

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY APRIL 27, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 474

Introduced by Assembly Member Blumenfield

(~~Coauthor: Assembly Member Bill Berryhill~~ Coauthors: Assembly Members Bill Berryhill, Caballero, Gilmore, Krekorian, and Nestande)

February 24, 2009

An act to amend *Section 1102.6b of the Civil Code, and to amend Sections 5898.12, 5898.14, 5898.20, 5898.21, 5898.22, 5898.24, 5898.28, and 5898.30 of 5898.30, and 5898.32 of, and to add Section 5898.31 to, the Streets and Highways Code, relating to contractual assessments, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 474, as amended, Blumenfield. Contractual assessments: water efficiency improvements.

Existing law authorizes the legislative body of any city, defined as a city, county, or city and county, to determine that it would be convenient and advantageous to designate an area within which authorized city officials and free and willing property owners may enter into contractual assessments and make arrangements to finance public improvements to specified lots or parcels or to finance the installation of distributed

generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property, as specified. Existing law requires the legislative body to make these determinations by adopting a resolution indicating its intention to do so and requires the resolution to include certain specified information.

This bill would expand these provisions to authorize the legislative body of any public agency, as defined, to determine that it would be in the public interest to designate an area within which authorized city officials and free and willing property owners may enter into contractual assessments to finance the installation of water efficiency improvements that are permanently fixed to real property, as specified. The bill would also, with respect to all of its provisions, ~~modify the its definitions of “city” and “legislative body”~~ and require a legislative body to *perform additional record keeping duties and provide written specified notice of a hearing* to any entity that provides energy or water within the boundaries of the area within which contractual assessments may be entered into. *This bill would also require additional specified disclosures to a transfer of real property subject to a contractual assessment.* The bill would declare the intent of the Legislature in ~~this~~ *regard to these provisions*. This bill would make technical, nonsubstantive changes to these provisions.

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 1102.6b of the Civil Code is amended to
2 read:
3 1102.6b. (a) This section applies to all transfers of real property
4 for which all of the following apply:
5 (1) The transfer is subject to this article.
6 (2) The property being transferred is subject to a continuing lien
7 securing the levy of special taxes pursuant to the Mello-Roos
8 Community Facilities Act (Chapter 2.5 (commencing with Section
9 53311) of Part 1 of Division 2 of Title 5 of the Government Code)
10 or, to a fixed lien assessment collected in installments to secure
11 bonds issued pursuant to the Improvement Bond Act of 1915
12 (Division 10 (commencing with Section 8500) of the Streets and

Highways Code), or to a contractual assessment program authorized pursuant to Chapter 29 (commencing with Section 5859.10) of Part 3 of Division 7 of the Streets and Highway Code.

(3) A notice is not required pursuant to Section 53341.5 of the Government Code.

(b) In addition to any other disclosure required pursuant to this article, the seller of any real property subject to this section shall make a good faith effort to obtain a disclosure notice concerning the special tax as provided for in Section 53340.2 of the Government Code, or a disclosure notice concerning an assessment installment as provided in Section 53754 of the Government Code, from each local agency that levies a special tax pursuant to the Mello-Roos Community Facilities Act, or that collects assessment installments to secure bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), on the property being transferred, and shall deliver that notice or those notices to the prospective purchaser, as long as the notices are made available by the local agency.

(c) The seller of real property subject to this section may satisfy the disclosure notice requirements in regard to the bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) by delivering a disclosure notice that is substantially equivalent and obtained from another source, until December 31, 2004. For the purposes of this section, a substantially equivalent disclosure notice includes, but is not limited to, a copy of the most recent year's property tax bill or an itemization of current assessment amounts applicable to the property.

(d) (1) Notwithstanding subdivision (c), at any time after the effective date of this section, the seller of real property subject to this section may satisfy the disclosure notice requirements of this section by delivering a disclosure notice obtained from a nongovernmental source that satisfies the requirements of paragraph (2).

