

ASSEMBLY BILL

No. 156

Introduced by Assembly Member Laird

January 18, 2007

An act to amend Sections 12878.1, 12878.21, and 12878.23 of, to add Sections 8306, 8612, 8613, and 12585.12 to, and to add Chapter 9 (commencing with Section 9110) to Part 4 of, and to add Part 8 (commencing with Section 9650) to, Division 5 of, the Water Code, relating to flood control.

LEGISLATIVE COUNSEL'S DIGEST

AB 156, as introduced, Laird. Flood control.

(1) The Department of Water Resources performs various flood control activities throughout the state. Existing law also authorizes the Reclamation Board to engage in various flood control activities along the Sacramento River and San Joaquin River, their tributaries, and related areas. Existing law requires the board to establish and enforce standards for the maintenance and operation of, and to undertake other responsibilities with regard to, flood control works under its jurisdiction.

This bill would authorize the department to provide meals and other necessary support to any person engaged in emergency flood fight activities, as defined, on behalf of, or in cooperation with, the department. The bill would require the department, on or before December 31, 2008, to prepare, and the board to adopt, a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage. The bill would authorize the board or the department to establish a program of mitigation banking for the activities of the board or the department and for the benefit of local districts in the discharge of specified flood control responsibilities.

The bill would require the department to prepare, and the board to adopt, a flood control system status report, to be updated periodically, for the State Plan of Flood Control, as defined, and to undertake a related inspection of project levees, as defined. The bill would require the department, on or before September 1, 2010, and on or before September 1 of each year thereafter, to provide written notice to each landowner whose property is determined to be within a levee flood protection zone. The bill would require the department to prepare, update, and maintain maps for levee flood protection zones.

The bill would require, on or before September 30 of each year, a local agency responsible for the operation and maintenance of a project levee to prepare and submit to the department a specified report of information for inclusion in periodic flood management reports prepared by the department. By establishing these requirements on a local agency, the bill would impose a state-mandated local program. The bill would require the department, on or before December 31, 2008, to prepare and transmit to the board a report on project levees that are operated and maintained by each local agency using certain information. The bill would specify that a local agency responsible for the operation and maintenance of a project levee may propose to the board an upgrade of the project levee.

(2) Existing law authorizes, on a project-by-project basis, and in accordance with designated plans, state participation in federal flood control projects and specifies the degree of cooperation to be assumed by the state and local agencies in connection with those projects. Existing law, except as otherwise provided, requires the board to give assurances satisfactory to the Secretary of the Army that local cooperation as required by federal law will be furnished by the state in connection with described flood control projects.

This bill would authorize the department and the board to participate with the federal government or local agencies in the design of environmental enhancements associated with a federal flood control project, and to participate in the construction of environmental enhancements associated with a federal flood control project for which the state has authorized state participation.

(3) Existing law establishes procedures for the assumption of flood control maintenance and operation duties by the department in connection with the formation of a maintenance area on behalf of a federal flood control project unit. Under existing law, the department and the board are not required to form a maintenance area if neither

agency has given the nonfederal assurances to the United States required for the project, except as otherwise provided for a project for which an application for the formation of the maintenance area has been submitted on or before July 1, 2003. Existing law prescribes requirements relating to the imposition of assessments on behalf of a maintenance area. Existing law requires the funds generated by the imposition of the assessments to be deposited in the Water Resources Revolving Fund and continuously appropriates those funds to pay the operation and maintenance costs of maintenance areas. Existing law provides for the dissolution of a maintenance area.

This bill would delete the provisions relating to the formation of a maintenance area for a project for which an application for the formation of a maintenance area has been submitted on or before July 1, 2003. The bill would provide that the department is not required to perform certain work in connection with the formation of a maintenance area requested by a local agency until the local agency requesting the formation of the maintenance area pays to the department an amount of money that reflects certain costs incurred by the department.

The bill would authorize the board or the department to form a maintenance area for a project unit, or any portion of a project unit. The bill would provide that, if a maintenance area is formed for a portion of a project unit, any remaining portion of the project unit not included in the maintenance area shall remain the responsibility of the local agency obligated to operate and maintain that unit. The bill would authorize the board and the department to consolidate maintenance areas that share a common boundary.

