

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY MAY 7, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 139

Introduced by Assembly Member Brownley
(Coauthors: Assembly Members Blumenfield and Portantino)
(Coauthor: Senator Pavley)

January 20, 2009

An act to amend Sections 2 and 16 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District. *An act to amend Section 25081 of the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 139, as amended, Brownley. ~~Los Angeles County Flood Control District: fees. Local government: county boards: regular meetings.~~

Existing law requires the board of supervisors of a county to hold regular meetings of the board at the county seat.

This bill would authorize counties of the first class to hold one or more regular meetings of the board at a location within the county designated by the board.

(1) ~~Existing law, the Los Angeles County Flood Control Act, establishes the Los Angeles County Flood Control District and authorizes the district to control and conserve the flood, storm, and other wastewater of the district. The act declares the district to be a body corporate and politic, and to have various powers, including the power to cause taxes to be levied and collected for the purpose of paying any obligation of the district.~~

~~This bill would authorize the district to impose a fee in compliance with Article XIII D of the California Constitution, to pay the costs and expenses of carrying out projects and providing services to improve water quality and reduce stormwater and urban runoff in the district. The bill would require that any fee imposed be levied and collected, together with taxes for county purposes, and the revenues paid into the county treasury to the credit of the district. The bill would require the district to allocate the funds generated by the imposition of the fee in a specified manner solely for authorized purposes and in compliance with a specified constitutional provision.~~

~~(2) The act authorizes the board of the district, subject to certain limitations, to do all acts or things necessary or useful for the promotion of the work or the control of the flood and stormwaters of the district, to conserve those waters for beneficial and useful purposes, and to protect from damage from storm or floodwaters, the harbors, waterways, public highways, and property of the district. One limitation upon the authority of the board of the district is that it is not authorized to raise money for the district by any method or system other than by issuing bonds, or the levying of a tax upon the assessed value of all the real property of the district, except from the sale and lease of its property.~~

~~This bill would instead provide that the board of the district is not authorized to raise money for the district by any method or system other than by issuing bonds, or the levying of a tax, or the imposition of a fee in compliance with Article XIII D of the California Constitution.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 25081 of the Government Code is
2 amended to read:
3 25081. (a) By ordinance the board shall provide for the holding
4 of regular meetings of the board at the county seat.
5 (b) Notwithstanding subdivision (a), and any other provision
6 of law, in counties of the first class, the board may provide by
7 ordinance for the holding of one or more regular meetings of the
8 board at a location within the county designated by the board.
9 SECTION 1. (a) ~~The Legislature finds and declares all of the~~
10 following:

1 ~~(1) The Los Angeles County Flood Control Act presently~~
2 ~~permits the Los Angeles County Flood Control District (district)~~
3 ~~to levy taxes to pay for the obligations of the district, but it does~~
4 ~~not authorize the district to impose fees to carry out the purposes~~
5 ~~of the act. By enacting this act, the district will be able to collect~~
6 ~~a property-related fee that is based on the cost of improvements~~
7 ~~and services provided by the district, Los Angeles County, or cities~~
8 ~~within the boundaries of the district to each parcel within the~~
9 ~~district.~~

10 ~~(2) The requirements of the total maximum daily load (TMDL)~~
11 ~~program under the federal Clean Water Act necessitate the fee~~
12 ~~authority granted by this act to the district, subject to voter approval~~
13 ~~as required by Article XIII D of the California Constitution. Further,~~
14 ~~this act will facilitate a comprehensive fee proposal under~~
15 ~~development by the district in collaboration and partnership with~~
16 ~~the cities within the boundaries of the district to improve water~~
17 ~~quality and reduce stormwater and urban runoff pollution. This~~
18 ~~act will allow the district to adopt a fee to fund the implementation~~
19 ~~of regional water quality improvements and services and provide~~
20 ~~a return of fee revenues to cities and unincorporated areas within~~
21 ~~Los Angeles County for developing, implementing, and~~
22 ~~maintaining local projects and programs to improve water quality,~~
23 ~~and reduce stormwater and urban runoff pollution. The proposal~~
24 ~~would provide that fee revenues will benefit the watershed area in~~
25 ~~which they are collected.~~

26 ~~(3) Because Los Angeles County includes six major watersheds,~~
27 ~~significant amounts of coastline and multiple lakes and rivers, and~~
28 ~~because Los Angeles County and the 85 cities within the~~
29 ~~boundaries of the district are subject to numerous TMDL~~
30 ~~requirements, a regional effort that is coordinated with and~~
31 ~~supportive of individual cities' water quality improvement efforts~~
32 ~~is clearly warranted.~~

