

Amador Water Agency



Property Annexation/Detachment Informational Packet

Revised January 2012

Items Enclosed:

- 1) Annexation/Detachment Request Form
- 2) Property Detachment Agreement
- 3) Annexation/Detachment Process
- 4) Annexation/Detachment Procedure
- 5) Sample Initiating Resolution
- 6) Sample Declaring Resolution
- 7) Sample Annexation Tentative Approval Letter
- 8) Sample Annexation Approval Letter
- 9) Amador Water Agency Act (App. 95-14.14 thru 24)

Annexation/Detachment Request Form

Name: _____ Phone: _____

Site Address: _____

Requesting: Annexation: _____ Detachment: _____

Mailing Address: _____

APN (Attach Map): _____

Annexing to District #: _____

of EDU's Requested: _____

Notes: _____

Customer Signature: _____ Date: _____

Please return the completed application and a map of site to the Amador Water Agency Customer Service Desk.

FOR OFFICE USE ONLY

Customer Service Department

Water Account #: _____

Wastewater Account #: _____

Size and # of Connections: _____

	<u>Amount</u>	<u>Date Paid</u>	<u>Receipt #</u>
Annexation/Detachment Fee	\$450.00	_____	_____

Participation Fee: _____

Reimbursement Fee: _____

Connection Fee: _____

Inspection Fee: _____

Customer Service Approval: _____ (Signature) _____ (Date)

Engineering Department

Available Capacity: _____ (Yes/No)

Update Capacity Count: _____

MLX/Improvements Needed: _____ (Yes/No)

Engineering Approval: _____ (Signature) _____ (Date)

Executive Department

Executive Dept-Board Scheduling:
Annexation/Detachment Initiating Board Meeting Date: _____

Public Notice Dates:
Annexation/Detachment Declaring Board Meeting Date: _____

Return to Customer Service Department for Collection of Remaining Fees.

**PROPERTY DETACHMENT AGREEMENT
FROM AMADOR WATER AGENCY WATER AND WASTEWATER SYSTEMS**

I/We _____ (name) 'Owner' of _____
_____ (address)

'Property' am/are the legal property owner(s) of said Property. The Owners here by agree to have the Property permanently Detached from the Amador Water Agency operated _____ (system) water/wastewater system.

The Owners hereby forfeit all participation fees, connection requirements, standby charges, and all other fees or charges that have been paid to the Amador Water Agency regarding the Property. The Owners hereby acknowledge that if in the future Owners desiring to reconnect to the system must apply and pay all connection fees again as a new customer.

The provisions of this Agreement shall apply to and bind the successors, grantees and assigns of the respective parties, but no assignment or transfer of this Agreement, or any part hereof, or interest herein by the Applicant shall be valid until and unless approved by the Amador Water Agency in writing.

Owner Signature

Date

Owner Signature

Date

Amador Water Agency

Date

ANNEXATION/DETACHMENT OF PROPERTY TO THE AMADOR WATER AGENCY

What you need to know if you are requesting the annexation/ detachment of your property to the Amador Water Agency for future water service.

The following is a list of requirements and timelines for the annexation/detachment process. If at anytime during this process you have questions or concerns, please feel free to contact our office for clarification. Please be aware that the entire process will take about 90 days to complete.

When requesting annexation, you will give your initial request and information to the Customer Service Department. You will be required to provide a map of the parcel or parcels you wish to annex/detach along with a \$450.00 processing fee. At this time, the Customer Service Department will quote you fees based on your request. These fees will be due within 45 days of the Amador Water Agency's Board of Directors declaring acceptance of the annexation. **Failure to pay the required fees within the 45 day period will result in the annexation/detachment being null and void and the process would have to begin all over again.**

Customer Service will then forward your request to the Engineering Department; one of our Engineering Supervisors along with staff will review your request and begin to evaluate water availability along with other necessary requirements to provide your parcel with service. The Engineering Department will contact you with questions and or give you a status report within thirty days of your initial request.

