

Memorandum 70-16

Subject: Study 36.202 - Condemnation (Condemnation by Special Districts)

BACKGROUND

In preparing a comprehensive eminent domain statute, it will be necessary to repeal Sections 1238 through 1238.7 of the Code of Civil Procedure. These sections purport to specify the public uses in behalf of which the right of eminent domain may be exercised.

Before Sections 1238 through 1238.7 can be repealed, it is necessary to review the present condemnation authority of the myriad of special districts existing in California and to determine what statutory modifications will be required to preserve the status quo.

Attached to this memorandum are three tables. Table I ("Types of Special Districts, Class, and Approximate Number") lists in alphabetical order all the various types of special districts that the staff believes exist in California. The table indicates the "Class" of district and the approximate number of districts. Table II (on legal size paper) lists the majority of the various types of special districts by "Class" and indicates the functions and extent of the district condemnation authority. (Table IIA is referred to below.)

TABLE II--DISTRICTS HAVING GENERAL GRANT OF CONDEMNATION AUTHORITY

An examination of Table II indicates that the overwhelming majority of these special districts have, by virtue of their enabling statutes, general authority to condemn all property necessary to carry out any powers of the district. (These are listed in Table IIA.) Thus, approximately 157 different types of districts for a total of more than

2000 separate districts have general condemnation authority. Typically, these districts are granted authority to condemn any property "necessary to carry out any of the objects or purposes of the district." With respect to these districts, there is no need to rely on Sections 1238 through 1238.7 of the Code of Civil Procedure and the repeal of those sections would have no effect on the condemnation authority of these districts. The staff recommends no change be made in the condemnation authority of these agencies.

TABLE II--DISTRICTS THAT DO NOT HAVE GENERAL CONDEMNATION AUTHORITY

Table II lists 188 different types of districts. Thirty-one of these 188 types of districts do not have complete condemnation authority. Listed below, in the order in which they appear in Table II, are those districts which do not have general condemnation authority, the reference to the page on which the district is listed in Table II, the approximate number of districts of each type believed to exist, additional descriptive material for each, and the staff's recommended disposition of each. The staff suggests that you read the material to determine whether you agree with the staff's recommended disposition, but you will note that the staff recommends no change in existing statutes except for the districts listed as (16) and (18) below.

WATER DISTRICTS (GENERAL LAW)

(1) Municipal Water Districts (Act of 1935) (p.4)(?) [WaterCode App. §§ 41-1 to 41-13]. These are bond districts formed within municipalities to finance the acquisition or construction of water distribution systems. The district itself has no corporate powers (these remain in the municipality) and no condemnation authorization is necessary.

(2) Soil Conservation Districts (p. 5)(163)[Public Resources Code §§ 9074-9953]. These districts are authorized to "acquire by purchase, lease, contract, or gift all lands" necessary to carry out the plans of the district. Section 9253) The omission of the authority to condemn appears to be a conscious one, especially in view of Section 9257 which specifically provides that the district may make improvements in furtherance of soil conservation on private lands only with the consent of the owners thereof. The staff recommends that no greater authorization be provided.

WATER DISTRICTS (SPECIAL LAW)

(3) Bighorn Mountains Water Agency (p. 8)(1)[Water Code App. §§ 112-1 to 112-54]. As indicated in the table, this agency has only the power to condemn "property necessary to supply the agency . . . with water." This could easily be construed to prohibit exercise of the power to provide recreational facilities, water distribution systems, and hydroelectric power systems, although the latter are functions that the district is authorized to perform. Whether such limitation was intended, the staff does not know. However, inasmuch as this is a single special district and the recently enacted (1969) enabling statute does not indicate in any way that Section 1238 was relied on for greater authorization, the staff recommends that no greater authorization be provided by the Commission

(4) City of Marysville Levee District (p. 9)(1). Although this district has the power to condemn property for only one kind of flood control protection system (levee), no further authorization seems necessary in view of the antiquity of the enabling statute (1875-76) and the present ability of the city and county to provide the necessary protection.

(5) Delta Water Agency (p. 11)(1)[Water Code App. §§ 108-1.1 to 108-10.2]. This special district has only the stated authority to take property "by grant, purchase, gift, devise, or lease" Whether the omission of condemnation was intended or not the staff does not know. It would appear, however, that the enabling statute contemplates that the agency will enter into agreements with the state or federal government, and that the latter will carry out any projects necessary for fulfillment of the district purposes. Accordingly, the staff recommends that no further authorization be provided.

(6) Lower San Joaquin Levee District (p. 15)(1)[Water Code App. §§ 75-1 to 75-14]. This agency also seems to serve only as a local liaison for the state and federal government. It does not have specific authorization to condemn and the staff does not believe such authorization is necessary.

(7) San Geronio Pass Water Agency (p. 23)(1)[Water Code App. §§ 101-1 to 101-52]. As with the ~~Big~~ Bighorn Mountains Water Agency (#3 above), this agency appears to have condemnation authority only to help supply water for the agency and not for its other functions. However, the same recommendation is repeated here, i.e., that the Commission make no change in the agency's enabling statute. If further authority is desired or required, the agency itself can make the request of the Legislature.

(8) Upper Santa Clara Valley Water Agency (p. 29)(1)[Water Code App. §§ 103-1 to 103-49]. This agency appears to have condemnation authority to aid in the performance of its major functions, but may not have such authority for providing sewage, storm water, and hydroelectric

facilities. Again, however, there is no indication that the agency has relied on Section 1238 to provide such authority and if a broader condemnation authority is desired or required, the agency should be able itself to secure such authority from the Legislature. Accordingly, the staff recommends no further authorization be provided.

FIRE AND POLICE PROTECTION DISTRICTS

(9) Joint County Jail Districts (p. 31)(?). Any two or more counties may form a district for the purpose of establishing a joint county jail to serve such counties. Penal Code Section 4051. The district has no authority to condemn. However, the district's board of directors is made up of two supervisors from each of the participating counties and it would appear that the counties involved could make the necessary acquisition. There is no suggestion that Section 1238 was relied on in any way and its repeal should cause no problem here.