33 ~~(b) By enacting this statute, it is the intent of the Legislature~~
34 ~~that the Los Angeles County Board of Supervisors direct the~~
35 ~~appropriate county staff, in consultation with the affected cities~~
36 ~~within the boundaries of the district, to develop criteria for the use~~
37 ~~of funds generated by any fee imposed by the district, as authorized~~
38 ~~by this act, for the purpose of improving water quality and reducing~~
39 ~~stormwater and urban runoff pollution. Those criteria should reflect~~
40 ~~the following principles:~~

1 ~~(1) Stormwater quality solutions funded by the proceeds of this~~
2 ~~fee should be science-based and take into consideration the~~
3 ~~requirements of the federal Clean Water Act and include adequate~~
4 ~~operation and maintenance expenditures. As part of the fee proposal~~
5 ~~under development by the district, regional projects and programs~~
6 ~~would be watershed-based and would give consideration to proven,~~
7 ~~successful best management practices and to tools and~~
8 ~~methodologies approved by the United States Environmental~~
9 ~~Protection Agency.~~

10 ~~(2) The most effective water cleanup and protection strategies~~
11 ~~involve partnerships with many stakeholders where cities and~~
12 ~~unincorporated communities within Los Angeles County,~~
13 ~~nongovernmental organizations, environmental groups, water~~
14 ~~resources agencies, and other interested parties work together to~~
15 ~~develop cost-effective solutions that will leverage funds raised~~
16 ~~through this proposed fee with available state and federal matching~~
17 ~~funds.~~

18 ~~(3) Stormwater is not just a contamination problem—it is a~~
19 ~~potential resource. In an arid region that frequently faces serious~~
20 ~~drought and related water supply issues, more can be done with~~
21 ~~stormwater than moving it quickly to the ocean. For example, by~~
22 ~~capturing stormwater and allowing soils and plants to naturally~~
23 ~~filter and cleanse it, the stormwater can be used for irrigation, or~~
24 ~~it can be allowed to percolate into the ground to increase the supply~~
25 ~~of available drinking water.~~

26 ~~(4) Water quality improvement projects should be designed to~~
27 ~~provide multiple benefits and incorporate green solutions.~~
28 ~~Wherever appropriate, projects should be designed to provide~~
29 ~~multiple benefits, such as increasing water supply, replenishing~~
30 ~~groundwater, providing flood protection, protecting open space~~
31 ~~and natural areas, and restoring and creating wetlands and riparian~~
32 ~~habitats. Projects should also, where appropriate, incorporate~~
33 ~~natural filtration and cleansing of water, environmentally friendly~~
34 ~~infrastructure, improved permeability of surfaces, and other green~~
35 ~~solutions.~~

36 ~~(5) Any fee imposed pursuant to this act and approved by the~~
37 ~~voters should reflect the differences between residential,~~
38 ~~commercial, industrial, and other land uses of parcels, parcel size,~~
39 ~~and proportionate stormwater runoff. To the extent possible, the~~

1 fee should be set at levels that do not preclude cities from seeking
2 voter approval for their own fees.

3 ~~(6) An oversight committee comprised of representatives from~~
4 ~~cities and unincorporated areas within Los Angeles County and~~
5 ~~interested parties should be formed to provide technical and~~
6 ~~programmatic review of the regional program.~~

7 ~~(7) The district should consult and collaborate with watershed~~
8 ~~and subwatershed committees comprised of representatives from~~
9 ~~cities and unincorporated areas within Los Angeles County and~~
10 ~~other interested parties to seek input on proposed regional projects.~~

11 ~~SEC. 2. Section 2 of the Los Angeles County Flood Control~~
12 ~~Act (Chapter 755 of the Statutes of 1915), as amended by Chapter~~
13 ~~1276 of the Statutes of 1975, is amended to read:~~

14 ~~Sec.2. The objects and purposes of this act are to provide for~~
15 ~~the control and conservation of the floodwater, stormwater, and~~
16 ~~other wastewater of the district, and to conserve such waters for~~
17 ~~beneficial and useful purposes by spreading, storing, retaining or~~
18 ~~causing to percolate into the soil within the district, or to save or~~
19 ~~conserve in any manner, all or any of such waters, and to protect~~
20 ~~from damage from that floodwater or stormwater, the harbors,~~
21 ~~waterways, public highways and property in the district.~~