(4) Under existing law, the department expends or allocates funds on behalf of various flood control projects within the Sacramento-San Joaquin Delta and related areas.

This bill, commencing July 1, 2008, would subject the allocation or expenditure of funds by the state for the upgrade of a project levee, if that upgrade is authorized by a statute that becomes operative on or after July 1, 2008, that protects an urban area in which more than 1,000 people reside to a requirement that the local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee enter into an agreement to adopt a safety plan that includes specified components, within 2 years. If a city or county is responsible for the operation or maintenance of the project levee, the bill would require the governing body to approve a resolution committing to the preparation of a safety plan within 2 years. The bill

would define the “upgrade of a project levee” to mean specified improvements, excluding any action undertaken on an emergency basis.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) The central valley of this state is experiencing unprecedented
4 development, resulting in the conversion of historically agricultural
5 lands and communities to densely populated residential and urban
6 centers.

7 (b) The Legislature recognizes that by their nature, levees, which
8 are earthen embankments typically founded on fluvial deposits,
9 cannot offer complete protection from flooding, but can decrease
10 its frequency.

11 (c) The Legislature recognizes that the level of flood protection
12 afforded rural and agricultural lands by the original flood control
13 system is not considered adequate to protect those lands when
14 developed for urban uses, and that a dichotomous system of flood
15 protection for urban and rural lands has developed through many
16 years of practice.

17 (d) The Legislature further recognizes that levees built to reclaim
18 and protect agricultural land may be inadequate to protect urban
19 development unless those levees are significantly improved.

20 (e) Local agencies are primarily responsible for making land
21 use decisions in the state, and the Legislature intends that they
22 retain that lead role.

23 (f) Local agencies rely upon federal flood plain information
24 when approving developments, but the information available is

1 often out-of-date and the flood risk may be greater than that
2 indicated using available federal information.

3 (g) Flood plain management tools such as flood plain mapping,
4 the National Flood Insurance Program, and the designated
5 floodway program, represent important supplemental activities to
6 educate the public about, and protect the public from, flood
7 hazards.

8 (h) It is necessary for the state to immediately undertake the
9 task of mapping flood plains and submitting up-to-date information
10 to the federal government so that the federal National Flood
11 Insurance Program maps reflect current and accurate conditions.
12 In this way, the public can be provided with reliable information
13 regarding flooding potential, and local agencies can make informed
14 land use and flood management decisions so that the risk to life
15 and property can be effectively reduced.

16 SEC. 2. Section 8306 is added to the Water Code, to read:

17 8306. (a) Notwithstanding any other provision of law, the
18 department may provide meals and other necessary support to any
19 person, including, but not limited to, an employee of the
20 department, who is engaged in emergency flood fight activities on
21 behalf of, or in cooperation with, the department.

22 (b) For the purposes of this section, “emergency flood fight
23 activities” mean actions taken under emergency conditions to
24 maintain flood control features, the failure of which threaten to
25 destroy life, property, or resources.

26 SEC. 3. Section 8612 is added to the Water Code, to read:

27 8612. (a) On or before December 31, 2008, the department
28 shall prepare, and the board shall adopt, a schedule for mapping
29 areas at risk of flooding in the Sacramento River and San Joaquin
30 River drainage.

31 (b) The department shall update the schedule annually and shall
32 present the updated schedule to the board for adoption on or before
33 December 31 of each year. The update shall include the status of
34 mapping in progress and an estimated time of completion. The
35 schedule shall be based on the present and expected future risk of
36 flooding and associated consequences.

37 SEC. 4. Section 8613 is added to the Water Code, to read:

38 8613. (a) The board or the department may establish a program
39 of mitigation banking for the activities of the board or the
40 department under this part and for the benefit of local districts in

1 the discharge of their flood control responsibilities under this part
2 and the State Water Resources Law of 1945 (Chapter 1
3 (commencing with Section 12570) and Chapter 2 (commencing
4 with Section 12639) of Part 6 of Division 6).