(10) Police Protection Districts (in Unincorporated Territory) (p. 31)
(4). No new district has been or can be created after October 1, 1959. Under the enabling statute, the members of the board of supervisors of the county in which the district is located, are ex officio directors of the district and are authorized "to perform all acts necessary to provide adequate police protection in the district." This would presumably include providing an additional sheriff's substation or similar facility but this could be accomplished under the county's authorization to condemn. Accordingly, no further authorization seem required.

(11) Police Protection Districts (in Unincorporated Towns) (p. 31)(5).

Again no new district has been or can be created after October 1, 1959). Districts already formed have authority to "acquire" property for a police station but no specific condemnation authority. Whether such authority is required, the staff does not know. However, its absence does not seem to have caused problems and a police station does not seem to be a particularly engineering oriented facility; accordingly, no further change is suggested.

HEALTH AND SAFETY DISTRICTS

(12) Air Pollution Control Districts (p. 35)(6?). These districts have no authority to condemn; however, the omission appears deliberate as the function of the district is to enforce regulations, not acquire property. Each district's boundaries are coextensive with a county, and the board of supervisors of the county are ex officio the board of the district. Accordingly, it seems that, if office space or the like were required, this could be obtained through the county if necessary. The staff suggests no further changes be made.

(13) Bay Area Air Pollution Control District (p. 35)(1). Again, this district (comprising several counties), has no authority to condemn; however, the omission appears to be deliberate and no change is recommended.

(14) Municipal Sewer and Water Facilities Law of 1911 (p. 38)(6). This law provides for improvement districts within a city or a city and adjacent unincorporated territory. The city involved acquires any property necessary and performs the work; the district simply finances the work and has no corporate powers. Accordingly, no further changes are required.

(15) Municipal Sewer Districts of 1939 (p. 38)(?). These are bond districts formed by municipalities to finance the acquisition or construction of sewer systems. The district itself appears to have no corporate powers (these remain in the municipality) and no condemnation authorization is necessary.

(16) Public Cemetery Districts (p. 39)(256). Through an error in codification, not even the power to acquire property is expressly provided for public cemetery districts. See Health & Saf. Code § 8961 (annot. citing 14 Ops. Atty. Gen. 252). Assuming that these districts do have some power to acquire property, their only authority to condemn is granted by Code of Civil Procedure Section 1238(14). The staff accordingly suggests that Health and Safety Code Section 8961 be amended to provide:

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents of the district or of members of the family of a resident who has heretofore purchased a burial plot , and for this purpose may take and hold title to property by grant, gift, devise, condemnation, lease, or any other method . [Phrasing with addition of word "condemnation" is identical to Health and Saf. Code § 8962.]

(17) Sewer Districts in Unincorporated Territory (Act of 1899)(p. 40)(?). It should be noted that this enabling statute was repealed in 1959 with a savings clause for existing districts formed thereunder. The district is controlled by the board of supervisors of the county in which it is located (Health & Saf. Code § 4662 provides that the board of supervisors "may lay out and construct sewers therein, and provide for making connections with the sewer . . . , and for the maintenance and extension of the sewerage district.") but does not appear to have its own independent corporate powers. The staff suggests that no further changes be made.

RECREATION DISTRICTS

(18) Resort Improvement Districts (p. 42)(7). No new districts have been or can be formed under this enabling statute after May 19, 1965. Existing districts are authorized to "acquire" property for a variety of governmental purposes. Other than the fact that these purposes include a number of purposes included in Code of Civil Procedure Section 1238, there is no indication that the term "acquire" includes condemn. The districts may be governed by the board of supervisors of the county or by a separate board of directors. In the first situation, acquisitions could perhaps be made through the county, if necessary. Nevertheless, the staff believes that some provision should be made. Perhaps a section could be added defining the term "acquire" as used in Section 13070 to include "condemn."

STREETS AND HIGHWAYS DISTRICTS (GENERAL LAW)

(19) Highway Lighting Districts (p. 44)(385). These are districts formed in unincorporated areas of a county with the board of supervisors acting ex officio as the governing body of the district. The district has no power to acquire or hold property but simply serves a planning and administrative function in providing highway lighting. No additional provisions seem required.

(20) Joint County Road Camp Districts (p. 44)(?). These districts are similar to the Joint County Jail Districts referred to above (see #9). The board of directors (made up of designated members of the boards of supervisors of the respective counties) are simply authorized to "establish" road camps. They have no specific authority to condemn or even to acquire property. Presumably, this function is or could be performed by one or more of the respective counties. There is no suggestion that Section 1238 is relied on in any way and no additional provision seems required.

(21) Municipal Lighting Maintenance District (p. 45)(?). These are simply assessment districts formed within municipalities to finance street

lighting improvements. The district itself has no corporate powers (these are exercised by the city) and no condemnation authorization is required.

STREETS AND HIGHWAYS DISTRICTS (SPECIAL LAW)

(22) Los Angeles County Toll Tunnel Authority (p. 47)(1). This authority has no other function than to prepare a feasibility study with respect to a tunnel through the San Gabriel Mountains for presentation to the state Legislature. No condemnation authorization seems required.

MISCELLANEOUS DISTRICTS (GENERAL LAW)

(23) Citrus Pest Control Districts (p. 51)(7)

(24) Cotton Pests Abatement Districts (p. 51)(?)

(25) Horticultural Protection Districts (p. 51)(?). As indicated in the table, each of these districts has the power to "take by grant, purchase, gift, devise, lease, or otherwise . . . property" necessary to the exercise of the district's powers. The phrase "or otherwise" probably does not confer condemnation authority. If it is desired to provide such authority, it would require only the insertion of the term "condemnation" after "lease." However, such authority does not seem required. The present statutes provide specifically for compensation upon removal and destruction of certain property (e.g.), trees infected with "quick decline"), but the usual course seems to be to either control the pest or abate the host as a nuisance. With respect to acquiring permanent facilities for the district itself, this can be accomplished through voluntary purchase.

(26) Library Districts (p. 52)(1)

(27) Library Districts in Unincorporated Towns and Villages (p. 52)(8).

