

CHAPTER 19. RECLAMATION DISTRICT NO. 1000

Sec.

10-1. Creation; boundaries.

10-2. Management and control; trustees; office; funds; powers; laws applicable.

10-2.5 Special tax for operation and maintenance expenses.

10-3. Dissolution of other districts.

10-4. Repeal of inconsistent acts.

10-5. Effective date.

An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts. (Stats. 1911, c. 412, p. 335.)

Constitutional Provisions

Article 11, § 13 prohibits the legislature from delegating to any special commission the power to perform any county or municipal function, but empowers the

legislature to provide for the supervision, regulation and conduct of the affairs of reclamation districts.

Law Review Commentaries

Municipal home rule, regulation of reclamation districts. (1346) 34 C.L.R. 690.

§ 10-1. Creation; boundaries

Section 1. A reclamation district is hereby created to be called Reclamation District No. 1000, and the boundaries of said reclamation district shall be as follows:

Beginning at a point on the left bank of the Sacramento river, 1320 feet east of the section line between sections 26 and 27, township 9 north, range 4 east, M. D. B. & M., and running thence in a straight line north $60^{\circ} 30'$ east, a distance of 9300 feet to the corner common to sections 19, 24, 25 and 30, township 9 north, ranges 4 and 5 east, M. D. B. & M.; thence east a distance of 4870 feet to the west line of the land now owned and occupied by the Western Pacific Railway Company, a corporation, the same being commonly known as the railroad right of way of said company; thence north $8^{\circ} 40'$ west, along the westerly line of said railway company's right of way, a distance of 11.18 miles to a point near the center of section 23, township 11 north, range 4 east, M. D. B. & M., at which point the said westerly right of way of the Western Pacific Railway Company intersects the west line of the land now owned and occupied by the Northern Electric Railway Company, a corporation, the same being commonly known as the railroad right of way of said company; thence north $24^{\circ} 30'$ west, along the westerly right of way line of said Northern Electric Railway Company, a distance of 4.27 miles, to a point in section 4, township 11 north, range 4 east, M. D. B. & M., 2445 feet north and 1173 feet west of the southeast corner of said section 4; thence south $55^{\circ} 30'$ west, a distance of 4.76 miles to a point in the east line of section 23, township 11 north, range 3 east, M. D. B. & M., 1060 feet south of the northeast corner thereof; thence south $31^{\circ} 30'$ west, a distance of 3180 feet to a point on the left bank of the Sacramento river, 672 feet north and 1834 feet west of the southeast corner of said section 23; thence in a southerly and southeasterly direction, down the left bank of the Sacramento river, following the meanderings thereof, to the point of beginning. (Stats. 1911, c. 412, p. 335, § 1.)

Library References

Drains § 13, 15;

C.J.S. Drains §§ 6, 7.

App. § 19-2 WATER CODE—APPENDIX

§ 19-2. Management and control; trustees; office; funds; powers; laws applicable

Sec. 2. The management and control of said Reclamation District No. 1000 is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this state, relative to reclamation districts, formed under the provisions of said Political Code, or such as may be hereafter enacted. The management and control of said Reclamation District No. 1000 shall be vested in three trustees, and the governor shall appoint three trustees who shall hold office until their successors are elected and qualified. An election of three trustees shall be held in said district on the first Monday in May, 1911, and every two years thereafter, and the term of office shall be two years, and until their successors are elected and qualified. In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Sacramento shall appoint a qualified person as trustee, who shall hold said office for the unexpired term. The office of said district shall be in the city of Sacramento, and the board of supervisors of the county of Sacramento shall have jurisdiction of all matters concerning said district. All funds of said district shall be deposited in the county treasury of said county of Sacramento, and shall be disbursed by the treasurer of said county in payment of the warrants of said district. The said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers which are now or may hereafter be conferred by the provisions of the Political Code, or by other laws of the state, upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way, within the boundaries of said district, or outside thereof, that may be necessary or desirable to carry out the purposes of the said district, or to acquire the same by condemnation proceeding, in the manner provided by law, and shall have the right and power to join in with other reclamation districts, levee districts, or swamp land districts, or other persons, in the construction and maintenance of levee and reclamation works, and to contract as to the same, and also to do all other acts and things that may be lawfully done by any reclamation district. All laws, and parts of laws, now existing, or that may hereafter be enacted, relative to the qualification of electors for trustees, election of trustees, levy and collection of assessments, disbursements of funds, and the management and control of reclamation districts, and in and to all other matters pertaining to the management, control, or administration of reclamation districts, are, so far as the same may be applicable, made a part of this act, and shall be deemed to be incorporated herein. (Stats. 1911, c. 412, p. 336, § 2.)