Once availability is determined, the annexation/detachment is scheduled for the next Amador Water Agency Board of Directors meeting to initiate the annexation/detachment. Following the initiating of the annexation/detachment, the Agency is required to place a public notice in the paper informing the public of the intent to annex/detach said property and setting the date for public hearing to declare (accept) the annexation/detachment. The public hearing is set for one month from the initiation of the annexation/detachment. Once the public hearing has occurred and the property is declared annexed/detached, you will have 45 days to pay your fees and complete any necessary requirements set forth by the Engineering Department. Failure to do so will result in the annexation being null and void as stated above.

ANNEXATION OR DETACHMENT OF PROPERTY FROM THE AMADOR WATER AGENCY

Annexations and Detachments are not required in the Amador Water System.

Procedure & Sequence of Events

- 1) Property Owner
 - a. Pick up Packet at Customer Service Desk or download off of website
 - b. Complete and sign Annexation/Detachment request form
 - c. Return request form with fee to AWA Customer Service Manager
 - d. For Detachments Property Owner must submit a signed Detachment request letter to the Amador Water Agency acknowledging request, forfeiture of all fees paid to date
 - e. Property Owner must obtain Annexation/Detachment authorization letter from County Environmental Health
 - f. Property Owner must obtain Annexation/Detachment authorization letter from City or County Planning Department
 - g. Participation Fess will be due in full within 45 days of AWA Board approval or Annexation/Detachment is null and void
- 2) Customer Service
 - a. Verify Annexation/Detachment request form and intent with Property Owner
 - b. Verify that the Property Owner has received required Annexation/Detachment letter from County Environmental Health
 - c. Verify that the Property Owner has received required Annexation/Detachment letter from City or County Planning Department
 - d. Verify account has been brought current and no outstanding fees are due
 - e. Verify payment of annexation fee
 - f. If Detachment, verify Detachment authorization letter has been received
 - g. Complete and sign departmental portion of request form
 - h. Update Inquiry Log
 - i. Forward Annexation/Detachment packet to Engineering
- 3) Engineering
 - a. Add Annexation/Detachment request to the Inquiry Log for tracking purposes, update as needed
 - b. Determine if Property can be annexed/detached
 - c. Verify permanent removal of all customer services on property
 - d. Complete and sign departmental portion of request form
 - e. Prepare Staff Report

- f. Forward Annexation/Detachment packet to the Clerk of the Board
- 4) Board of Directors
 - a. Schedule initiating Board of Directors meeting
 - b. Contact Property Owner informing status and date of initiating resolution
 - c. Create initiating resolution to Annex/Detach the Property
 - d. Consent Agenda – Initiate Annexation/Detachment of Property
 - e. Approve public notice and hearing
 - f. Clerk of the Board of Directors to post public notice of Annexation/Detachment two weeks prior to public hearing
 - g. Schedule declaring Board of Directors meeting
 - h. Create declaring resolution
 - i. Hold Public Hearing
 - j. Agenda – Declare Annexation/Detachment of Property
 - k. Approve Annexation/Detachment
 - l. Send notice of Annexation/Detachment tentative approval to Property Owner
 - m. Update Inquiry Log
 - n. Forward Annexation/Detachment packet to Customer Service
- 5) Property owner
 - a. Complete necessary requirements for Annexation/Detachment
 - b. Pay Participation Fees within 45 days of approval or Annexation/Detachment is null and void
- 6) Customer Service
 - a. Accept fees and close Property Owner accounts
 - b. Update Inquiry Log
 - c. Forward Annexation/Detachment packet to Engineering
- 7) Engineering
 - a. Verify completion of Annexation/Detachment
 - b. Send letter to Property Owner informing them that Annexation/Detachment is complete
 - c. Record the Annexation/Detachment and project map with the Amador County Recorder's Office
 - d. File a certified copy of the Annexation/Detachment with a map of the territory thus annexed with the county assessor, the county tax collector and the State Board of Equalization (Amador Water Agency Act, App. 95-14.23)
 - e. Update Base Map
 - f. Update Inquiry Log
 - g. Forward completed Annexation/Detachment packet to Customer Service for archiving