(28) Union High School Library Districts (p. 53)(4). The trustees of these library districts are merely authorized to "purchase" property. Educ. Code §§ 27560, 27855, 28255. There is no indication that Code of Civil Procedure Section 1238 is relied on for any further authority and the needs of the district seem capable of fulfillment without condemnation authority. The staff suggests no further provision be made.

(29) Planning Districts (p. 53)(?)

(30) Regional Planning Districts (p. 53)(?). These boards perform planning functions only. They have power to acquire property through voluntary transactions for office space, but they have no power to condemn property and none seems needed.

(31) Student Transportation Districts (p. 53)(?). These are districts formed within a county which has no state junior college to provide transportation for students in the 13th and 14th grade of a state college. The board of directors has power to acquire property through voluntary transactions, but has no condemnation authority. The only purpose of acquiring property is to provide office and garage space and condemnation authority does not seem required.

DISTRICTS NOT LISTED IN TABLE II

Table II was compiled based on information received from the Office of the Legislative Counsel which purported to list all the types of special districts existing in California. Table I, however, contains a number of special districts or enabling statutes not identified as to class that the staff has located through its own research. It is possible that districts were never in fact formed under some of these enabling statutes or have long since been dissolved. In any event, the repeal of Section 1238 et seq. does not appear to affect them adversely but we list them here for the sake of completeness.

I. The following special districts have adequate condemnation authority under their respective enabling statutes and the repeal of Code of Civil Procedure Section 1238 should have no adverse effects on their operations.

1. District Agricultural Associations (50)
2. San Francisco Port Authority (1)
3. Community Redevelopment Agencies (?)
4. Housing Authorities (?)
5. Limited Dividend Housing Corporations (?)
6. Alameda County Water District (1)

II. The enabling statutes of the following special districts have been repealed; however, savings clauses in the repealer have preserved special districts already organized. These districts (if they still exist) have adequate condemnation authority and the repeal of Code of Civil Procedure Section 1238 should have no adverse effects on their operations.

- *1. County Recreation Districts
- *2. Recreation, Park, and Parkway Districts
- *3. Regional Shoreline Districts
- *4. Park, Recreation, and Parkway Districts

*Reorganized by operation of law as Recreation and Park Districts under Public Resources Code Section 5780 et seq.

5. Conservancy Districts
6. County Power Pumping Districts
7. Drainage Districts (Act of 1923)
8. Overflow Districts
9. Sanitary Districts (Act of 1891)
10. Storm Drain Maintenance District (Act of 1939)
11. Water Conservation Districts (Act of 1923)

12. Ventura County Harbor District
 13. Swamp Land, Levee, or Reclamation Districts
 14. Santa Clara County Irrigation District
 15. Mormon Slough Reclamation District
 16. Bayside Reclamation District
 17. American River Reclamation District No. 1
 18. Reclamation District No. 1400
 19. Reclamation District No. 254
 20. Reclamation District No. 252
 21. Municipal Water Districts (Act of 1909)
 22. Sutter County Levee District No. 6
 23. Sutter County Levee District No. 2
 24. Sacramento County Levee District No. 1
 25. Bear River District No. 1
 26. Yolo Basin Drainage District
 27. Washington Drainage District of Yolo County
 28. Sacramento River Drainage District
 29. Drainage Districts (Act of 1897)
 30. Drainage Districts (Act of 1880)
- III. The following special districts do not have condemnation authority under their enabling statutes. However, such authority appears never to have been intended. A number of these districts are not independent entities but, rather, taxing or assessment bodies.
1. Corporations (nonprofit) to administer libraries
 2. Community Land Chest Corporations

3. County Free Library Taxing Districts
4. Highway Interchange Districts
5. Local Planning Agencies
6. Open Space Maintenance Districts
7. Surplus Property Authority
8. Regional Air Pollution Control Districts
9. Unified Air Pollution Control Districts
10. Municipal Utility Districts (Special Districts)
11. City Maintenance Districts
12. County Maintenance Districts
13. Permanent Road Divisions
14. Special Road Maintenance Districts
15. Street Lighting Districts (Act of 1919)
16. Street Lighting Districts (Act of 1931)
17. Horticultural Development Districts

Respectfully submitted,

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TABLE I. TYPES OF SPECIAL DISTRICTS, CLASS, AND APPROXIMATE NUMBER
(March 1970)

District	Class	Approximate Number of Districts
Air pollution control districts-- Health & Saf. Code §§ 24198-24341	Health and Safety	6.
Airport districts--see California airport districts below		
Alameda County Flood Control and Water Conservation District--1949: 1275	Water (special law)	1
Alameda County Water District--1961: 1942 (additional powers granted to district organized as county water district)	*	1
Alpine County Water Agency--1961: 1896	Water (special law)	1
Amador County Water Agency--1959: 2137	Water (special law)	1
American River Flood Control District --1927: 808	Water (special law)	1
American River Reclamation District No. 1--1909: 728, repealed with savings clause 1953: 1006	*	?
Antelope Valley-East Kern Water Agency --1959: 2146	Water (special law)	1
Avenal Community Services District-- 1955: 1702	Water (special law)	1
Bay Area Pollution Control District-- Health & Saf. Code §§ 24345-24374	Health and safety	1
Bayside Reclamation District-- 1927: 792, repealed with savings clause 1953: 1005	*	?
Bear River District No. 1--1877-78: 470, repealed with savings clause 1953: 1015	*	?