5 (b) For the purposes of carrying out subdivision (a), the board
6 or the department, in consultation with all appropriate state, local,
7 and federal agencies with jurisdiction over environmental
8 protection that are authorized to regulate and impose requirements
9 upon the flood control work performed under this part or the State
10 Water Resources Law of 1945 (Chapter 1 (commencing with
11 Section 12570) and Chapter 2 (commencing with Section 12639)
12 of Part 6 of Division 6), may establish a system of mitigation
13 banking by which mitigation credits may be acquired in advance
14 for flood control work to be performed by the board, the
15 department, or a local agency authorized to operate and maintain
16 facilities of the State Plan of Flood Control.

17 SEC. 5. Chapter 9 (commencing with Section 9110) is added
18 to Part 4 of Division 5 of the Water Code, to read:

19
20 CHAPTER 9. REPORTS

21
22 Article 1. Definitions

23
24 9110. Unless the context requires otherwise, the definitions
25 set forth in this article govern the construction of this chapter.

26 (a) "Fiscal year" has the same meaning as that set forth in
27 Section 13290 of the Government Code.

28 (b) "Levee flood protection zone" means the area, as determined
29 by the board or the department, that is protected by a project levee.

30 (c) "Local agency" means a local agency responsible for the
31 maintenance of a project levee.

32 (d) "Maintenance" has the same meaning as that set forth in
33 subdivision (f) of Section 12878.

34 (e) "Project levee" means any levee that is part of the facilities
35 of the State Plan of Food Control.

36 (f) "State Plan of Flood Control" means the state and federal
37 flood control works, lands, programs, plans, policies, conditions,
38 and mode of maintenance and operations of the Sacramento River
39 Flood Control Project described in Section 8350, and of flood
40 control projects in the Sacramento River and San Joaquin River

1 watersheds authorized pursuant to Article 2 (commencing with
2 Section 12648) of Chapter 2 of Part 6 of Division 6 for which the
3 board or the department has provided the assurances of nonfederal
4 cooperation to the United States, and those facilities identified in
5 Section 8361.

6
7 Article 2. State Reports
8

9 9120. (a) The department shall prepare and the board shall
10 adopt a flood control system status report for the State Plan of
11 Flood Control. This status report shall be updated periodically, as
12 determined by the board. For the purposes of preparing the report,
13 the department shall inspect the project levees and review available
14 information to ascertain whether there are evident deficiencies.

15 (b) The status report shall include identification and description
16 of each facility, an estimate of the risk of levee failure, a discussion
17 of the inspection and review undertaken pursuant to subdivision
18 (a), and appropriate recommendations regarding the levees and
19 future work activities.

20 (c) The status report shall identify deficiencies in the State Plan
21 of Flood Control and shall include recommendations for resolving
22 those deficiencies.

23 (d) On or before December 31, 2008, the board shall advise the
24 Legislature, in writing, as to the board's schedule of
25 implementation of this section.

26 9121. (a) On or before September 1, 2010, and on or before
27 September 1 of each year thereafter, the department shall provide
28 written notice to each landowner whose property is determined to
29 be entirely or partially within a levee flood protection zone.

30 (b) The notice shall include statements regarding all of the
31 following:

32 (1) The property is located behind a levee.

33 (2) Levees reduce, but do not eliminate, the risk of flooding and
34 are subject to catastrophic failure.

35 (3) If available, the level of flood risk as described in the flood
36 control system status report described in Section 9120 and a levee
37 flood protection zone map prepared in accordance with Section
38 9130.

39 (4) The state recommends that property owners in a levee flood
40 protection zone obtain flood insurance, such as insurance provided

1 by the Federal Emergency Management Agency through the
2 National Flood Insurance Program.

3 (5) Information about purchasing federal flood insurance.

4 (6) The Internet address of the Web site that contains the
5 information required by the flood management report described
6 in Section 9141.

7 (7) Any other information determined by the department to be
8 relevant.

9 (c) A county, with assistance from the department, shall annually
10 provide to the department, by electronic means, lists of names and
11 addresses of property owners in a levee flood protection zone
12 located in that county.

13 (d) Notwithstanding any other provision of the law, the
14 department may enter into contracts with private companies to
15 provide the notices required by this section.