**RESOLUTION NO. ####-##
OF THE BOARD OF DIRECTORS OF THE AMADOR
WATER AGENCY INITIATING THE ANNEXATION OF PROPERTY TO
THE CAWP RETAIL WATER DISTRICT**

WHEREAS, in accordance with the Amador Water Agency Act, territory within the Amador Water Agency ("Water Agency") may be annexed to an improvement district whether or not contiguous thereto;

WHEREAS, NAME ("Applicant") has petitioned the Water Agency to annex ##.# acres (APN ###-###-###) to the Water Agency's CAWP Retail Water District;

WHEREAS, the CAWP Retail Water District has water facilities available to serve Applicant's property;

WHEREAS, the Water Agency is willing to annex Applicant's property to its CAWP Retail Water District;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Amador Water Agency as follows:

1. The Board of Directors intends to annex the property of Applicant to its CAWP Retail Water District so water service may be provided to said property.
2. The boundaries of the property proposed to be annexed are shown on Exhibit "A" attached hereto and made a part hereof ("Property").
3. The Board of Directors finds that the proposed annexation will be of special benefit to the lands shown on Exhibit "A".
4. The Property and water service thereto shall be subject to the Water Agency Water Code and all applicable rules, regulations, rates, charges, fees, taxes and special assessments of the CAWP Retail Water District.
5. The Applicant has requested water service to the Property for one equivalent dwelling unit. The Applicant shall pay the CAWP Annexation Fee of \$#,###.00 and the CAWP Retail Water District Participation Fee of \$#,###.00 within forty-five days after adoption of a Water Agency resolution declaring the annexation of the Property to the CAWP Retail Water District. These fees currently total \$#,###.00. The annexation shall not become effective until such payment, and the annexation proceedings shall terminate if such payment is not timely made.

6. The owner of the Property shall be responsible for the installation of all facilities needed to provide water service to the Property, including but not limited to the extension of any main pipeline.

BE IT FURTHER RESOLVED that a public hearing will be held on DATE, at TIME, or as soon thereafter as may be heard, by the Amador Water Agency Board of Directors at the Water Agency office located at 12800 Ridge Road, Sutter Creek, California, concerning the annexation of the Property to the CAWP Retail Water District, and to discuss the boundaries of the proposed annexation and the matters discussed above, as well as other related matters.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this #th day of MONTH, YEAR by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Signed and approved by me after its passage this #th day of MONTH, YEAR.

By: _____

NAME, President
Board of Directors

ATTEST:

NAME
Clerk of the Board of Directors

RESOLUTION NO. #####-##
OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY
DECLARING THE ANNEXATION OF TERRITORY TO
THE CAWP RETAIL WATER DISTRICT

WHEREAS, on DATE, the Board of Directors of the Amador Water Agency ("Water Agency") adopted Resolution No. #####-## declaring its intention to annex the property of NAME ("Owner") to the CAWP Retail Water District in order to provide water service; and

WHEREAS, by said Resolution No. #####-##, the Board of Directors set DATE, for a public hearing on the proposed annexation of one parcel, APN ###-###-### ("Property"), to the CAWP Retail Water District; and

WHEREAS, notice of the time and place for the public hearing was published pursuant to Government Code Section 6066 and Section 14.4 of the Amador Water Agency Act (Stats. 1975, c. 63, sec. 10); and

WHEREAS, the Water Agency held a public hearing on DATE, and received no written protests to the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Water Agency as follows:

1. The Property described in Exhibit "A" attached hereto and incorporated herein by this reference is hereby annexed to the CAWP Retail Water District in accordance with paragraphs 2, 3 and 4 below.
2. The Property and water service thereto shall be subject to the Water Agency Water Code and all applicable rules, regulations, rates, charges, fees, taxes and special assessments of the CAWP Retail Water District.
3. The Owner has requested water service to the Property for one equivalent dwelling unit. The Owner shall pay the CAWP Annexation Fee and the CAWP Retail Water District Participation Fee in place at the time of payment, within forty-five days after adoption of this resolution. The current fees are \$#,###.00 and \$#,###.00 respectfully. These fees currently total \$#,###.00. The annexation shall not become effective until such payment, and the annexation proceedings shall terminate if such payment is not timely made.
4. The Owner shall be responsible for the installation of all facilities needed to provide water service to the Property, including but not limited to the extension of any main pipeline.