(2) A notice provided by a private entity other than a designated office, department, or bureau of the levying entity may be modified as needed to clearly and accurately describe a special tax pursuant to the Mello-Roos Community Facilities Act levied against the property or to clearly and accurately consolidate information about

1 two or more districts that levy or are authorized to levy a special
2 tax pursuant to the Mello-Roos Community Facilities Act against
3 the property, and shall include the name of the Mello-Roos entity
4 levying taxes against the property, the annual tax due for the
5 Mello-Roos entity for the current tax year, the maximum tax that
6 may be levied against the property in any year, the percentage by
7 which the maximum tax for the Mello-Roos entity may increase
8 per year, and the date until the tax may be levied against the
9 property for the Mello-Roos entity and a contact telephone number,
10 if available, for further information about the Mello-Roos entity.
11 A notice provided by a private entity other than a designated office,
12 department, or bureau of the levying entity may be modified as
13 needed to clearly and accurately describe special assessments and
14 bonds pursuant to the Improvement Bond Act of 1915 levied
15 against the property, or to clearly and accurately consolidate
16 information about two or more districts that levy or are authorized
17 to levy special assessments and bonds pursuant to the Improvement
18 Bond Act of 1915 against the property, and shall include the name
19 of the special assessments and bonds issued pursuant to the
20 Improvement Bond Act of 1915, the current annual tax on the
21 property for the special assessments and bonds issued pursuant to
22 the Improvement Bond Act of 1915 and a contact telephone
23 number, if available, for further information about the special
24 assessments and bonds issued pursuant to the Improvement Bond
25 Act of 1915.

26 (3) This section does not change the ability to make disclosures
27 pursuant to Section 1102.4 of the Civil Code.

28 (e) If a disclosure received pursuant to subdivision (b), (c), or
29 (d) has been delivered to the transferee, a seller or his or her agent
30 is not required to provide additional information concerning, and
31 information in the disclosure shall be deemed to satisfy the
32 responsibility of the seller or his or her agent to inform the
33 transferee regarding the special tax or assessment installments and
34 the district. Notwithstanding subdivision (b), (c), or (d), nothing
35 in this section imposes a duty to discover a special tax or
36 assessment installments or the existence of any levying district not
37 actually known to the agents.

38 **SECTION 1.**

39 *SEC. 2.* Section 5898.12 of the Streets and Highways Code is
40 amended to read:

1 5898.12. (a) It is the intent of the Legislature that this chapter
2 should be used to finance public improvements to lots or parcels
3 which are developed and where the costs and time delays involved
4 in creating an assessment district pursuant to other provisions of
5 this division or any other law would be prohibitively large relative
6 to the cost of the public improvements to be financed.

7 (b) It is also the intent of the Legislature that this chapter should
8 be used to finance the installation of distributed generation
9 renewable energy sources or energy efficiency improvements that
10 are permanently fixed to residential, commercial, industrial,
11 agricultural, or other real property.

12 (c) It is also the intent of the Legislature to address chronic
13 water needs throughout California by permitting voluntary
14 individual efforts to improve water efficiency. The Legislature
15 further intends that this chapter should be used to finance the
16 installation of water efficiency improvements that are permanently
17 fixed to residential, commercial, industrial, agricultural, or other
18 real property, including, but not limited to, recycled water
19 connections, synthetic turf, cisterns for stormwater recovery, and
20 ~~water-porous concrete~~; permeable pavement.

21 (d) *It is also the intent of the Legislature that a public agency*
22 *in the process of establishing an assessment program, to the extent*
23 *feasible, use a good faith effort to provide advance notice of the*
24 *proposed program to water and electric service providers in the*
25 *relevant service area, as set forth in Section 5898.24, to allow the*
26 *most efficient coordination and collaboration between the public*
27 *agency and water and electric service providers.*

28 ~~(d)~~

29 (e) This chapter shall not be used to finance facilities for parcels
30 which are undergoing development.

31 ~~(e)~~

32 (f) This chapter shall not be used to finance the purchase or
33 installation of appliances that are not permanently fixed to
34 residential, commercial, industrial, agricultural, or other real
35 property.

36 ~~(f)~~

37 (g) Assessments may be levied pursuant to this chapter only
38 with the free and willing consent of the owner of each lot or parcel
39 on which an assessment is levied at the time the assessment is
40 levied.