16 9122. The board shall determine the areas benefited by facilities
17 of the State Plan of Flood Control based on information developed
18 by the department.

19

20 Article 3. Levee Flood Protection Zone Maps

21

22 9130. (a) The department shall prepare, update, and maintain
23 maps for levee flood protection zones. The maps shall include
24 flood depth contours determined by the department if that
25 information is available.

26 (b) The department shall distribute the levee flood protection
27 zone maps to appropriate governmental agencies, as determined
28 by the department.

29 (c) The department shall make the maps readily available to the
30 public. The department may charge a fee for the cost of reproducing
31 the maps.

32

33 Article 4. Local Reports

34

35 9140. (a) On or before September 30 of each year, a local
36 agency responsible for the operation and maintenance of a project
37 levee shall prepare and submit to the department, in a format
38 specified by the department, a report of information for inclusion
39 in periodic flood management reports prepared by the department

1 relating to the project levee. The information submitted to the
2 department shall include all of the following:

3 (1) Information known to the local agency that is relevant to
4 the condition or performance of the project levee.

5 (2) Information identifying known conditions that might impair
6 or compromise the level of flood protection provided by the project
7 levee.

8 (3) A summary of the maintenance performed by the local
9 agency during the previous fiscal year.

10 (4) A statement of work and estimated cost for operation and
11 maintenance of the project levee for the current fiscal year, as
12 approved by the local agency.

13 (5) Any other readily available information contained in the
14 records of the local agency relevant to the condition or performance
15 of the project levee, as determined by the board or the department.

16 (b) A local agency described in subdivision (a) that operates
17 and maintains a nonproject levee that also benefits land within the
18 boundaries of the area benefited by the project levee shall include
19 information pursuant to subdivision (a) with regard to the
20 nonproject levee.

21 (c) A local agency that incurs costs for the maintenance or
22 improvement of a project or nonproject levee under the delta levee
23 maintenance subventions program established pursuant to Part 9
24 (commencing with Section 12980) of Division 6 may submit
25 information submitted to satisfy the requirements of that program
26 to meet the requirements of paragraph (3) of subdivision (a), but
27 may do so only for that reach of the levee included in that program.

28 (d) (1) A local agency responsible for the operation and
29 maintenance of a levee not otherwise subject to this section may
30 voluntarily prepare and submit to the department or the board a
31 flood management report for posting on the Internet Web site of
32 the department or the board.

33 (2) A flood management report submitted pursuant to paragraph
34 (1) shall be made available on the Internet Web site of the board
35 if the local agency is partially or wholly within the geographical
36 boundaries of the board's jurisdiction. Otherwise, the report shall
37 be made available on the Internet Web site of the department.

38 9141. (a) The department shall prepare and transmit to the
39 board a report on the project levees operated and maintained by
40 each local agency, using information provided by the local agency

1 pursuant to Section 9140 and information from relevant portions
2 of any of the following documents, as determined by the
3 department:

4 (1) Annual inspection reports on local agency maintenance
5 prepared by the department or the board.

6 (2) The State Plan of Flood Control.

7 (3) The flood control system status report described in Section
8 9120.

9 (4) The schedule for mapping described in Section 8612.

10 (5) Any correspondence, document, or information deemed
11 relevant by the department.

12 (b) The department shall make the flood management report
13 for each local agency available on the Internet Web site of the
14 board and shall provide the report to all of the following entities:

15 (1) The local agency.

16 (2) Any city or county within the local agency’s jurisdiction.

17 (3) Any public library located within the local agency’s
18 jurisdiction.

19 (c) The report shall be completed on or before December 31,
20 2008, and shall be updated annually.

21 9142. A local agency responsible for the operation and
22 maintenance of a project levee may propose to the board an upgrade
23 of the project levee if the local agency determines that the upgrade
24 is appropriate. The local agency may implement that upgrade if
25 approved by the board.