District	Class	Approximate Number of Districts
Bethel Island Municipal Improvement District--1960 (1st Ex.Sess.): 22	Miscellaneous (special law)	1
Bighorn Mountains Water Agency--1969: 1175	Water (special law)	1
Boulevard districts--Sts. & Hwys. Code §§ 26000-26260	Streets and highways (general law)	?
Brannan-Andrus Levee Maintenance District--1967: 910	Water (special law)	1
Bridge and highway districts--Sts. & Hwys. Code §§ 27000-27325	Streets and highways (general law)	1
Brisbane County Water District--1950 (1st Ex.Sess.): 13	Water (special law)	1
California airport districts--Pub. Util. Code §§ 22001-22908	Miscellaneous (general law)	2
California water districts--Water Code §§ 34000-38501	Water (general law)	140
California water storage districts--Water Code §§ 39000-48401	Water (general law)	9
Citrus pest control districts--Agri. Code §§ 8401-8759	Miscellaneous (general law)	7
City Maintenance Districts--Sts. & Hwys. Code § 10108	*	?
City of Marysville Levee District--1875-76: 134	Water (special law)	1
Community Land Chest Corporations--Health & Saf. Code § 35130 <u>et seq.</u>	*	?
Community Redevelopment Agencies--Health & Saf. Code §§ 33390-33396	*	?
Community services districts--Govt. Code §§ 61000-61802	Water (general law)	130
Conservancy districts--1919: 332, repealed with savings clause 1953: 1023	*	1

District	Class	Approximate Number of Districts
Contra Costa County Water Agency-- 1957: 518	Water (special law)	1
Contra Costa County Flood Control and Water Conservation District --1951: 1617	Water (special law)	1
Contra Costa County Storm Drainage District--1953: 1532	Water (special law)	1
Corporations to administer libraries --Educ. Code § 28706	*	?
Costa Mesa County Water District (merger)--Water Code §§ 33200-33250	Water (special law)	1
Cotton pest abatement districts-- Agri. Code §§ 6051-6084	Miscellaneous (general law)	?
County drainage districts--Water Code §§ 56000-56130	Water (general law)	?
County flood control districts-- Water Code § 8110	Water (general law)	?
County free library taxing districts --Educ. Code §§ 27151-27166	*	?
County maintenance districts--Sts. & Hwys. Code §§ 5820-5856	*	?
County power pumping districts-- 1915: 745, repealed with savings clause 1953: 1022	*	?
County recreation districts--former Pub. Res. Code § 5439	*	?
County sanitation districts--Health & Saf. Code §§ 4700-4858	Health and safety	136
County sewerage and water districts-- Health & Saf. Code §§ 5500-5656 (provisions repealed except for Section 5617 without affecting existing districts)	Health and safety	?
County water authorities--1943: 545	Water (general law)	1

District	Class	Approximate Number of Districts
County water districts--Water Code §§ 30000-33901	Water (general law)	209
County waterworks districts--Water Code §§ 55000-55991	Water (general law)	98
Crestline-Lake Arrowhead Water Agency --1962 (1st Ex.Sess.): 40	Water (special law)	1
Del Norte County Flood Control District--1955: 166	Water (special law)	1
Delta Water Agency--1968: 419	Water (special law)	1
Desert Water Agency--1961: 1069	Water (special law)	1
District agricultural associations-- Agri. Code §§ 4002, 4051, 4054	*	50
Donner Summit Public Utility District --1950 (1st Ex.Sess.): 15	Water (special law)	1
Drainage districts (Act of 1880)-- 1880: 117, repealed with savings clause 1953: 1021	*	?
Drainage districts (Act of 1897)-- 1897: 228, repealed with savings clause 1953: 1020	*	?
Drainage district (Act of 1923)-- 1923: 102, repealed with savings clause 1953: 1019	*	1
Drainage districts (Law of 1885)-- 1885: 158	Water (general law)	6
Drainage districts (Law of 1903)-- 1903: 238	Water (general law)	16
Drainage districts (Law of 1919)-- 1919: 354	Water (general law)	2
El Dorado County Toll Tunnel Authority --Sts. & Hwys. Code §§ 31100-31246	Streets and highways (special law)	1
El Dorado County Water Agency-- 1959: 2139	Water (special law)	1

District	Class	Approximate Number of Districts
Embarcadero Municipal Improvement District--1960 (1st Ex.Sess.): 81	Miscellaneous (special law)	1
Estero Municipal Improvement District --1960 (1st Ex.Sess.): 82	Miscellaneous (special law)	1
Fairfield-Suisun Sewer District--1951: 303	Miscellaneous (special law)	1
Fire protection districts--Health & Saf. Code §§ 13801-13999	Fire and police protection	328
Flood control and water conservation districts--1931: 641	Water (general law)	3
Folsom Lake Bridge Authority--Sts. & Hwys. Code §§ 30910-31041	Streets and highways (special law)	1
Fresno Metropolitan Flood Control Act--1955: 503	Water (special law)	1
Fresno Metropolitan Transit District--1961: 1932	Streets and highways (special law)	1
Garbage and refuse disposal districts--Health & Saf. Code §§ 4170-4187	Health and safety	2
Garbage disposal districts--Health & Saf. Code §§ 4100-4135	Health and safety	10
Guadalupe Valley Municipal Improvement District--1959: 2037	Miscellaneous (special law)	1
Harbor districts--Harb. & Nav. Code §§ 6000-6110	Harbor	7
Harbor improvement districts--Harb. & Nav. Code §§ 5800-5945	Harbor	1
Highway interchange districts--Govt. Code §§ 66400-66403	*	?
Highway lighting districts--Sts. & Hwys. Code §§ 19000-19327	Streets and highways (general law)	385
Horticultural Development Districts (Act of 1933)--1933: 388, repealed with savings clause 1953: 335	*	?

District	Class	Approximate Number of Districts
Horticultural protection districts-- 1935: 756	Miscellaneous (general law)	?
Housing authorities--Health & Saf. Code § 34325 <u>et seq.</u>	*	?
Humboldt County Flood Control District--1945: 939	Water (special law)	1
Hunters Point Reclamation District-- 1955: 1573	Water (special law)	1
Irrigation districts--Water Code §§ 20500-29978	Water (general law)	108*
Joint county jail districts--Penal Code §§ 4050-4067	Fire and police protection	?
Joint county road camp districts-- Penal Code §§ 4200-4227	Streets and highways (general law)	?
Joint highway districts--Sts. & Hwys. Code §§ 25000-25521	Streets and highways (general law)	13
Joint municipal sewage disposal districts--Health & Saf. Code §§ 5700-5830.08 (provisions repealed except for Section 5745 without affecting existing districts)	Health and safety	?
Joint powers contract agencies--Govt. Code §§ 6500-6514	*	?
Kern County Water Agency--1961: 1003	Water (special law)	1
Kings River Conservation District-- 1951: 931	Water (special law)	1
Knights Landing Ridge Drainage District--1913: 99	Water (special law)	1
Lake County Flood Control and Water Conservation District--1951: 1544	Water (special law)	1
Lake Cuyamaca Recreation and Park District--1961: 1654	Recreation	1