~~(g) A water district, as included in the definition of “public agency” in Section 5898.20, is authorized to use this chapter only for water efficiency improvements, and shall not use this chapter for any other improvements, including, but not limited to, energy efficiency improvements.~~

~~SEC. 2.~~

SEC. 3. Section 5898.14 of the Streets and Highways Code is amended to read:

5898.14. (a) The Legislature finds all of the following:

(1) Energy and water conservation efforts, including the promotion of energy efficiency improvements to residential, commercial, industrial, agricultural, or other real property are necessary to address the issue of global climate change.

(2) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient prevents many property owners from making those improvements. To make those improvements more affordable and to promote the installation of those improvements, it is necessary to authorize an alternative procedure for authorizing assessments to finance the cost of energy and water efficiency improvements.

(b) The Legislature declares that a public purpose will be served by a *voluntary* contractual assessment program that provides the legislative body of any public agency with the authority to finance the installation of distributed generation renewable energy sources and energy or water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property.

~~SEC. 3.~~

SEC. 4. Section 5898.20 of the Streets and Highways Code is amended to read:

5898.20. (a) (1) The legislative body of any public agency may determine that it would be convenient and advantageous to designate an area within the public agency, which may encompass the entire public agency or a lesser portion, within which authorized public agency officials and property owners may enter into *voluntary* contractual assessments for public improvements and to make financing arrangements pursuant to this chapter.

(2) The legislative body of any public agency may also determine that it would be convenient, advantageous, and in the public interest to designate an area within the public agency, which

1 may encompass the entire public agency or a lesser portion, within
2 which authorized public agency officials and property owners may
3 enter into *voluntary* contractual assessments to finance the
4 installation of distributed generation renewable energy sources or
5 energy or water efficiency improvements that are permanently
6 fixed to real property pursuant to this chapter.

7 (b) The legislative body shall make these determinations by
8 adopting a resolution indicating its intention to do so. The
9 resolution of intention shall include a statement that the public
10 agency proposes to make *voluntary* contractual assessment
11 financing available to property owners, shall identify the kinds of
12 public works, distributed generation renewable energy sources, or
13 energy or water efficiency improvements that may be financed,
14 shall describe the boundaries of the area within which *voluntary*
15 contractual assessments may be entered into, and shall briefly
16 describe the proposed arrangements for financing the program,
17 including a brief description of criteria for determining the
18 creditworthiness of a property owner. The resolution of intention
19 shall state that it is in the public interest to finance the installation
20 of distributed generation renewable energy sources or energy or
21 water efficiency improvements, or both, pursuant to paragraph (2)
22 of subdivision (a), if applicable. The resolution shall state that a
23 public hearing should be held at which interested persons may
24 object to or inquire about the proposed program or any of its
25 particulars, and shall state the time and place of the hearing. The
26 resolution shall direct an appropriate public agency official to
27 prepare a report pursuant to Section 5898.22 and to enter into
28 consultations with the county auditor's office or county controller's
29 office in order to reach agreement on what additional fees, if any,
30 will be charged to the city or county for incorporating the proposed
31 *voluntary* contractual assessments into the assessments of the
32 general taxes of the city or county on real property.

33 (c) ~~(1)~~—As used in this chapter, each of the following terms shall
34 have the following meaning:

35 ~~(A)~~

36 (1) "Efficiency improvements" means permanent improvements
37 fixed to residential, commercial, industrial, agricultural, or other
38 real property.

39 ~~(B)~~

(2) “Legislative body” means the governing body of a public agency.

~~(C) “Public agency” means a city, county, city and county, municipal utility district, community services district, or water district, as defined in Section 20200 of the Water Code.~~

~~(2) The definitions of “city” in Section 5005 and “legislative body” in Section 5006 shall not apply to this chapter.~~

(3) (A) *For the purpose of financing the installation of water efficiency improvements, “public agency” means a city, county, city and county, municipal utility district, community services district, sanitary district, sanitation district, or water district, as defined in Section 20200 of the Water Code. The definition of “city” in Section 5005 shall not apply to this subparagraph.*

(B) *For the purpose of financing the installation of distributed generation renewable energy sources or energy efficiency improvements, “public agency” means a county, city, city and county, or a municipal utility district, an irrigation district, or public utility district that owns and operates an electric distribution system. The definition of “city” in Section 5005 shall not apply to this subparagraph.*

(C) *For the purpose of financing the public improvements, “public agency” means a city as defined in Section 5005.*