26 SEC. 6. Part 8 (commencing with Section 9650) is added to
27 Division 5 of the Water Code, to read:

28

29 **PART 8. PROJECT LEVEE UPGRADES**

30

31 9650. (a) (1) Commencing July 1, 2008, the allocation or
32 expenditure of funds by the state for the upgrade of a project levee,
33 if that upgrade is authorized by a statute that becomes operative
34 on or after July 1, 2008, that protects an area in which more than
35 1,000 people reside shall be subject to a requirement that the local
36 agency responsible for the operation and maintenance of the project
37 levee and any city or county protected by the project levee,
38 including a charter city or charter county, enter into an agreement
39 to adopt a safety plan within two years. If a city or county is
40 responsible for the operation and maintenance of the project levee,

1 the governing body shall approve a resolution committing to the
2 preparation of a safety plan within two years.

3 (2) The local entity responsible for the operation and
4 maintenance of the project levee shall submit a copy of the safety
5 plan to the department and the Reclamation Board.

6 (b) The safety plan, at a minimum, shall include all of the
7 following elements:

8 (1) A flood preparedness plan that includes storage of materials
9 that can be used to reinforce or protect a levee when a risk of failure
10 exists.

11 (2) A levee patrol plan for high water situations.

12 (3) A flood-fight plan for the period before state or federal
13 agencies assume control over the flood-fight.

14 (4) An evacuation plan that includes a system for adequately
15 warning the general public in the event of a levee failure, and a
16 plan for the evacuation of every affected school, residential care
17 facility for the elderly, and long-term health care facility.

18 (5) A floodwater removal plan.

19 (6) A requirement, to the extent reasonable, that either of the
20 following applies to a new building in which the inhabitants are
21 expected to be essential service providers:

22 (A) The building is located outside an area that may be flooded.

23 (B) The building is designed to be operable shortly after the
24 floodwater is removed.

25 (c) The safety plan shall be integrated into any other local
26 agency emergency plan and shall be coordinated with the state
27 emergency plan.

28 (d) This section does not require the adoption of an element of
29 the safety plan that was adopted previously and remains in effect.

30 9651. Unless the context requires otherwise, the definitions
31 set forth in this section govern the construction of this part.

32 (a) “Emergency plan” and “state emergency plan” have the
33 meanings set forth in subdivisions (a) and (b), respectively, of
34 Section 8560 of the Government Code.

35 (b) “Essential service providers” includes, but is not limited to,
36 hospitals, fire stations, police stations, and jails.

37 (c) “Long-term health care facility” has the same meaning as
38 defined in Section 1418 of the Health and Safety Code.

39 (d) “Project levee” means any levee that is part of the facilities
40 of the State Plan of Flood Control.

1 (e) “Residential care facility for the elderly” has the same
 2 meaning as defined in Section 1569.2 of the Health and Safety
 3 Code.

4 (f) “School” means a public or private preschool, elementary
 5 school, or secondary school or institution.

6 (g) “State Plan of Flood Control” means the state and federal
 7 flood control works, lands, programs, plans, policies, conditions,
 8 and mode of maintenance and operations of the Sacramento River
 9 Flood Control Project described in Section 8350, and of flood
 10 control projects in the Sacramento River and San Joaquin River
 11 watersheds authorized pursuant to Article 2 (commencing with
 12 Section 12648) of Chapter 2 of Part 6 of Division 6 for which the
 13 board or the department has provided the assurances of nonfederal
 14 cooperation to the United States, and those facilities identified in
 15 Section 8361.

16 (h) (1) “Upgrade of a project levee” means installing a levee
 17 underseepage control system, increasing the height or bulk of a
 18 levee, installing a slurry wall or sheet pile into the levee, rebuilding
 19 a levee because of internal geotechnical flaws, or adding a stability
 20 berm.

21 (2) Notwithstanding paragraph (1), an upgrade of a project levee
 22 does not include any action undertaken on an emergency basis.

23 SEC. 7. Section 12585.12 is added to the Water Code, to read:

24 12585.12. The department and the board may participate with
 25 the federal government or local agencies in the design of
 26 environmental enhancements associated with a federal flood control
 27 project, and may participate in the construction of environmental
 28 enhancements associated with a federal flood control project for
 29 which the state has authorized state participation.