22 ~~The Los Angeles County Flood Control District is hereby~~
23 ~~declared to be a body corporate and politic, and has all the~~
24 ~~following powers:~~

25 ~~1. To have perpetual succession.~~

26 ~~2. To sue and be sued in the name of the district in all actions~~
27 ~~and proceedings in all courts and tribunals of competent~~
28 ~~jurisdiction.~~

29 ~~3. To adopt a seal and alter it at pleasure.~~

30 ~~4. To take by grant, purchase, gift, devise or lease, hold, use,~~
31 ~~enjoy, and to lease or dispose of real or personal property of every~~
32 ~~kind within or without the district necessary to the full exercise of~~
33 ~~its power.~~

34 ~~5. To acquire or contract to acquire lands, rights-of-way,~~
35 ~~easements, privileges and property of every kind, and construct,~~
36 ~~maintain and operate any and all works or improvements within~~
37 ~~or without the district necessary or proper to carry out any of the~~
38 ~~objects or purposes of this act, and to complete, extend, add to,~~
39 ~~repair or otherwise improve any works or improvements acquired~~
40 ~~by it as herein authorized. Construction or improvement of existing~~

1 facilities may involve landscaping and other aesthetic treatment
2 in order that the facility will be compatible with existing or planned
3 development in the area of improvement.

4 ~~6. To exercise the right of eminent domain, either within or~~
5 ~~without the district, to take any property necessary to carry out~~
6 ~~any of the objects or purposes of this act.~~

7 ~~7. To incur indebtedness, and to issue bonds in the manner~~
8 ~~herein provided.~~

9 ~~7a. To borrow money from the United States of America, any~~
10 ~~agency or department thereof, or from any nonprofit corporation,~~
11 ~~organized under the laws of this state, to which the Reconstruction~~
12 ~~Finance Corporation, a corporation organized and existing under~~
13 ~~and by virtue of an act of Congress, entitled "Reconstruction~~
14 ~~Finance Corporation Act," or other agency, or department, of the~~
15 ~~United States government, has authorized, or shall hereafter~~
16 ~~authorize, a loan to enable such nonprofit corporation to lend~~
17 ~~money to the Los Angeles County Flood Control District, for any~~
18 ~~flood control work authorized under this act, and to repay the same,~~
19 ~~in annual installments, over a period of not to exceed twenty (20)~~
20 ~~years, with interest at a rate not to exceed four and one-fourth per~~
21 ~~centum (4 $\frac{1}{4}$ %) per annum, payable semiannually, and, without~~
22 ~~the necessity of an election when authorized by resolution of the~~
23 ~~board of supervisors, as evidences of such indebtedness, the district~~
24 ~~is hereby authorized to execute and deliver a note, or a series of~~
25 ~~notes, or bonds, or other evidences of indebtedness, signed by the~~
26 ~~chairman of the board of supervisors of the district, which notes,~~
27 ~~bonds, or other evidences of indebtedness, shall be negotiable~~
28 ~~instruments if so declared in the resolution of the board of~~
29 ~~supervisors providing for their issuance, and notes, bonds, or other~~
30 ~~evidences of indebtedness, may have interest coupons attached to~~
31 ~~evidence interest payments, signed by the facsimile signature of~~
32 ~~the chairperson of the board. All applications for such loans shall~~
33 ~~specify the particular flood control work or projects for which the~~
34 ~~funds will be expended, and when received, the money shall be~~
35 ~~deposited in a special fund, and shall be expended for those~~
36 ~~purposes only which are described and referred to in the~~
37 ~~applications. If a surplus remains after the completion of the work,~~
38 ~~such surplus shall be applied to the payment of the note, notes,~~
39 ~~bonds, or other evidences of indebtedness, executed as aforesaid,~~
40 ~~for the loan including interest coupons. The board of supervisors~~

1 shall annually, levy a tax upon the taxable real property of the
2 district, clearly sufficient to pay the interest and installments of
3 principal, as the same shall become due and payable, under any
4 loan made pursuant to the authority of this section, and to create
5 and maintain a reserve fund to assure the prompt payment thereof,
6 as may be provided by resolution of the board of supervisors;
7 provided, however, that the amount of taxes levied in any year,
8 pursuant to the provisions of this subsection, shall, pro tanto, reduce
9 the authority of the board of supervisors, during any such year, to
10 levy taxes under Section 14 of this act, but this proviso shall not
11 be a limitation upon the power and duty to levy and collect taxes
12 under this subsection. Notwithstanding any other provisions of
13 law, interest earned on funds representing the proceeds of bonds
14 of the district shall be deposited and retained in the reserve fund
15 of the district to meet the principal and interest falling due on such
16 bonds.

