

CHAP. CCXCII.—*An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Name of corporation.

SECTION 1. The several Acts of the Legislature of the State of California, entitled "An Act to incorporate the City of Benicia," passed April twenty-fourth, one thousand eight hundred and fifty-one, and, also, an Act entitled "An Act supplementary to an Act incorporating the City of Benicia," passed April thirteenth, one thousand eight hundred and fifty-four, are hereby repealed, and from and after the passage of this Act the corporation, or body politic and corporate, known heretofore under said Acts as the Mayor and Council of the City of Benicia, shall continue and be a body politic and corporate, under the name and style of the "Trustees of the City of Benicia," with the powers granted by this Act.

Board of Trustees.

SEC. 2. The corporate powers and duties of said Trustees shall be such only as are provided in this Act. Said Board of Trustees shall consist of three members, who shall be elected by the qualified electors of said City, on the first Monday of May, one thousand eight hundred and fifty-nine, and shall hold their offices for the terms herein provided, and until their successors are elected and qualified.

Election in May, 1859.

SEC. 3. The Council of the City of Benicia shall call an election, to be held on the first Monday of May, one thousand eight hundred and fifty-nine, for the election of three Trustees according to the provisions of this Act, which shall be held and conducted in the same manner as City elections are now held and conducted. They shall canvass the votes, and declare the result thereof, within ten days after such election shall have been held. The person receiving the highest number of votes shall hold office for the term of three years from the day of such election, until his successor shall have been elected and qualified. The person receiving the next highest number of votes shall hold office for the term of two years from the day of such election, and until his successor is elected and qualified. And the person receiving the next highest number of votes shall go out of office on the first Monday in May, one thousand eight hundred and sixty, or as soon thereafter as his successor shall have been elected and qualified.

Subsequent elections.

SEC. 4. At the election held on the first Monday in May, one thousand eight hundred and sixty, and of each subsequent year,

a Trustee shall be chosen, who shall hold his office for the term of three years, and until his successor is elected and qualified. All elections held subsequent to the first day of May, one thousand eight hundred and fifty-nine, shall be held by a Board of three Judges, to be designated by the Trustees.

SEC. 5. The Board of Trustees shall assemble, within twenty days after their election, and choose a President from their number, and shall, by ordinance, fix the time and place of their stated meetings, and may be convened by the President at any time. At all meetings, a majority shall constitute a quorum, to do business. Said Board shall judge of the qualification and election of their own members, and may establish rules for their own proceedings, and shall keep a record thereof.

President of Board.

SEC. 6. Any person shall be [qualified] to hold the office of Trustee, who shall be a qualified elector, and who shall have resided in said City six months, next preceding such election. In case of any vacancy in the Board of Trustees, the remaining members of said Board shall call an election to fill the same, and shall give at least five days previous public notice of said election. The like notices shall be given in all cases of election, after the first election. Should any of the Judges appointed to hold an election fail to attend, the electors present may appoint others in their stead. All such elections shall be conducted in the same form, and manner, and according to the laws regulating elections, and certificates shall be issued by the Judges of election, to the persons who shall be chosen at the first election under this Act. At all subsequent elections, the returns shall be made to the Board of Trustees, who shall issue certificate of election to the person having the highest number of votes.

Qualification

SEC. 7. The said Board of Trustees shall, on the first Monday of April in each year, make out a full and correct statement of all moneys received and expended, under this Act, during the year next preceding, and shall cause such statement to be entered on record in their proceedings.

Statement.

SEC. 8. Neither of the Trustees mentioned in this Act, shall receive any compensation for their services. Nor shall it be lawful for any Trustee to purchase any bonds or other indebtedness of the City while in office.

Compensat'n

SEC. 9. Said Trustees shall, upon their election, take charge of all property of the City, real and personal. All records and papers belonging to the City shall, upon demand, be delivered to said Trustees. Said Trustees shall have power, in the corporate name of said City, to prosecute all necessary actions on behalf of said City; and, also, in their said corporate names, to defend in all actions that may be instituted against said City.

Powers of Trustees.

