



FAIRFIELD-SUISUN SEWER DISTRICT

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

BOARD OF DIRECTORS

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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

Teleconference Notice:

Director Jane Day will be participating from a teleconference location at 301 Morgan Street, Suisun City, CA 94585.

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 --

The Fairfield-Suisun Sewer District will provide reasonable disability-related modification or accommodation to a person with a disability who requires a modification or accommodation in order to participate in the meeting of the Board of Directors. Please contact us at (707) 429-8930 at least 48 hours before the meeting if you require such modification or accommodation.

Documents that are disclosable public records required to be made available under California Government Code Section 54957.5 (b) (1) and (2) are available to the public for inspection at no charge during business hours at our administrative offices located at the above address.

Members of the public may speak on any matter within the jurisdiction of the Fairfield-Suisun Sewer District by filling out a speaker's request card, available on the table adjacent to the entrance to the board meeting room, and submitting the card to the District Clerk. Comments not listed on the agenda will be taken under Public Comments. Comments on matters appearing on the agenda will be taken during consideration of the item.



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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



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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 connection 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 “furthers 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 Ceities.

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.