

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 1092

Introduced by Senator Maldonado

February 22, 2005

An act to add ~~Section 61100.8~~ *Sections 61111.1 and 61200.2* to the Government Code, relating to community services districts, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1092, as amended, Maldonado. Community services districts: East Garrison.

Existing law provides that the people of any unincorporated territory may petition the board or boards of supervisors for the formation of a community services district to provide various services, *and that a proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city that contains territory proposed to be included in the district.*

~~This bill would state the findings and declarations of the Legislature concerning the establishment~~ *provide that in the case of the proposed formation of a community services district in the East Garrison area of Community Services District in Monterey County if the local agency formation district finds that the affected territory contains no registered voters and no landowners that are not public agencies, the commission may dispense with an election, order the board of supervisors to adopt a specified resolution, and designate the members of the initial board of directors of the district. The bill would define who is a qualified voter for purposes of an election to form a community services district in that area also provide that the board of directors of the district shall be the Board of Supervisors of Monterey*

County until conversion to a directly elected board of directors pursuant to a specified procedure.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 *SECTION 1. Section 61111.1 is added to the Government*
2 *Code, to read:*

3 *61111.1. Notwithstanding Section 61111, in the case of the*
4 *proposed formation of the East Garrison Community Services*
5 *District, if the Local Agency Formation Commission of Monterey*
6 *County finds that the affected territory contains no registered*
7 *voters and no landowners that are not public agencies, the Local*
8 *Agency Formation Commission of Monterey County may, as a*
9 *term and condition of approving the formation, dispense with an*
10 *election and order the Board of Supervisors of the County of*
11 *Monterey to adopt the resolution required pursuant to Section*
12 *61117, and designate the members of the initial board of*
13 *directors pursuant to Section 61200.2.*

14 *SEC. 2. Section 61200.2 is added to the Government Code, to*
15 *read:*

16 *61200.2. (a) Notwithstanding any other provision of this*
17 *division, the Board of Directors of the East Garrison Community*
18 *Services District shall be the Board of Supervisors of the County*
19 *of Monterey, until conversion to a directly elected board of*
20 *directors.*

21 *(b) The Board of Supervisors of Monterey County shall adopt*
22 *a resolution, placing the question of having an elected board of*
23 *directors on the ballot when any of the following occurs:*

24 *(1) When the registrar of voters certifies in writing that the*
25 *number of voters in the district has reached or exceeded 500.*

26 *(2) When the registrar of voters certifies in writing that the*
27 *number of voters in the East Garrison Community Services*
28 *District has reached or exceeded a lower number specified by the*
29 *Monterey County Local Agency Formation Commission as a*
30 *term and condition of approving the formation of the East*
31 *Garrison Community Services District.*

1 (3) *Ten years after the effective date of the East Garrison*
2 *Community Services District's formation.*

3 (4) *The Monterey County Local Agency Formation*
4 *Commission has required, as a term and condition of approving*
5 *the formation of the East Garrison Community Services District,*
6 *placing the question of having an elected board of directors on*
7 *the ballot in less than 10 years after the effective date of the East*
8 *Garrison Community Services District's formation.*

9 (c) *At the election, the voters shall also elect members to the*
10 *East Garrison Community Services District's board of directors.*
11 *Those persons shall take office only if a majority of the voters*
12 *voting upon the question of having an elected board are in favor*
13 *of the question.*

14 (d) *If the question is submitted to the voters at a general*
15 *district election, the notice required by Section 12112 of the*
16 *Elections Code shall contain a statement of the question to*
17 *appear on the ballot. If the question is submitted to the voters at*
18 *a special election, the notice of election and ballot shall contain*
19 *a statement of the question.*

20 SEC. 3. *The Legislature finds and declares that a special law*
21 *is necessary and that a general law cannot be made applicable*
22 *within the meaning of Section 16 of Article IV of the California*
23 *Constitution because of the unique circumstances of the East*
24 *Garrison area of the County of Monterey. The facts constituting*
25 *the special circumstances are:*

26 *The property in the East Garrison area of the County of*
27 *Monterey is part of the former Fort Ord which has been*
28 *designated by the basewide Fort Ord Reuse Plan and by the*
29 *County of Monterey Redevelopment Agency Redevelopment Plan*
30 *for the Fort Ord Redevelopment Project Area. This property is to*
31 *be conveyed from the United States to the Fort Ord Reuse*
32 *Authority and then from the Fort Ord Reuse Authority to the*
33 *Redevelopment Agency of the County of Monterey for*
34 *redevelopment. To assure that adequate levels of public facilities*
35 *and services will be available to the East Garrison area, the*
36 *Board of Supervisors of the County of Monterey intends to form*
37 *a community services district. The provisions of this act are*
38 *necessary to provide an orderly and financially sound transition*
39 *from the conditions that currently exist in the East Garrison area*
40 *to a redeveloped urban community.*

1 *SEC. 4. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety*
3 *within the meaning of Article IV of the Constitution and shall go*
4 *into immediate effect. The facts constituting the necessity are:*

5 *Federal officials are likely to transfer title to the East Garrison*
6 *area of the former Fort Ord to the Fort Ord Reuse Authority*
7 *before the end of 2005. In order to ensure an orderly transition*
8 *of tenure and to avoid disinvestment that would threaten the*
9 *public peace, health, or safety, it is essential for this act to take*
10 *effect immediately.*

11 ~~SECTION 1. Section 61100.8 is added to the Government~~
12 ~~Code, to read:~~

13 ~~61100.8. (a) The Legislature finds and declares that the~~
14 ~~property in the East Garrison area in Monterey County is part of~~
15 ~~the former Fort Ord designated for redevelopment pursuant to the~~
16 ~~Reuse Plan for Fort Ord, and is currently uninhabited and will be~~
17 ~~conveyed from the United States to the County of Monterey~~
18 ~~redevelopment agency for redevelopment, and that the county~~
19 ~~needs to assure that urban services will be provided and they can~~
20 ~~best be provided through the establishment of a community~~
21 ~~services district.~~

22 ~~(b) If procedures are commenced for the formation of a~~
23 ~~community services district in the East Garrison area of~~
24 ~~Monterey County pursuant to this chapter, for purposes of the~~
25 ~~election conducted pursuant to Chapter 2 (commencing with~~
26 ~~Section 61110), any of the following are qualified voters:~~

27 ~~(1) A voter who is a resident of the proposed district.~~

28 ~~(2) An owner of real property within the proposed district who~~
29 ~~is not a resident of the proposed district.~~

30 ~~(3) If all or any part of the property in the proposed district is~~
31 ~~publicly owned at the time of filing the petition or the adoption~~
32 ~~of a resolution of application to form a community services~~
33 ~~district, every prospective owner who intends to become an~~
34 ~~owner of real property within the proposed district pursuant to an~~
35 ~~agreement with a public agency that currently owns or will own~~
36 ~~property in the proposed district and who is expressly authorized~~
37 ~~by the board to exercise the rights of a qualified voter for the~~
38 ~~purposes of the election.~~