17 Notwithstanding anything in this subsection to the contrary, the
18 total amount the district may borrow under the authority of any or
19 all of the provisions of this subsection is limited to and shall not
20 exceed in the aggregate the sum of four million five hundred
21 thousand dollars (\$4,500,000).

22 7b. The power granted in the next preceding subsection is hereby
23 extended to authorize the issuance and sale of bonds or other
24 evidences of indebtedness of the district to the County of Los
25 Angeles and the purchase thereof by the county in accordance with
26 “An act authorizing the investment and reinvestment and
27 disposition of any surplus moneys in the treasury of any county,
28 city and county, incorporated city or town or municipal utility
29 district or flood control district,” approved April 23, 1913, as
30 amended; all subject to the provisions and limitations of the next
31 preceding subsection relative to the disposition and use of funds,
32 interest rate, period of repayment, tax rate and mode of issuance.
33 The total amount of bonds or other evidence of indebtedness, in
34 the aggregate, which the district may issue and sell under the
35 authority of subsection 7a and of this subsection is limited to and
36 shall not exceed four million five hundred thousand dollars
37 (\$4,500,000).

38 8. To cause taxes to be levied and collected for the purpose of
39 paying any obligation of the district in the manner provided in this
40 act.

1 ~~9. To make contracts, and to employ for temporary services~~
2 ~~only, expert appraisers, consultants and technical advisers, and to~~
3 ~~do all acts necessary for the full exercise of all powers vested in~~
4 ~~the district, or any of the officers thereof, by this act.~~
5 ~~10. To grant or otherwise convey to counties, cities and counties,~~
6 ~~cities or towns easements for street and highway purposes, over,~~
7 ~~along, upon, in, through, across or under any real property owned~~
8 ~~by the Los Angeles County Flood Control District.~~
9 ~~11. To remove, carry away and dispose of any rubbish, trash,~~
10 ~~debris or other inconvenient matter that may be dislodged,~~
11 ~~transported, conveyed or carried by means of, through, in, or along~~
12 ~~the works and structures operated or maintained hereunder and~~
13 ~~deposited upon the property of the district or elsewhere.~~
14 ~~12. To pay premiums on bonds of contractors required under~~
15 ~~any contract if the amount payable to the contractor exceeds five~~
16 ~~million dollars (\$5,000,000); provided, that the specifications in~~
17 ~~such cases shall specifically so provide and state that the bidder~~
18 ~~shall not include in his or her bids the cost of furnishing the~~
19 ~~required bonds.~~
20 ~~13. To lease, sell or dispose of any property (or any interest~~
21 ~~therein) whenever in the judgment of the board of supervisors the~~
22 ~~property, or any interest therein or part thereof, is no longer~~
23 ~~required for the purposes of the district, or may be leased for any~~
24 ~~purpose without interfering with the use of the same for the~~
25 ~~purposes of the district, and to pay any compensation received~~
26 ~~therefor into the general fund of the district and use the same for~~
27 ~~the purposes of this act; provided, however, that nothing herein~~
28 ~~shall authorize the board of supervisors or other governing body~~
29 ~~of the district or any officer thereof to sell, lease or otherwise~~
30 ~~dispose of any water, water right, reservoir space or storage~~
31 ~~capacity or any interest or space therein except to public agencies~~
32 ~~for recreational purposes when such use is not inconsistent with~~
33 ~~the use thereof by the district for flood control and water~~
34 ~~conservation purposes; or except as provided by Section 17 of this~~
35 ~~act; provided, however, that the district may grant and convey to~~
36 ~~the United States of America, or to any federal agency authorized~~
37 ~~to accept and pay for such land or interests in land, all lands and~~
38 ~~interests in land, now owned or hereafter acquired, lying within~~
39 ~~any channel, dam or reservoir site, improved or constructed, in~~
40 ~~whole or in part, with federal funds, upon payment to the district~~

1 of sums equivalent to actual expenditures made by it in acquiring
2 the lands and interests in land so conveyed and deemed reasonable
3 by the Secretary of War and the Chief of Engineers.

4 14. To provide, by agreement with other public agencies or
5 private persons or entities or otherwise, for the recreational use of
6 the lands, facilities, and works of the district which shall not
7 interfere, or be inconsistent, with the primary use and purpose of
8 such lands, facilities, and works by such district.