SEC. 10. No sale of any property of said City shall be made, otherwise than by the Sheriff of Solano County, at public auction, after notice thereof shall have been given, by said Trustees of said City, by publication in some newspaper, to be by them designated, for at least twenty days before such sale. At all sales of such property, ten per cent. of the amount thereof shall be paid in money, and the remaining portion shall be paid either in cash, or any funded bonds of said City, or coupons for the interest on said bonds. The Sheriff shall pay all proceeds of such

Sales of property.

sales, less his fees, which shall be the same per centage as is allowed him by law, on sales of property under execution, to the County Treasurer of said County, who shall apply the same to the extinguishment of the debt of said City, in the same manner as the taxes which may be collected shall be applied.

Judgments. SEC. 11. It shall be the duty of the Trustees to audit and pay all judgments now outstanding against said City, or which may have heretofore been recovered against any Tax-Collector, or Marshal, of said City, growing out of the collection of taxes illegally assessed, and to issue the bonds or warrants of said City for the same, and for that purpose only they shall be considered a body politic and corporate until the requirements of this section shall have been fully completed.

Special tax. SEC. 12. For the purpose of providing for the payment of the interest on the debt of said City, and for the extinguishment of said debt, the Board of Supervisors of Solano County are hereby authorized to levy, upon the assessment made by the County Assessor, of property within the corporate limits of said City— which assessment shall be adopted as and for the City assessment— a tax not exceeding one hundred cents on each one hundred dollars, which shall be collected by the Sheriff of said County in the same manner as County taxes are collected, and shall be paid over by said Sheriff to the Treasurer of said County, less his fees for collecting the same, which shall be the same as for collecting State and County taxes. The payment of said taxes may be enforced by said Sheriff in the same manner as the payment of the State and County taxes may be enforced under the laws of this State. The said Treasurer shall apply such fund in redeeming the bonds and warrants of said City as in this Act is hereinafter provided. For all services rendered by the said Treasurer under this Act, he shall be entitled to, and receive, the same fees as he is entitled to for like services as County Treasurer.

Proposals for surrender of bonds. SEC. 13. Said Trustees shall cause a notice to be published, in such newspaper as they shall designate, for thirty days preceding the first day of February, in the year one thousand eight hundred and sixty, and for the same length of time, preceding the first day of February, in each year thereafter, notifying all persons holding bonds or warrants, of said City, issued prior to the passage of this Act, that sealed proposals will be received by said Trustees, on or before the first day of February next, after the publication of such notice, for the redemption of such outstanding bonds and warrants, until all such bonds and warrants outstanding shall be redeemed; such sealed proposals shall specify the number, date of, and amount of the bond, or warrant, including the interest; and shall specify the sum in cash that will be received in lieu thereof; and, also, from and after the first day of February, in the year one thousand eight hundred and sixty, all bonds and warrants issued prior to the passage of this Act, shall bear interest at five per cent. per annum.

Award. SEC. 14. Such sealed proposals, mentioned in section eleven of this Act, as shall be received by said Trustees, shall be by them delivered to the County Treasurer of Solano County, on or before the tenth day of February, next after the same shall be received, and thereupon said Treasurer shall open such proposals,

and enter a minute of the contents of each proposal, in a book to be kept for that purpose, and shall pay cash for, and redeem, each bond or warrant, having due regard to the lowest amount proposed to be received for any bond, or warrant, and shall redeem in that order, until the money applicable to the redemption of the bonds, or warrants, shall be exhausted, or all the bonds, or warrants, presented, shall have been canceled. When a bond, or warrant, shall be redeemed, the said Treasurer shall indorse the word "canceled" thereon, and sign the same, and enter a minute of the redemption of such bond, or warrant, specifying the number, date, and amount thereof, in said book.

SEC. 15. All moneys arising from the sale of any property belonging to said City, or which may accrue to said City, shall be applied, after deducting all necessary expenses in the collection of the same, to the payment of the debt of said City, as provided in this Act, and to no other purpose. Proceeds.

SEC. 16. This Act shall take effect immediately.

Take effect.