5. The Staff of the Water Agency has submitted a report on its review of the annexation of the Property to the CAWP Retail Water District for exemptions under the California Environmental Quality Act ("CEQA") (Public Resources Code Sections 21000, et seq.) and the Amador Water Agency Environmental Guidelines. The Staff has concluded that the annexation is exempt from CEQA review pursuant to Section 15061(b)(3) and Section 15320 of the State CEQA Guidelines since it can be seen with certainty that the annexation will not have a significant effect on the environment, and since the annexation consists of changes in the reorganization of local governmental agencies where such changes do not affect the geographical area in which the previously existing powers were exercised. The Board of Directors of the Water Agency hereby approves the Staff report, finds that the annexation of the Property to the CAWP Retail Water District is exempt from further CEQA review based on Sections 15061 (b)(3) and 15320 of the State CEQA Guidelines for the reasons stated above, authorizes the President to execute the Staff report and authorizes the General Manager of the Water Agency to file with the Amador County Clerk a Notice of Exemption in conformance with this finding.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this ##th day of MONTH, YEAR, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Signed and approved by me after its passage this ##th day of MONTH, YEAR.

NAME, President
Board of Directors

ATTEST:

NAME
Clerk of the Board of Directors

Date

Name

Address

Address

Phone Number

Re: **Name Annexation to District**
APN: 000-000-000

Dear **Name**:

This letter is to inform you that the Amador Water Agency Board of Directors has approved the tentative annexation of APN **000-000-000** to **District**. At this time, the following fees are due for the **one** above referenced parcel:

- **District Wholesale Participation Fee** \$5,645.00
- **District Retail Participation Fee** \$3,815.00
- **Total** \$9,460.00

The **District** fees are required to be paid within 45 days after the date of tentative approval of the proposed annexation within a **District** entity in order to complete the annexation process. Failure to pay in a timely manner will render the tentative annexation null and void. If at a later date you wish to proceed with the annexation, the process must be restarted from the beginning.

If you have any questions, please feel free to contact me at the numbers below.

Sincerely,

Amador Water Agency

(209) 223-3018, www.amadorwater.org

Fax: (209) 257-5295

12800 Ridge Road, Sutter Creek, CA 95685-9630

Date

Name

Address

Address

Phone Number

Re: **Name** Annexation to **District**
APN: **000-000-000**

Dear **Name**:

This letter is to inform you that the Amador Water Agency has received payment in full for **District** participation and annexation fees for APN **000-000-000**. **Name** has met all conditions regarding Annexation and the above referenced parcel is now annexed to the **District**.

The next step in the process to provide water service to your project is submission of a request for water service / a Letter of Water Availability. For your convenience, a blank copy of this form is attached. Please complete and submit at your convenience.

If you have any questions, please feel free to contact me at the numbers below.

Sincerely,

Amador Water Agency

(209) 223-3018, www.amadorwater.org

Fax: (209) 257-5295

12800 Ridge Road, Sutter Creek, CA 95685-9630

§ 95-14.13. Resolution; contents

Sec. 14.13. The resolution declaring an improvement district to be formed shall contain the following:

(a) A description of the boundaries thereof and the name of the improvement district, which shall thereupon constitute and be known as "Improvement District No. _____ of the Amador Water Agency."

(b) A brief description of the project which may be undertaken for the benefit of the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal and of interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount set forth in the resolution adopted pursuant to Section 14.3 or 14.11. No tax may be levied unless the maximum amount thereof has been established by the voters within the improvement district to the extent required by Section 2263.2 of the Revenue and Taxation Code or other applicable law.

After adoption of the resolution, a certified copy thereof together with a map of the improvement district shall be filed with the county assessor, the county tax collector and the State Board of Equalization.