* 1053 Irrigation District Improvement Districts reported 1966

District	Class	Approximate Number of Districts
Lassen-Modoc County Flood Control and Water Conservation District --1959: 2127	Water (special law)	1
Levee districts--1905: 310	Water (general law)	7
Levee districts (Law of 1959)--Water Code §§ 70000-70272	Water (general law)	1
Library districts--Educ. Code §§ 27751-27963	Miscellaneous (general law)	1
Library districts in unincorporated towns and villages--Educ. Code §§ 27501-27707	Miscellaneous (general law)	8
Limited dividend housing corporations-- Health & Saf. Code § 34874 <u>et seq.</u>	*	?
Local health districts--Health & Saf. Code §§ 880-972 (provisions repealed without affecting existing districts)	Health and safety	1
Local hospital districts--Health & Saf. Code §§ 32000-32492	Health and safety	66
Local planning agencies--Govt. Code §§ 65100-65700	*	?
Los Angeles County Flood Control District--1915: 755	Water (special law)	1
Los Angeles County Toll Tunnel Authority--Sts. & Hwys. Code §§ 31300-31332	Streets and highways (special law)	1
Lower San Joaquin Levee District-- 1955: 1075	Water (special law)	1
Madera County Flood Control and Water Conservation Agency--1969: 916	Water (special law)	1
Marin County Flood Control and Water Conservation District--1953: 666	Water (special law)	1
Marin County Transit District--Pub. Util. Code §§ 70000-80019	Streets and highways (special law)	1
Mariposa County Water Agency--1959: 2036	Water (special law)	1

District	Class	Approximate Number of Districts
Memorial districts--Mil. & Vets. Code §§ 1170-1259	Miscellaneous (general law)	26
Mendocino County Flood Control and Water Conservation District--1949: 995	Water (special law)	1
Metropolitan water districts--1969: 209	Water (general law)	1
Mojave Water Agency--1959: 2146	Water (special law)	1
Montalvo Municipal Improvement District --1955: 549	Water (special law)	1
Monterey County Flood Control and Water Conservation District--1947: 699	Water (special law)	1
Monterey Peninsula Airport District--1941: 52	Miscellaneous (special law)	1
Mormon Slough Reclamation District--1871-72: 481, repealed with savings clause 1953: 1004	*	?
Mosquito abatement districts--Health & Saf. Code §§ 2200-2360	Health and safety	50
Mt. San Jacinto Winter Park Authority--1945: 1040	Recreation	1
Mountain View Shoreline Regional Park Community--1969: 1109	Recreation	1
Municipal corporation tunnel authorities --1951: 1347	Miscellaneous (general law)	?
Municipal lighting maintenance districts --Sts. & Hwys. Code §§ 18600-18781	Streets and highways (general law)	?
Municipal Sewer and Water Facilities Law of 1911--Health & Saf. Code §§ 4600-4648	Health and safety	6
Municipal sewer districts of 1939--1939: 24 (provisions repealed without affecting existing districts)	Health and safety	?
Municipal utility districts--Pub. Util. Code §§ 11501-14401	Water (general law)	6

District	Class	Approximate Number of Districts
Municipal Utility District--Pub. Util. Code §§ 13451-13691	*	1
Municipal water districts (Act of 1909) --1909: 724, repealed with savings clause 1953: 1011	*	?
Municipal water districts (Act of 1911) --Water Code §§ 71000-73001	Water (general law)	52
Municipal water districts (Act of 1935) --1935: 78	Water (general law)	?
Napa County Flood Control and Water Conservation District--1951: 1449	Water (special law)	1
Nevada County Water Agency--1959: 2122	Water (special law)	1
North Lake Tahoe-Truckee River Sanitation Agency--1967: 1503	Health and safety	?
Olivehurst Public Utility District-- 1950 (1st Ex.Sess.): 12	Water (special law)	1
Open Space Maintenance Districts-- Govt. Code §§ 50575-50628	*	?
Orange County Flood Control District-- 1927: 723	Water (special law)	1
Orange County Transit District--Pub. Util. Code §§ 40000-40617	Streets and highways (special law)	1
Orange County Water District--1933: 924	Water (special law)	1
Overflow Districts--1911: 718, repealed with savings clause 1953: 1010	*	?
Palo Verde Irrigation District-- 1923: 452	Water (special law)	1
Park, recreation and parkway districts--former Pub. Res. Code § 5658 <u>et seq.</u>	*	?
Parking authorities--Sts. & Hwys. Code §§ 32500-33552	Streets and highways (general law)	?

District	Class	Approximate Number of Districts
Parking districts--Sts. & Hwys. Code §§ 35100-35708	Streets and highways (general law)	?
Permanent road divisions--Sts. & Hwys. Code §§ 1160-1197	*	25
Pest abatement districts--Health & Saf. Code §§ 2800-2910	Health and safety	10
Placer County Water Agency--1957: 1234	Water (special law)	1
Placer Mining Districts--Pub. Res. Code §§ 2401-2512 (provisions repealed without affecting existing districts)	Miscellaneous (general law)	?
Planning districts--Govt. Code §§ 66100-66390	Miscellaneous (general law)	?
Plumas County Flood Control and Water Conservation District--1959: 2114	Water (special law)	1
Police protection districts (in unincorporated territory)--Health & Saf. Code §§ 20300-20332	Fire and police protection	4
Police protection districts (in unincorporated town)--Health & Saf. Code §§ 20000-20115	Fire and police protection	5
Port districts--Harb. & Nav. Code §§ 6200-6372	Harbor	4
Protection districts (Act of 1880)-- 1880: 63	Water (general law)	6
Protection districts (Act of 1895)-- 1895: 201	Water (general law)	1
Protection districts (Act of 1907)-- 1907: 25	Water (general law)	7
Public Cemetary districts--Health & Saf. Code §§ 8890-9309	Health and safety	256
Public utility districts--Pub. Util. Code §§ 15501-17501	Water (general law)	64
Reclamation districts--Water Code §§ 50000-53660	Water (general law)	136