~~SEC. 4.~~

SEC. 5. Section 5898.21 of the Streets and Highways Code is amended to read:

5898.21. Notwithstanding any other provision of this chapter, upon the written consent of an authorized public agency official, the proposed arrangements for financing the program pertaining to the installation of distributed generation renewable energy sources or energy or water efficiency improvements that are permanently fixed to real property may authorize the property owner to purchase directly the related equipment and materials for the installation of distributed generation renewable energy sources or energy or water efficiency improvements and to contract directly for the installation of distributed generation renewable energy sources or energy or water efficiency improvements that are permanently fixed to the property owner’s residential, commercial, industrial, agricultural, or other real property.

1 ~~SEC. 5.~~

2 ~~SEC. 6.~~ Section 5898.22 of the Streets and Highways Code is
3 amended to read:

4 5898.22. The report shall contain all of the following:

5 (a) A map showing the boundaries of the territory within which
6 *voluntary* contractual assessments are proposed to be offered.

7 (b) A draft contract specifying the terms and conditions that
8 would be agreed to by a property owner within the *voluntary*
9 contractual assessment area and the public agency.

10 (c) A statement of public agency policies concerning *voluntary*
11 contractual assessments including all of the following:

12 (1) Identification of types of facilities, distributed generation
13 renewable energy sources, or energy or water efficiency
14 improvements that may be financed through the use of contractual
15 assessments.

16 (2) Identification of a public agency official authorized to enter
17 into *voluntary* contractual assessments on behalf of the public
18 agency.

19 (3) A maximum aggregate dollar amount of *voluntary*
20 contractual assessments.

21 (4) A method for setting requests from property owners for
22 financing through *voluntary* contractual assessments in priority
23 order in the event that requests appear likely to exceed the
24 authorization amount.

25 (d) A plan for raising a capital amount required to pay for work
26 performed pursuant to *voluntary* contractual assessments. The plan
27 may include amounts to be advanced by the public agency through
28 funds available to it from any source. The plan may include the
29 sale of a bond or bonds or other financing relationship pursuant
30 to Section 5898.28. The plan shall include a statement of or method
31 for determining the interest rate and time period during which
32 contracting property owners would pay any assessment. The plan
33 shall provide for any reserve fund or funds. The plan shall provide
34 for the apportionment of all or any portion of the costs incidental
35 to financing, administration, and collection of the *voluntary*
36 contractual assessment program among the consenting property
37 owners and the public agency.

38 (e) A report on the results of the consultations with the county
39 auditor's office or county controller's office concerning the
40 additional fees, if any, that will be charged to the city or county

1 for incorporating the proposed *voluntary* contractual assessments
2 into the assessments of the general taxes of the city or county on
3 real property, and a plan for financing the payment of those fees.

4 ~~SEC. 6.~~

5 *SEC. 7.* Section 5898.24 of the Streets and Highways Code is
6 amended to read:

7 5898.24. (a) A legislative body shall publish notice of a hearing
8 pursuant to Section 6066 of the Government Code, and the first
9 publication shall occur not later than 20 days before the date of
10 the hearing.

11 ~~(b) A legislative body shall provide written notice of a hearing~~
12 ~~to any entity that provides energy or water within the boundaries~~
13 ~~of the area within which contractual assessments may be entered~~
14 ~~into.~~

15 *(b) A legislative body shall provide written notice of a proposed*
16 *contractual assessment program to all water or electric providers*
17 *within the boundaries of the area within which voluntary*
18 *contractual assessments may be entered into not less than 60 days*
19 *prior to adoption of any resolution pursuant to Section 5898.26.*

20 *(c) (1) A legislative body administering a voluntary contractual*
21 *assessment program shall designate an office, department, or*
22 *bureau of the local agency that shall be responsible for annually*
23 *preparing the current roll of assessment obligations by assessor's*
24 *parcel number on property subject to a voluntary contractual*
25 *assessment.*

26 *(2) The designated office, department, or bureau shall establish*
27 *procedures to promptly respond to inquiries concerning current*
28 *and future estimated liability for a voluntary contractual*
29 *assessment. Neither the designated office, department, or bureau,*
30 *nor the legislative body, shall be liable if any estimate of future*
31 *voluntary contractual assessment liability is inaccurate, nor for*
32 *any failure of any seller to request notice pursuant to this chapter*
33 *or to provide the notice to a buyer.*