Cross References

Eminent domain, see Const. art. 1, §§ 14, 14½, art. 12, § 23A; Code of Civil Procedure § 1237 et seq.
Drainage, see Code of Civil Procedure §§ 1233, 1239; Government Code §§ 4404, 54240, 64341; Health and Safety Code § 6514; Streets and Highways Code §§ 104, 865; Water Code § 2793.
Reclamation districts, see Water Code § 50000 et seq.

Notes of Decisions

Library references

Drains *§* 17, 18.
C.T.S. Drains §§ 11, 12.

1. In general

Negligence of employees of this drainage district in plugging out tubes on bank when cleaning debris from culvert cannot

be imputed to trustees of district, having no knowledge of method followed by employees in performing such work under superintendence of foreman. *Hilton v. Oliver* (1923) 269 P. 425, 204 C. 535, 61 A.L.R. 297.

§ 19-2.5 Special tax for operation and maintenance expenses

Sec. 2.5. The trustees may elect to have a special tax levied by the board of supervisors of each county to raise the amount of money needed for payment of maintenance, repair, operation, incidental expenses, and supplemental construction and replacement expenses by the district pursuant to Article 4 (commencing with Section

R ECLAMATION DISTRICT NO. 1000 App. § 19-5

§1950) of Chapter 2 Part 7, Division 15 of the Water Code, in lieu of levying an operation and maintenance assessment as provided in Article 3 (commencing with Section 51320) of said chapter; provided, that notwithstanding the provisions of said Article 4, the special tax shall be levied only on taxable land shown on the county tax roll as lying within the county. (Added Stats.1961, c. 13, p. 571, § 1, urgency, eff. March 6, 1961.)

Library References

Drains § 55 et seq.

C.J.S. Drains § 55 et seq.

§ 19-3. Dissolution of other districts

Sec. 3. All reclamation districts, levee districts, and swamp land districts wholly or partly situated within the boundaries of said district, are hereby dissolved except for the purposes of liquidation and the disposition of property, and for these purposes only the existence of each of said districts is continued. Each of the said reclamation districts, levee districts, or swamp land districts shall pay all legal outstanding indebtedness that each may respectively owe, and may cause assessments or taxes to be levied and collected therefor, and may sell and dispose of any levees or other works of reclamation and property belonging to any of such districts, to the said Reclamation District No. 1000, and may use the proceeds received from such sale for the purpose of paying such indebtedness, and shall divide the excess of such proceeds, if any there be among the landowners of land within such dissolved district in the proportion which the last assessment or tax assessed against each tract of land, as shown by the last assessment roll or list, within such dissolved district, shall bear to the total amount of the assessment or tax levied or assessed by the said last assessment roll or list, on all the lands within such dissolved districts; provided, that in the event that a sale of any of such levees or other works of reclamation or property shall be agreed upon, and the parties are unable to agree upon the price to be paid therefor, then the question of what price shall be paid therefor, shall be determined by a board of arbitration to consist of three members to be appointed by the board of supervisors of the said county of Sacramento, a majority of whom must unite in the decision, and the decision of a majority of said board of arbitration shall be final and conclusive. (Stats.1911, c. 412, p. 337, § 2.)

Cross References

Assessment of taxes, see Const. art. 13, §§ 1, 2, 3, 6a, 19, 11, 18; Revenue and Taxation Code § 201 et seq.
Assessment roll of county, see Revenue and Taxation Code § 401 et seq.
Collection of taxes, see Revenue and Taxation Code § 2501 et seq.
Levy of taxes, see Revenue and Taxation Code § 2101 et seq.

Library References

Drains § 50.

C.J.S. Drains § 9.

§ 19-4. Repeal of inconsistent acts

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act, and all acts creating any reclamation districts, levee districts, or swamp land districts within the above described boundaries of said Reclamation District No. 1000 are hereby repealed. (Stats.1911, c. 412, p. 338, § 4.)

Library References

Drains § 2(5).

C.J.S. Drains § 3.

§ 19-5. Effective date

Sec. 5. This act shall take effect from and after its passage. (Stats.1911, c. 412, p. 385, § 5.)