(Added by Stats.1975, c. 63, p. 118, § 19, eff. May 6, 1975. Amended by Stats.1995, c. 529 (S.B.614), § 30, eff. Oct. 4, 1995.)

§ 95-14.14. Boundaries; inclusion of additional lands

Sec. 14.14. The boundaries of an improvement district determined and established by the board in the resolution declaring the improvement district to be formed may be the whole or part of the proposed improvement district described in the resolution adopted pursuant to Section 14.3 or Section 14.11 and may include additional lands, the owners of which have, by written petition filed with the board, requested be included within the improvement district. The territory of an improvement district need not be contiguous, may include either or both incorporated and unincorporated areas, may include lands within any member units and lands within any other improvement district, but shall be entirely within the agency.

(Added by Stats.1975, c. 63, p. 119, § 20, eff. May 6, 1975.)

§ 95-14.15. Annexation or detachment of territory; resolution; contents; terms and conditions

Sec. 14.15. Territory within the agency may be annexed to an improvement district, whether or not contiguous thereto, and territory within an improvement district may be detached therefrom pursuant to the procedure hereinafter set forth. Annexation of territory to an improvement district or detachment of territory therefrom shall be initiated by a resolution of the board which shall contain at least all of the following:

(a) A description of the territory proposed to be annexed or detached.

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(b) A statement that the area to be annexed to or detached from the improvement district will be benefited by such annexation or detachment.

(c) Any proposed terms and conditions of annexation, including but not limited to (1) payment of a fixed or determinable amount of money, either in a lump sum or in installments for the use or right of use of all or any part of the existing property or rights of the improvement district, and (2) the levying or fixing and collection of special, extraordinary or additional taxes or assessments, or special, extraordinary or additional service charges, rentals or rates, rates, or both, for the purpose of providing for any such payment required pursuant to this subdivision.

(d) The time and place for a hearing by the board on the proposed annexation or detachment, which shall not be less than 15 nor more than 60 days after the date of adoption of the resolution initiating the proceedings.

(e) Any additional matters which the board may determine are necessary or convenient to the proceedings.

(Added by Stats.1975, c. 63, p. 119, § 21, eff. May 6, 1975.)

§ 95-14.16. Resolution; publication; annexation or detachment

Sec. 14.16. The resolution shall be published and notice of the hearing on the proposed annexation or detachment shall be given in the manner required by Section 14.4, except that in applying such section the words "improvement district" shall mean the territory proposed to be annexed or detached.

(Added by Stats.1975, c. 63, p. 120, § 22, eff. May 6, 1975.)

§ 95-14.17. Hearing; annexation or detachment

Sec. 14.17. The hearing on the proposed annexation or detachment shall be held in the manner required by Section 14.5.

(Added by Stats.1975, c. 63, p. 120, § 23, eff. May 6, 1975.)

§ 95-14.18. Written protests; termination of proceedings; limitations; withdrawal; sufficiency

Sec. 14.18. If prior to the conclusion of the hearing written protests against the proposed annexation or detachment signed by 50 percent or more of the qualified electors residing within the territory proposed to be annexed or detached are filed with the board, further proceedings relating to the proposed annexation or detachment shall be terminated and no proceedings for the annexation or detachment of the same territory shall be instituted for a period of not less than six months following the date of the conclusion of the hearing. Such written protests may be withdrawn by the same method as provided in Section 14.8 with respect to the formation of an improvement district. The sufficiency of written protests shall be determined by the same methods as provided in Section 14.9, for the examination of petitions protesting the formation of an improvement district.

(Added by Stats.1975, c. 63, p. 120, § 24, eff. May 6, 1975.)

§ 95-14.19. Authority to change boundaries; restrictions

Sec. 14.19. The board shall have the power to change the boundaries of territory proposed to be annexed or detached from an improvement district, but shall not add any territory which, in its judgment, will not be benefited by the proposed annexation or detachment, nor shall it subtract any territory which it finds would be benefited by the proposed annexation or detachment.

(Added by Stats.1975, c. 63, p. 120, § 25, eff. May 6, 1975.)

