

Introduced by Senator Negrete McLeodFebruary 14, 2011

An act to amend Sections 53952 and 53961 of, and to add Chapter 6.5 (commencing with Section 60225) to Division 1 of Title 6 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 288, as introduced, Negrete McLeod. Local government: independent special districts.

(1) Existing law authorizes the governing board of a special district, by resolution, to provide for the establishment of a revolving fund, in an amount not to exceed \$1,000, to be used to make change and pay small bills directly, and requires the resolution establishing the fund to make specified designations relating to the purposes for which the fund may be expended, the district officer with authority and responsibility over the fund, the necessity for the fund, and the maximum amount of the fund.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 sets forth the definition of an independent special district.

This bill would additionally authorize the governing board of an independent special district, as defined, to provide, by resolution, for the establishment of a revolving fund in an amount not to exceed 110% of $\frac{1}{12}$ of the independent special district's adopted budget for that fiscal year, and would require the resolution establishing the fund to make specified designations relating to the purposes for which the fund may be expended, the district officer with authority and responsibility over the fund, the necessity for the fund, and the maximum amount of the fund.

(2) The Fire Protection District Law of 1987 authorizes the board of a fire protection district to appoint a district treasurer, and to establish the duties and compensation of the district treasurer, by resolution. That law authorizes the district treasurer, or any other person authorized by the board, to draw checks or warrants to pay demands that have been audited and approved in the manner prescribed by the board. That law requires the county treasurer to serve as the district treasurer if the district board does not appoint a district treasurer.

This bill would authorize the governing body of an independent special district, as defined, to invest that district’s surplus funds outside of the county treasury without the approval of the county treasurer, even if the county treasurer concurrently serves as the treasurer of that district.

Vote: majority. 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 53952 of the Government Code is
 2 amended to read:
 3 53952. (a) The governing board of a special district may, by
 4 resolution, provide for the establishment of a revolving fund in an
 5 amount not to exceed one thousand dollars (\$1,000) to be used to
 6 make change and pay small bills directly. The resolution which
 7 establishes the district revolving fund shall designate all of the
 8 following:
 9 (a)
 10 (1) The purposes for which the fund may be expended.
 11 (b)
 12 (2) The officer of the district who shall have authority to make
 13 disbursements from the fund and be responsible for keeping
 14 account of all receipts and disbursements from the fund.
 15 (c)
 16 (3) The necessity for the fund.
 17 (d)
 18 (4) The maximum amount of the fund.
 19 (b) *In addition to the authority granted by subdivision (a), an*
 20 *independent special district, as defined in Section 56044, may by*
 21 *resolution provide for the establishment of a revolving fund in an*
 22 *amount not to exceed 110 percent of one-twelfth of the district’s*
 23 *adopted budget for that fiscal year. The fund may be used to pay*

1 *any authorized expenditures of the independent special district.*
 2 *The resolution that established the district revolving fund shall*
 3 *conform with the designations required by subdivision (a).*

4 SEC. 2. Section 53961 of the Government Code is amended
 5 to read:

6 53961. The governing board of a mosquito abatement district
 7 or a vector control district organized pursuant to the Mosquito
 8 Abatement and Vector Control District Law, Chapter 1
 9 (commencing with Section 2000) of Division 8 of the Health and
 10 Safety Code, may by resolution provide for the establishment of
 11 a revolving fund in an amount not to exceed 110 percent of
 12 one-twelfth of the district’s adopted budget for that fiscal year.
 13 This fund, which shall replace the fund authorized ~~in~~ *by subdivision*
 14 *(a) of Section 53952*, may be used to pay any authorized
 15 expenditures of the district. The resolution that established the
 16 district revolving fund shall conform with the designations required
 17 ~~in~~ *by subdivision (a) of Section 53952.*

18 SEC. 3. Chapter 6.5 (commencing with Section 60225) is added
 19 to Division 1 of Title 6 of the Government Code, to read:

20

21 CHAPTER 6.5. INDEPENDENT SPECIAL DISTRICTS

22

23 60225. The governing body of an independent special district,
 24 as defined in Section 56044, may invest the district’s surplus funds
 25 outside of the county treasury without the approval of the county
 26 treasurer, even if the county treasurer concurrently serves as the
 27 treasurer of that district.