District	Class	Approximate Number of Districts
Reclamation District No. 10--1913: 194	Water (special law)	1
Reclamation District No. 70--1905: 552	Water (special law)	1
Reclamation District No. 252-- 1877-78: 348, repealed with savings clause 1953: 1009	*	?
Reclamation District No. 254-- 1877-78: 567, repealed with savings clause 1953: 1008	*	?
Reclamation District No. 317-- 1877-78: 379	Water (special law)	1
Reclamation District No. 800--1907: 213	Water (special law)	1
Reclamation District No. 830--1911: 171	Water (special law)	1
Reclamation District No. 832--1911: 402	Water (special law)	1
Reclamation District No. 833--1911: 403	Water (special law)	1
Reclamation District No. 900--1911: 100	Water (special law)	1
Reclamation District No. 999--1913: 161	Water (special law)	1
Reclamation District No. 1000--1911: 412	Water (special law)	1
Reclamation District No. 1001--1911: 411	Water (special law)	1
Reclamation District No. 1400--1913: 384, repealed with savings clause 1953: 1007	*	?
Reclamation District No. 1500--1913: 100	Water (special law)	1
Reclamation District No. 1600--1913: 195	Water (special law)	1
Reclamation District No. 1660--1915: 591	Water (special law)	1
Reclamation District No. 2020--1917: 613	Water (special law)	1
Reclamation District No. 2031--1919: 338	Water (special law)	1
Recreation and park districts--Pub. Res. Code §§ 5780-5788.13	Recreation	98
Recreation and park districts without power of eminent domain--Pub. Res. Code §§ 5790-5791	Recreation	?

District	Class	Approximate Number of Districts
Recreation, park, and parkway districts --former Pub. Res. Code § 5402	*	?
Regional air pollution control districts --Health & Saf. Code §§ 39300-39570	*	?
Regional park districts--Pub. Res. Code §§ 5500-5595	Recreation	1
Regional planning districts--Govt. Code §§ 65060-65069.5	Miscellaneous (general law)	?
Regional sewage disposal districts-- Health & Saf. Code §§ 5900-6110 (provisions repealed except for § 6096 without affecting existing districts)	Health and safety	?
Regional shoreline districts--former Pub. Res. Code § 5719 <u>et seq.</u>	*	?
Resort improvement districts--Pub. Res. Code §§ 13000-13233	Recreation	7
River port districts--Harb. & Nav. Code §§ 6800-6963	Harbor	1
Riverside County Flood Control and Water Conservation District-- 1945: 1122	Water (special law)	1
Sacramento County Levee District No. 1-- 1877-78: 551, repealed with savings clause 1953: 1014	*	?
Sacramento County Water Agency--1952 (1st Ex.Sess.): 10	Water (special law)	1
Sacramento River Drainage District-- 1877-78: 643, repealed with savings clause 1953: 1018	*	?
Sacramento River-West Side Levee District--1915: 361	Water (special law)	1
San Benito County Water Conservation and Flood Control District--1953: 1598	Water (special law)	1
San Bernardino County Flood Control District--1939: 73	Water (special law)	1

District	Class	Approximate Number of Districts
San Diego County Flood Control District--1966 (1st. Ex.Sess.): 55	Water (special law)	1
San Diego County Transit District-- Pub. Util. Code §§ 90000-93017	Streets and highways (special law)	1
San Diego Unified Port Districts-- 1962 (1st Ex.Sess.): 67	Harbor	1
San Francisco Bay Area Rapid Transit District--Pub. Util. Code §§ 28500-29757 (also §§ 37.5, 39, 1949: 1239)	Streets and highways (special law)	1
San Francisco Port Authority--Harb. & Nav. Code § 1775 <u>et seq.</u>	*	?
San Geronio Pass Water Agency-- 1961: 1435	Water (special law)	1
San Joaquin County Flood Control and Water Conservation District-- 1956 (1st Ex.Sess.): 46	Water (special law)	1
Sanitary districts (Act of 1923)-- Health & Saf. Code §§ 6400-6830	Health and safety	133
Sanitary district (Law of 1891)-- 1891: 161, repealed with savings clause 1939: 60; now Health & Saf. Code § 6935	*	1
San Luis Obispo County Flood Control and Water Conservation District-- 1945: 1294	Water (special law)	1
San Mateo County Flood Control District--1959: 2108	Water (special law)	1
Santa Barbara County Flood Control and Water Conservation District-- 1955: 1057	Water (special law)	1
Santa Barbara County Water Agency-- 1945: 1501	Water (special law)	1
Santa Barbara Metropolitan Transit District--Pub. Util. Code §§ 95000-97100	Streets and highways (special law)	1

District	Class	Approximate Number of Districts
Santa Clara County Flood Control and Water District--1951: 1405	Water (special law)	1
Santa Clara County Irrigation Districts --1923: 479, repealed with savings clause 1953: 1002. 1921: 822, repealed with savings clause 1953: 1003	*	2
Santa Clara County Rapid Transit District--Pub. Util. Code §§ 100000-100500	Streets and highways (special law)	?
Santa Cruz County Flood Control and Water Conservation District--1955: 1489	Water (special law)	1
Santa Cruz Metropolitan Transit District--Pub. Util. Code §§ 98000-98407	Streets and highways (special law)	1
Separation of grade districts--Sts. & Hwys. Code §§ 8100-8297	Streets and highways (general law)	1
Sewer districts in unincorporated territory (Act of 1899)--Health & Saf. Code §§ 4659-4671 (provisions repealed without affecting existing districts)	Health and safety	?
Sewer maintenance districts--Health & Saf. Code §§ 4860-4927	Health and safety	35
Shasta County Water Agency--1957: 1512	Water (special law)	1
Sierra County Flood Control and Water Conservation District--1959: 2123	Water (special law)	1
Siskiyou County Flood Control and Water Conservation District--1959: 2121	Water (special law)	1
Small craft harbors districts--Harb. & Nav. Code §§ 7000-7340	Harbor	1
Soil conservation districts--Pub. Res. Code §§ 9074-9953	Water (general law)	163
Solano County Flood Control and Water Conservation District--1951: 1656	Water (special law)	1
Solvang Municipal Improvement District--1951: 1635	Miscellaneous (special law)	1