9 15. In addition to its other powers, the district shall have the
10 power to preserve, enhance, and add recreational features to its
11 properties and upon a finding by the board of supervisors that the
12 acquisition is necessary for such purposes, to acquire, preserve,
13 enhance, and add recreational features to lands or interests in lands
14 contiguous to its properties, for the protection, preservation, and
15 use of the scenic beauty and natural environment for such
16 properties or such lands and to collect admission or use fees for
17 such recreational features where deemed appropriate.

18 16. To impose a fee, in compliance with the applicable provisions
19 of Article XIII D of the California Constitution, to pay the costs
20 and expenses of carrying out projects and providing services to
21 improve water quality and reduce stormwater and urban runoff
22 pollution in the district. Any fee that is imposed pursuant to this
23 paragraph shall be levied and collected together with, and not
24 separately from, taxes for county purposes, and the revenues
25 derived from the fees shall be paid into the county treasury to the
26 credit of the district, and the board of supervisors shall expend
27 these funds to pay for costs and expenses in accordance with this
28 paragraph.

29 Sixty-five percent of the revenues derived from any fee imposed
30 pursuant to this paragraph shall be allocated to the district for
31 administrative expenses and to carry out projects and provide
32 services for the purposes set forth in this paragraph. The remaining
33 35 percent of the revenues shall be allocated to cities within the
34 boundaries of the district, for expenditure within their respective
35 jurisdictions, and to Los Angeles County, for expenditure within
36 its unincorporated territory, in the same proportion as the amount
37 of fees collected within each jurisdiction, to be expended by those
38 cities and Los Angeles County, respectively, exclusively to carry
39 out projects and provide services in accordance with this paragraph
40 and Article XIII D of the California Constitution.

1 Each entity expending any funds derived from the imposition
2 of the fee authorized by this paragraph shall ensure that the
3 expenditure is exclusively for authorized purposes in accordance
4 with this paragraph and Article XIII D of the California
5 Constitution.

6 The district, the cities within the boundaries of the district, and
7 Los Angeles County may enter into agreements with each other
8 or with federal, state, and regional agencies to carry out this
9 paragraph.

10 The district by or through its board of supervisors, or other board
11 or officers at any time succeeding to the duties or functions of its
12 board of supervisors, is hereby authorized and empowered to
13 warrant and defend the title to all land and interests therein so
14 conveyed to the United States of America or to any such agency
15 and their respective assigns; to covenant and agree to indemnify
16 and keep indemnified and to hold and save harmless and exonerated
17 the United States of America or any such agency, to which such
18 lands or any interest therein are so conveyed by the district, from
19 and against all demands, claims, liabilities, liens, actions, suits,
20 charges, costs, loss, damages, expenses and attorneys' fees of
21 whatsoever kind or nature, resulting from, arising out of or
22 occasioned by any defect or defects whatsoever in the title to any
23 such land or interest in land so conveyed by the district; to
24 reimburse and save harmless and exonerated the United States of
25 America or any such agency for any and all amounts, paid, and
26 expenses incurred, in the compromise or settlement of any
27 demands, claims, liabilities, liens, actions, suits, charges, costs,
28 loss, damages, expenses and attorneys' fees of whatsoever kind
29 or nature, resulting from, arising out of or occasioned by any claim
30 to or defect or defects whatsoever in the title to any such land or
31 interests in land so conveyed by the district; to pay all just
32 compensation, costs and expenses, which may be incurred in any
33 condemnation proceeding deemed necessary by the United States
34 of America or such agency, in order to perfect title to any such
35 land or interests in land, including without limitation all attorneys'
36 fees, court costs and fees, costs of abstracts and other evidences
37 of title, and all other costs, expenses or damages incurred or
38 suffered by the United States of America or such agency; and
39 consent is hereby given to the bringing of suit or other legal
40 proceedings against the district by the United States of America

1 or such agency, as the case may be, in the proper district court of
2 the United States, upon any cause of action arising out of any
3 conveyance, contract or covenant made or entered into by the
4 district pursuant to the authority granted in this act, or to enforce
5 any claims, damages, loss or expenses arising out of or resulting
6 from any defect whatsoever in the title to such land or any interest
7 therein or any claims of others in or to such land or interest therein.

8 SEC. 3.— Section 16 of the Los Angeles County Flood Control
9 Act (Chapter 755 of the Statutes of 1915), as amended by Chapter
10 1276 of the Statutes of 1975, is amended to read:

11 Sec. 16.— The board of supervisors of the district shall have
12 power to make and enforce all needful rules and regulations for
13 the administration and government of the district, and to perform
14 all other acts necessary or proper to accomplish the purposes of
15 this act.