34 *(d) (1) For purposes of enabling sellers of real property subject*
35 *to a voluntary contractual assessment to satisfy the notice*
36 *requirements of Section 1102.6b of the Civil Code, the designated*
37 *office, department, or bureau shall furnish a Notice of Voluntary*
38 *Contractual Assessment to any individual requesting the notice or*
39 *to any owner of property subject to a voluntary contractual*

1 *assessment levied by the local agency within five working days of*
2 *receiving a request for the notice.*

3 *(2) The local agency may charge a fee to pay for the actual cost*
4 *of providing service under this subdivision not to exceed fifteen*
5 *dollars (\$15).*

6 *(e) The notice shall be completed by the designated office,*
7 *department, or bureau except for the signatures and date of*
8 *signing, and the form may be modified as needed to clearly and*
9 *accurately describe the assessment. The notice shall contain the*
10 *heading "NOTICE OF VOLUNTARY CONTRACTUAL*
11 *ASSESSMENT" in type no smaller than 8-point type, and shall be*
12 *in substantially the following form:*

13
14
15
16 *NOTICE OF CONTRACTUAL ASSESSMENT*

17 *LOCAL AGENCY _____*

18 *COUNTY OF _____, CALIFORNIA*

19 *TO: THE PROSPECTIVE PURCHASER OF THE REAL*
20 *PROPERTY KNOWN AS:*

21 _____
22 _____

23 *THIS IS A NOTIFICATION TO YOU PRIOR TO YOUR*
24 *PURCHASING THIS PROPERTY.*

25
26 *(1) This property is subject to a voluntary contractual*
27 *assessment that is in addition to the regular property taxes and*
28 *any other charges and benefit assessments on the parcel. This*
29 *voluntary contractual assessment is not necessarily imposed on*
30 *all parcels within the city, the county, or even the subdivision in*
31 *which the property is located, but only on those parcels to which*
32 *the property owner financed improvements to the property pursuant*
33 *to Chapter 29 of Part 3 of the California Streets and Highways*
34 *Code. If you fail to pay this contractual assessment when due each*
35 *year, the property may be foreclosed upon and sold. The voluntary*
36 *contractual assessment is used to provide improvements that*
37 *particularly benefit the property. YOU SHOULD TAKE THIS*
38 *ASSESSMENT AND THE BENEFITS FROM THE*
39 *IMPROVEMENTS FOR WHICH IT PAYS INTO ACCOUNT IN*
40 *DECIDING WHETHER TO BUY THIS PROPERTY.*

(2) *The voluntary contractual assessment against this parcel is to pay for improvements to this property and equals _____ dollars (\$ _____) during the _____ - _____ tax year. The voluntary contractual assessment will be imposed each year until the financing for all of improvements has been paid.*

(3) *The improvements that are being financed by the voluntary contractual assessment are:*

YOU MAY OBTAIN A COPY OF THE CONTRACT PROVIDING FOR THESE ASSESSMENTS FROM THE _____ (name of jurisdiction) BY CALLING _____ (telephone number). THERE MAY BE A CHARGE FOR THIS DOCUMENT NOT TO EXCEED THE ACTUAL COST OF PROVIDING THE DOCUMENT.

I (WE) ACKNOWLEDGE THAT I (WE) HAVE RECEIVED A COPY OF THIS NOTICE. I (WE) UNDERSTAND THAT I (WE) MAY TERMINATE THE CONTRACT TO PURCHASE OR DEPOSIT RECEIPT AFTER RECEIVING THIS NOTICE FROM THE OWNER OR AGENT SELLING THE PROPERTY. THE CONTRACT MAY BE TERMINATED WITHIN THREE DAYS IF THE NOTICE WAS RECEIVED IN PERSON OR WITHIN FIVE DAYS AFTER IT WAS DEPOSITED IN THE MAIL BY GIVING WRITTEN NOTICE OF THAT TERMINATION TO THE OWNER OR AGENT SELLING THE PROPERTY.

DATE: _____

SEC. 7.