§ 95-14.20. Proposed additions by board; notice

Sec. 14.20. If the board proposes to change the boundaries of the territory proposed to be annexed or detached by adding territory thereto, it shall give notice thereof in the manner provided in Section 14.16. Owners of land within the affected territory shall be given an opportunity to appear before the board pursuant to Section 14.17 and to register any protests.

(Added by Stats.1975, c. 63, p. 120, § 26, eff. May 6, 1975.)

§ 95-14.21. Resolution ordering annexation or detachment; terms and conditions; election

Sec. 14.21. At the conclusion of the hearing, the board may, by resolution, order the annexation to or detachment from the improvement district of such territory as it determines will be benefited thereby and shall include in the order any terms and conditions of annexation; provided, that the resolution shall not include terms and conditions of annexation respecting matters not set forth in the resolution initiating the annexation.

The board may order such annexation or detachment either without election or subject to confirmation by the voters within the territory to be annexed or detached upon the question of such annexation or detachment. However, the board shall not order such annexation or detachment without election unless the board finds that written protests filed and not withdrawn represent less than 25 percent of the number of qualified electors residing in such territory.

Any such election ordered by the board shall be conducted in the same manner prescribed by Article 6 (commencing with Section 2285) of Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code for tax rate limit elections.

(Added by Stats.1975, c. 63, p. 120, § 27, eff. May 6, 1975.)

§ 95-14.22. Assent by owners to annexation or detachment; order

Sec. 14.22. If all the owners of land within the territory proposed to be annexed or detached have given their written assent to such annexation or detachment and any terms and conditions thereof, the board may, by resolution, order such an annexation or detachment without notice and hearing by the board.

(Added by Stats.1975, c. 63, p. 121, § 28, eff. May 6, 1975.)

AMADOR WATER AGENCY ACT

§ 95-14.23. Filing of copy and map

Sec. 14.23. After the adoption of a resolution ordering such annexation or detachment, a certified copy thereof with a map of the territory thus annexed or detached shall be filed with the county assessor, the county tax collector, and the State Board of Equalization.
(Added by Stats.1975, c. 63, p. 121, § 29, eff. May 6, 1975.)

§ 95-14.24. Annexation and detachment of territory; liabilities and benefits

Sec. 14.24. Whenever any territory is annexed to an improvement district, the annexed territory shall be subject to all the liabilities and entitled to all the benefits of that improvement district, except as otherwise provided in the order of annexation.

Whenever any territory is detached from an improvement district, except as otherwise provided for herein, the territory detached, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing within such improvement district shall cease to be subject to the jurisdiction thereof and shall have none of the rights or duties of the remaining territory or voters thereof on and after the effective date of the detachment. No inhabitant, property owner, taxpayer, consumer, or user within territory detached from an improvement district shall be entitled (1) to all or any part or to any payment on account of the moneys or funds, including cash on hand and moneys due but uncollected, or any property, real or personal, or such improvement district or (2) to any refund by reason of any taxes, assessments, service charges, rentals, or rates collected prior to the effective date of the detachment.

Territory detached from an improvement district shall continue to be liable for the payment of principal, interest, and any other amounts which shall become due on account of any bonds, including revenue bonds, or other indebtedness contracts or obligations of the improvement district within which the detached territory was formerly located, as shall be outstanding on the effective date of detachment and such territory shall be subject to the levying or fixing and collection of any (1) taxes or assessments, or (2) service charges, rentals or rates, or (3) a combination thereof, as may be necessary to provide for such payment.

(Added by Stats.1975, c. 63, p. 121, § 30, eff. May 6, 1975.)

§ 95-14.25. Bonds; authorization, issuance and sale; law governing

Sec. 14.25. After the formation of an improvement district, if any portion of the cost of a project proposed therefor is to be financed by the issuance of bonds by the agency on behalf of the improvement district, proceedings may be taken by the board for the authorization, issuance, and sale of bonds of the agency on behalf of the improvement district pursuant to Sections 15, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 16 and 17 of this act.

(Added by Stats.1975, c. 63, p. 122, § 31, eff. May 6, 1975.)