District	Class	Approximate Number of Districts
Sonoma County Flood Control and Water Conservation District--1949: 994	Water (special law)	1
Sonoma County Water Agency		
Southern California Rapid Transit District--Pub. Util. Code §§ 30000-31520	Streets and highways (special law)	1
Special road maintenance districts-- Sts. & Hwys. Code §§ 1550.1-1550.3	*	5
Stockton Metropolitan Transit District-- Pub. Util. Code §§ 50000-50507	Streets and highways (special law)	1
Storm drain maintenance districts-- 1937: 265	Water (general law)	25
Storm drain maintenance district (Act of 1939)--1939: 1100, repealed with savings clause 1953: 1001	*	1
Storm water districts--1909: 222	Water (general law)	6
Street lighting districts (Act of 1919)--Sts. & Hwys. Code §§ 18000-18193	*	?
Street lighting districts (Act of 1931)--Sts. & Hwys. Code §§ 18300-18440	*	?
Student transportation districts-- Educ. Code §§ 16951-16978	Miscellaneous (general law)	?
Surplus Property Authority--Govt. Code §§ 40500-40592	*	?
Sutter County Levee District No. 1-- 1873-74: 349	Water (special law)	1
Sutter County Levee District No. 2-- 1975-76: 299, repealed with savings clause 1953: 1013	*	?
Sutter County Levee District No. 6-- 1891: 166, repealed with savings clause 1953: 1012	*	?

District	Class	Approximate Number of Districts
Sutter County Water Agency--1959: 2088	Water (special law)	1
Swamp Land District No. 150-- 1873-74: 629	Water (special law)	1
Swamp Land, Levee, or Reclamation Districts--1090: 346, repealed with savings clause 1953: 1000	*	?
Tehama County Flood Control and Water Conservation District--1957: 1280	Water (special law)	1
Transit districts--Pub. Util. Code §§ 24501-27302, 27501-27509	Streets and highways (general law)	1
Tulare County Flood Control Districts --1969: 1149	Water (special law)	1
Tuolumne County Water Agency--1969: 1236	Water (special law)	1
Unified Air Pollution Control Districts --Health & Saf. Code §§ 24330-24341	*	?
Union high school library districts-- Educ. Code §§ 28001-28652	Miscellaneous (general law)	4
Union Island Reclamation District Nos. 1 and 2--1903: 36	Water (special law)	2
Upper Santa Clara Valley Water Agency-- 1962 (1st Ex.Sess.): 28	Water (special law)	1
Vallejo Sanitation and Flood Control District--1952 (1st Ex.Sess.): 17	Water (special law)	1
Vehicle parking districts--Sts. & Hwys. Code §§ 31500-31933	Streets and highways (general law)	1
Ventura County Flood Control District-- 1944 (2nd Ex.Sess.): 44	Water (special law)	1
Ventura County Harbor District-- 1927: 861, repealed with savings clause 1953: 999	*	?
Washington Drainage District of Yolo County--1867-68: 381, repealed with savings clause 1953: 1017	*	?

District	Class	Approximate Number of Districts
Water Conservation districts--1923: 426, repealed with savings clause 1953: 998	*	?
Water conservation districts (Act of 1927)--1927: 91	Water (general law)	5
Water conservation districts (Act of 1931)--Water Code §§ 74000-76501	Water (general law)	11
Water replenishment districts--Water Code §§ 60000-60449	Water (general law)	1
Water storage and conservation districts--1941: 1253 (provisions repealed without affecting existing districts)	Water (general law)	?
West Bay Rapid Transit Authority--64 (1st Ex.Sess.): 104	Streets and highways (special law)	1
Yolo Basin Drainage Districts--1909: 680, repealed with savings clause 1953: 1016	*	?
Yolo County Flood Control and Water Conservation District--1951: 1657	Water (special law)	1
Yuba-Bear River Basin Authority--1959: 2131	Water (special law)	1
Yuba County Water Agency--1959: 788	Water (special law)	1

TABLE IIA

TYPES OF SPECIAL DISTRICTS GRANTED GENERAL
CONDEMNATION AUTHORITY AND APPROXIMATE NUMBER

Name of District	Approximate Number
<u>Water Districts (General Law)</u>	
1. California Water Districts	140
2. California Water Storage Districts	9
3. Community Services Districts	130
4. County Drainage Districts	?
5. County Flood Control Districts	?
6. County Water Authorities	1
7. County Water Districts	209
8. County Waterworks Districts	98
9. Drainage Districts (Act of 1885)	6
10. Drainage Districts (Act of 1903)	16
11. Drainage Districts (Act of 1919)	2
12. Flood Control and Water Conservation Districts	3
13. Irrigation Districts	108
14. Levee Districts	7
15. Levee Districts (Law of 1959)	1
16. Metropolitan Water Districts	1
17. Municipal Utility Districts	6
18. Municipal Water Districts (Act of 1911)	52
19. Protection Districts (Act of 1880)	6

Name of District	Approximate Number
20. Protection Districts (Act of 1895)	1
21. Protection Districts (Act of 1907)	7
22. Public Utility Districts	64
23. Reclamation Districts	136
24. Storm Drain Maintenance Districts	25
25. Storm Water Districts	6
26. Water Conservation Districts (Act of 1927)	5
27. Water Conservation Districts (Act of 1931)	11
28. Water Replenishment Districts	1
29. Water Storage and Conservation Districts	?
<u>Water Districts (Special Law)</u>	
30. Alameda County Flood Control and Water Conservation District	1
31. Alpine County Water Agency	1
32. Amador County Water Agency	1
33. American River Flood Control District	1
34. Antelope Valley-East Kern Water Agency	1
35. Avenal Community Services District	1
36. Brannan-Andrus Levee Maintenance District	1
37. Brisbane County Water District	1
38. Contra Costa County Water Agency	1
39. Contra Costa County Flood Control and Water Conservation District	1
40. Contra Costa County Storm Drainage District	1
41. Costa Mesa County Water District (Merger)	1