SEC. 8. Section 5898.28 of the Streets and Highways Code is amended to read:

5898.28. A public agency may issue bonds pursuant to this chapter, the principal and interest for which would be repaid by *voluntary* contractual assessments. A public agency may advance its own funds to finance work to be repaid through *voluntary* contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. A public agency may enter into a relationship with an underwriter or financial institution that would allow the sequential issuance of a series of bonds, each bond being issued as the need arose to finance work to be repaid through *voluntary* contractual assessments. The interest rate of each bond

1 may be determined by an appropriate index, but shall be fixed at
2 the time each bond is issued. Bond proceeds may be used to
3 establish a reserve fund, and to pay for expenses incidental to the
4 issuance and sale of the bonds. Division 10 (commencing with
5 Section 8500) shall apply to any bonds issued pursuant to this
6 section, insofar as that division is not in conflict with this chapter.

7 ~~SEC. 8.~~

8 *SEC. 9.* Section 5898.30 of the Streets and Highways Code is
9 amended to read:

10 5898.30. Assessments levied pursuant to this chapter, and the
11 interest and any penalties thereon shall constitute a lien against
12 the lots and parcels of land on which they are made, until they are
13 ~~paid. Division 10 (commencing with Section 8500) applies to the~~
14 ~~levy and collection of assessments levied pursuant to this chapter,~~
15 ~~insofar as those provisions are not in conflict with the provisions~~
16 ~~of this chapter, including, but not limited to, the collection of~~
17 ~~assessments in the same manner and at the same time as the general~~
18 ~~taxes of the city or county on real property are payable and any~~
19 ~~penalties and remedies and lien priorities in the event of~~
20 ~~delinquency and default. paid. Division 10 (commencing with~~
21 ~~Section 8500), insofar as those provisions are not in conflict with~~
22 ~~the provisions of this chapter, Article 13 (commencing with Section~~
23 ~~53930) of, and Article 13.5 (commencing with Section 53938) of,~~
24 ~~Chapter 4 of Part 1 of Division 2 of Title 5 of the Government~~
25 ~~Code apply to the imposition and collection of assessments~~
26 ~~contracted for pursuant to this chapter, including, but not limited~~
27 ~~to, provisions related to lien priority, the collection of assessments~~
28 ~~in the same manner and at the same time as the general taxes of~~
29 ~~the city or county on real property, and any penalties and remedies~~
30 ~~in the event of delinquency and default.~~

31 *SEC. 10.* Section 5898.31 is added to the Streets and Highways
32 Code, to read:

33 5898.31. *Since contractual assessments on real property under*
34 *this chapter are voluntary and imposed pursuant to an agreement*
35 *with an assessed property owner, the Legislature finds and declares*
36 *that voluntary contractual assessments under this chapter are not*
37 *assessments for the purposes of Articles XIII C and XIII D of the*
38 *California Constitution and therefore the provisions of Articles*
39 *XIII C and XIII D and Article 4.6 (commencing with Section 53750)*
40 *of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government*

1 *Code are not applicable to voluntary contractual assessments*
2 *levied pursuant to this chapter.*

3 *SEC. 11. Section 5898.32 of the Streets and Highways Code*
4 *is amended to read:*

5 5898.32. The legislative body shall direct its clerk to record a
6 notice of the existence and amount of each *voluntary* contractual
7 assessment with the county recorder of the county in which the lot
8 or parcel is located. *The form of notice filed by the clerk shall be*
9 *substantially the same form as set forth in subdivision (f) of Section*
10 *3114. The county recorder shall accept those filings and may charge*
11 *the clerk a fee for recording those documents pursuant to Section*
12 *3116. The failure of the clerk or recorder to perform the filings*
13 *shall not subject the local agency or any of its officers or employees*
14 *to civil liability. The remaining provisions of Division 4.5 do not*
15 *apply to this chapter.*

16 *SEC. 12. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety within*
18 *the meaning of Article IV of the Constitution and shall go into*
19 *immediate effect. The facts constituting the necessity are:*

20 *In order for legislative bodies of public agencies and willing*
21 *property owners to enter into voluntary contractual assessments*
22 *to finance water efficiency improvements and for the state to begin*
23 *to experience the effects of these voluntary contractual assessments,*
24 *it is necessary that this act take effect immediately.*