30 SEC. 8. Section 12878.1 of the Water Code is amended to read:

31 12878.1. (a) ~~Whenever~~*If* the *board or the* department finds
 32 that a unit of a project, *or any portion of a unit of a project*, is not
 33 being operated or maintained in accordance with the standards
 34 established by federal regulations or whenever the governing body
 35 of a local agency obligated to operate and maintain that unit by
 36 resolution duly adopted and filed with the department declares that
 37 it no longer desires to operate and maintain the unit, the department
 38 shall prepare a statement to that effect specifying in detail the
 39 particular items of work necessary to be done in order to comply
 40 with the standards of the federal government together with an

1 estimate of the cost thereof for the current fiscal year and for the
2 ensuing fiscal year.

3 (b) Subject to subdivision (c), but notwithstanding any other
4 provision of law, the board or the department is not required to
5 proceed in accordance with subdivision (a) or with the formation
6 of a maintenance area under this chapter if neither the board nor
7 the department has given the nonfederal assurances to the United
8 States required for the project. If neither the board nor the
9 department has given the nonfederal assurances to the United States
10 required for the project, the board or department may elect to
11 proceed with the formation if it determines that the formation of
12 a maintenance area is in the best interest of the state.

13 ~~(e) (1) Subdivision (b) does not apply to any project for which
14 an application for the formation of a maintenance area under this
15 chapter has been submitted to the department by a local agency
16 on or before July 1, 2003.~~

17 ~~(2) Subject to paragraph (3), the department or the board shall
18 proceed in accordance with subdivision (a) and with the formation
19 of a maintenance area in accordance with this chapter for any
20 project described in paragraph (1).~~

21 ~~(3) Before the department or the board forms a maintenance
22 area pursuant to this subdivision, the local agency shall enter into
23 an agreement with the department pursuant to which the local
24 agency agrees to indemnify and hold and save harmless the state,
25 its officers, agents, and employees for any and all liability for
26 damages that may arise out of the planning, design, construction,
27 operation, maintenance, repair, or rehabilitation of the project, or
28 the dissolution or modification of the maintenance area formed
29 pursuant to this subdivision.~~

30 *(c) If a local agency requests the department to form a
31 maintenance area by resolution duly adopted and filed with the
32 department, the department shall estimate the cost of preparing
33 the statement of necessary work and the cost thereof, and all other
34 applicable costs incurred by the department before the formation
35 of the maintenance area. The department shall submit that estimate
36 to the local agency. The department is not required to perform any
37 additional work to form that maintenance area until the local
38 agency pays the department the amount estimated pursuant to this
39 subdivision.*

1 SEC. 9. Section 12878.21 of the Water Code is amended to
2 read:

3 12878.21. Upon the formation of a maintenance area, the
4 department shall thereafter operate and maintain the unit until such
5 time as the maintenance area may be dissolved pursuant to ~~the~~
6 ~~provisions of this chapter.~~ *If the board or the department forms a*
7 *maintenance area for a portion of a unit of a project, any*
8 *remaining portion of the unit of a project not included in the*
9 *maintenance area shall remain the responsibility of the local*
10 *agency obligated to operate and maintain that unit.*

11 SEC. 10. Section 12878.23 of the Water Code is amended to
12 read:

13 12878.23. (a) *The board or the department may modify the*
14 *boundaries of any established maintenance area or zones ~~therein~~*
15 *within the maintenance area, the description of works to be*
16 *maintained ~~therein~~ within the maintenance area, and the*
17 *determination of relative benefits within any zone ~~may be modified~~*
18 *by the board or department, upon its own initiative or upon petition*
19 *by the governing body of the local agency formerly responsible*
20 *for the operation and maintenance of the unit or by the board of*
21 *supervisors of the county in which all or a portion of the unit is*
22 *located.*

23 (b) *The board or the department may consolidate maintenance*
24 *areas that share a common boundary.*

25 SEC. 11. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 a local agency or school district has the authority to levy service
28 charges, fees, or assessments sufficient to pay for the program or
29 level of service mandated by this act, within the meaning of Section
30 17556 of the Government Code.

31 However, if the Commission on State Mandates determines that
32 this act contains other costs mandated by the state, reimbursement
33 to local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.