Name of District	Approximate Number
42. Crestline-Lake Arrowhead Water Agency	1
43. Del Norte County Flood Control District	1
44. Desert Water Agency	1
45. Donner Summit Public Utility District	1
46. El Dorado County Water Agency	1
47. Fresno Metropolitan Flood Control Act	1
48. Humboldt County Flood Control District	1
49. Hunters Point Reclamation District	1
50. Kern County Water Agency	1
51. Kings River Conservation District	1
52. Knight's Landing Ridge Drainage District	1
53. Lake County Flood Control and Water Conservation District	1
54. Lassen-Modoc County Flood Control and Water Conservation District	1
55. Los Angeles County Flood Control District	1
56. Madera County Flood Control and Water Conservation Agency	1
57. Marin County Flood Control and Water Conservation District	1
58. Mariposa County Water Agency	1
59. Mendocino County Flood Control and Water Conservation District	1
60. Mojave Water Agency	1
61. Montalvo Improvement District	1
62. Monterey County Flood Control and Water Conservation District	1
63. Napa County Flood Control and Water Conservation District	1

Name of District	Approximate Number
64. Nevada County Water Agency	1
65. Olivehurst Public Utility District	1
66. Orange County Flood Control District	1
67. Orange County Water District	1
68. Palo Verde Irrigation District	1
69. Placer County Water Agency	1
70. Plumas County Flood Control and Water Conservation District	1
71. Reclamation Districts:	
No. 10	1
No. 70	1
No. 317	1
No. 800	1
No. 830	1
No. 832	1
No. 833	1
No. 900	1
No. 999	1
No. 1000	1
No. 1001	1
No. 1500	1
No. 1600	1
No. 1660	1
No. 2020	1
No. 2031	1

Name of District	Approximate Number
72. Riverside County Flood Control and Water Conservation District	1
73. Sacramento County Water Agency	1
74. Sacramento River West Side Levee District	1
75. San Benito County Water Conservation and Flood Control District	1
76. San Bernardino County Flood Control District	1
77. San Diego County Flood Control District	1
78. San Joaquin County Flood Control and Water Conservation District	1
79. San Luis Obispo County Flood Control and Water Conservation District	1
80. San Mateo County Flood Control District	1
81. Santa Barbara County Flood Control and Water Conservation District	1
82. Santa Barbara County Water Agency	1
83. Santa Clara County Flood Control and Water District	1
84. Santa Cruz County Flood Control and Water Conservation District	1
85. Shasta County Water Agency	1
86. Sierra County Flood Control and Water Conservation District	1
87. Siskiyou County Flood Control and Water Conservation District	1
88. Solano County Flood Control and Water Conservation District	1
89. Sonoma County Water Agency	1
90. Sutter County Levee District No. 1	1
91. Sutter County Water Agency	1

Name of District	Approximate Number
92. Swamp Land District No. 150	1
93. Tehama County Flood Control and Water Conservation District	1
94. Tulare County Flood Control District	1
95. Tuolumne County Water Agency	1
96. Union Island Reclamation Districts Nos. 1 and 2	2
97. Vallejo Sanitation and Flood Control District	1
98. Ventura County Flood Control District	1
99. Yolo County Flood Control and Water Conservation District	1
100. Yuba-Bear River Basin Authority	1
101. Yuba County Water Agency	1
<u>Fire and Police Protection Districts</u>	
102. Fire Protection Districts (Law of 1961)	328
<u>Harbor Districts</u>	
103. Harbor Districts	7
104. Harbor Improvement Districts	1
105. Port Districts	4
106. River Port Districts	1
107. San Diego Unified Port District	1
108. Small Craft Harbors Districts	1
<u>Health and Safety Districts</u>	
109. County Sanitation Districts	136
110. County Sewerage and Water Districts	?

Name of District	Approximate Number
111. Garbage Disposal Districts	10
112. Garbage and Refuse Disposal Districts	2
113. Joint Municipal Sewage Disposal Districts	?
114. Local Health Districts	1
115. Local Hospital Districts	66
116. Mosquito Abatement Districts	50
117. North Lake Tahoe-Truckee River Sanitation Agency	?
118. Pest Abatement Districts	10
119. Regional Sewage Disposal Districts	?
120. Sanitary Districts (Act of 1923)	133
121. Sewer Maintenance Districts	35
<u>Recreation Districts</u>	
122. Lake Cuyamaca Recreation and Park District	1
123. Mount San Jacinto Winter Park Authority	1
124. Mountain View Shoreline Regional Park Community	1
125. Recreation and Park Districts	98
126. Regional Park Districts	1
<u>Streets and Highways Districts (General Law)</u>	
127. Boulevard Districts	?
128. Bridge and Highway Districts	1
129. Joint Highway Districts	13
130. Parking Authorities	?

Name of District	Approximate Number
131. Parking Districts	?
132. Separation of Grade Districts	1
133. Transit Districts	1
134. Vehicle Parking Districts	1
<u>Streets and Highways Districts (Special Law)</u>	
135. El Dorado County Toll Tunnel Authority	1
136. Folsom Lake Bridge Authority Act	1
137. Fresno Metropolitan Transit District	1
138. Marin County Transit District	1
139. Orange County Transit District	1
140. San Diego County Transit District	1
141. San Francisco Bay Area Rapid Transit District	1
142. Santa Barbara Metropolitan Transit District	1
143. Santa Clara County Rapid Transit District	?
144. Santa Cruz Metropolitan Transit District	1
145. Southern California Rapid Transit District	1
146. Stockton Metropolitan Transit District	1
147. West Bay Rapid Transit Authority	1
<u>Miscellaneous Districts (General Law)</u>	
148. Airport Districts	2
149. Memorial Districts	26

Name of District	Approximate Number
150. Municipal Corporation Tunnel Authorities	?
<u>Miscellaneous Districts (Special Law)</u>	
151. Bethel Island Municipal Improvement District	1
152. Embarcadero Municipal Improvement District	1
153. Estero Municipal Improvement District	1
154. Fairfield-Suisun Sewer District	1
155. Guadalupe Valley Municipal Improvement District	1
156. Monterey Peninsula Airport District	1
157. Solvang Municipal Improvement District	1