16 The board of supervisors shall have power to do all work and to
17 construct and acquire all improvements necessary or useful for
18 carrying out any of the purposes of this act; and the board of
19 supervisors shall have power to acquire either within or without
20 the boundaries of the district, by purchase, donation or by other
21 lawful means in the name of the district, from private persons,
22 corporations, reclamation districts, swampland districts, levee
23 districts, protection districts, drainage districts, irrigation districts,
24 or other public corporations or agencies or districts, all lands,
25 rights-of-way, easements, property or materials necessary or useful
26 for carrying out any of the purposes of this act; to make contracts
27 to indemnify or compensate any owner of land or other property
28 for any injury or damage necessarily caused by the exercise of the
29 powers conferred by this act, or arising out of the use, taking or
30 damage of any property, rights-of-way or easements, for any of
31 such purposes; to compensate any reclamation district, protection
32 district, drainage district, irrigation district or other district, public
33 corporation or agency or district, for any right-of-way, easement
34 or property taken over or acquired by the Los Angeles County
35 Flood Control District as a part of its work of flood control or
36 conservation or protection provided for in this act, and any such
37 reclamation district, protection district, drainage district, irrigation
38 district or other district or public corporation or agency is hereby
39 given power and authority to distribute such compensation in any
40 manner that may be now or hereafter allowed by law; to maintain

1 actions to restrain the doing of any act or thing that may be
2 injurious to carrying out any of the purposes of this act by the
3 district, or that may interfere with the successful execution of said
4 work, or for damages for injury thereto; to do any and all things
5 necessary or incident to the powers hereby granted, or to carry out
6 any of the objects and purposes of this act; to require, by
7 appropriate legal proceedings, the owner or owners of any bridge,
8 trestle, wire line, viaduct, embankment or other structure which
9 shall be intersected, traversed or crossed by any channel, ditch,
10 bed of any stream, waterway, conduit or canal, so to construct or
11 alter the same as to offer a minimum of obstruction to the free flow
12 of water through or along any such channel, ditch, bed of any
13 stream, waterway, conduit or canal, and whenever necessary in
14 the case of existing works or structures, to require the removal or
15 alteration thereof for such purpose; provided, however, that nothing
16 in this act contained shall be deemed to authorize the district in
17 exercising any of its powers to take, damage or destroy any
18 property or to require the removal, relocation, alteration or
19 destruction of any bridge, railroad, wire line, pipeline, facility or
20 other structure unless just compensation therefor be first made, in
21 the manner and to the extent required by the Constitution of the
22 United States and the Constitution of California.

23 The board of supervisors of the district is hereby vested with
24 full power to do all other acts or things necessary or useful for the
25 promotion of the work of the control of the floodwater and
26 stormwater of the district, and to conserve such waters for
27 beneficial and useful purposes, and to protect from damage from
28 that stormwater or floodwater the harbors, waterways, public
29 highways and property in the district; provided, however, that
30 nothing in this act contained shall be deemed to authorize the
31 district, or any person or persons, to divert the waters of any river,
32 creek, stream, irrigation system, canal or ditch, from its channel,
33 to the detriment of any person or persons having any interest in
34 such river, creek, stream, irrigation system, canal or ditch, or the
35 waters thereof or therein, unless previous compensation be first
36 ascertained and paid therefor, under the laws of this state
37 authorizing the taking of private property for public uses; and
38 provided further, that nothing in this act contained shall be
39 construed as in any way affecting the plenary power of any
40 incorporated city, city and county, or town, or municipal or county

1 ~~water district, to provide for a water supply of such public~~
2 ~~corporation, or as affecting the absolute control of any properties~~
3 ~~of such public corporations necessary for such water supply, and~~
4 ~~nothing herein contained shall be construed as vesting any power~~
5 ~~of control over such properties in the Los Angeles County Flood~~
6 ~~Control District, or in any officer thereof, or in any person referred~~
7 ~~to in this act; and provided further, that nothing in this act contained~~
8 ~~shall be deemed to authorize the board of supervisors to raise~~
9 ~~money for the district by any method or system other than that by~~
10 ~~the issuing of bonds, or the levying of a tax, or the imposition of~~
11 ~~a fee in compliance with Article XIII D of the California~~
12 ~~Constitution, in the manner in this act provided, except from the~~
13 ~~sale and lease of its property as herein provided.~~

O