of supervisors a written statement of the following:

1. The amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

2. The amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district.

Sec. 122. The board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable property in the district, based upon the last equalized assessment roll of the county, sufficient to pay the amounts set forth in the statement of the board.

Sec. 123. If the board fails to furnish the written statement, the board of supervisors shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the proceeds of the next general tax levy shall become available, and shall levy and cause to be collected the amount.

Sec. 124. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury of Solano County to the credit of the proper district fund, as provided in Article 9 hereof. The board shall control and order its expenditure.

Sec. 125. The tax is a lien on all property within the district and of the same force and effect as other liens for taxes, and its collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Sec. 126. The principal and interest on district bonds shall be paid by the treasurer in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

Sec. 127. Compensation to the county for the performance of services described in this article is hereby fixed at one-half of 1 percent of all money collected for the district.

Sec. 128. Sections 54900 to 54903, inclusive, of the Government Code shall not apply to the district.

Article 9. Funds

Sec. 150. There is created in the treasury of ~~either of the cities, or of~~ the district, as determined by the board, a fund entitled the “Fairfield-Suisun Sewer District General Fund.”

Sec. 151. The proceeds of the sale of revenue bonds or general obligation bonds or proceeds of special assessments levied by the board shall be deposited with the treasurer and shall be by him placed in the fund to be called the “Fairfield-Suisun Sewer District Construction Fund No. _____.” (inserting number)

Sec. 152. The money in any construction fund shall be used for the purpose indicated in the resolution calling the election upon the question of the issuance of bonds, or for the purpose described in the resolution of intention in the assessment proceedings, or for repayment of money borrowed for the purpose of financing the improvement for which bonds were subsequently issued, or the assessment levied, and for no other purpose, except that any money in the construction fund determined by resolution of the board to be in excess of the amounts required for completion of the improvement authorized may, by the resolution so determining, be transferred to any other fund of the district and be used for any lawful purpose.

Sec. 153. There is created, at the discretion of the board, in the district treasury ~~or in the treasury of either city~~ a fund called the “Fairfield-Suisun Sewer District Bond Fund, Series _____,” (inserting series number) in which the treasurer shall keep money levied by the board for that fund.

Sec. 154. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of principal and interest of the bonds of the district, or for repayment of money borrowed for the purpose of paying the principal and interest of the bonds of the district, until said bonds are fully paid, at which time it may be transferred to any other fund.

Sec. 155. The budget laws do not apply to the district.

Sec. 156. The district treasurer or any other person authorized by the district board to fulfill the treasurer's duties shall give bonds to the district conditioned for performance of their duties, fixed and approved by the governing body and that premium paid by the district.

Sec. 157. Any investments made by the Fairfield-Suisun Sewer District shall be performed pursuant to Article 1 (commencing with Section 53600) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

Article 10. Urgency

Sec. 160. The purpose of this act is to form the Fairfield-Suisun Sewer District in order that the area benefited may be served with sewer and storm drain facilities; special facts and circumstances, applicable to the area in which the district lies and not generally, makes the accomplishment of this purpose impossible under existing general laws, and therefore special legislation is necessary. The special facts are as follows:

- (a) The area has no facilities for the treatment and disposal of sewage and is consequently contaminating and polluting the waters of Suisun Bay.

- (b) Recent increases have resulted in a population disproportionate to the assessed valuation of taxable property in the area, and construction of adequate facilities cannot therefore be financed within the framework of existing general laws.
- (c) The area is of strategic importance during times of war or threatened war because of the proximity of the Travis Air Force Base, formerly known as the Fairfield-Suisun Army Air Base, center of military air operations on the Pacific Coast. Influx of military men and their families has greatly aggravated the problem of sewage disposal in the area.

Sec. 161. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall take effect immediately. The facts constituting such necessity are:

Water pollution and contamination are critical problems in the proposed district. State and local health authorities are agreed on the urgent need for immediate sewage treatment facilities in the area if a serious health condition is to be avoided. Inadequacy of existing law makes it necessary that this legislation take immediate effect so that necessary facilities may be provided.