

ASSEMBLY BILL

No. 1995

Introduced by Assembly Member Levine

February 20, 2014

An act to amend Section 61105 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1995, as introduced, Levine. Community service districts: covenants, conditions, and restrictions: enforcement.

The Community Services District Law authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts to enforce covenants, conditions, and restrictions within that district, as provided.

This bill would allow the Bel Marin Keys Community Services District to enforce covenants, conditions, and restrictions within that district, as provided.

This bill would make legislative findings and declarations as to the necessity of a special statute.

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 61105 of the Government Code is
2 amended to read:
3 61105. (a) The Legislature finds and declares that the unique
4 circumstances that exist in certain communities justify the

1 enactment of special statutes for specific districts. In enacting this
2 section, the Legislature intends to provide specific districts with
3 special statutory powers to provide special services and facilities
4 that are not available to other districts.

5 (b) (1) The Los Osos Community Services District may borrow
6 money from public or private lenders and lend those funds to
7 property owners within the district to pay for the costs of
8 decommissioning septic systems and constructing lateral
9 connections on private property to facilitate the connection of those
10 properties to the district's wastewater treatment system. The district
11 shall lend money for this purpose at rates not to exceed its cost of
12 borrowing and the district's cost of making the loans. The district
13 may require that the borrower pay the district's reasonable
14 attorney's fees and administrative costs in the event that the district
15 is required to take legal action to enforce the provisions of the
16 contract or note securing the loan. The district may elect to have
17 the debt payments or any delinquency collected on the tax roll
18 pursuant to Section 61116. To secure the loan as a lien on real
19 property, the district shall follow the procedures for the creation
20 of special tax liens in Section 53328.3 of this code and Section
21 3114.5 of the Streets and Highways Code.

22 (2) (A) (i) Except as otherwise provided in this paragraph, on
23 and after January 1, 2007, the Los Osos Community Services
24 District shall not undertake any efforts to design, construct, and
25 operate a community wastewater collection and treatment system
26 within, or for the benefit of, the district. The district shall resume
27 those powers on the date specified in any resolution adopted
28 pursuant to subdivision (l) of Section 25825.5.

29 (ii) Upon resuming the powers pursuant to subdivision (i), the
30 Los Osos Community Services District may continue the program
31 to offset assessments or charges for very low or low-income
32 households with funding sources, including, but not limited to,
33 grants, adopted pursuant to subdivision (g) of Section 25825.5. If
34 the county has not implemented that program, the Los Osos
35 Community Services District may adopt a program that complies
36 with subdivision (g) of Section 25825.5 to offset assessments or
37 charges for very low or low-income households. The Los Osos
38 Community Services District shall not include in an assessment
39 or charge an amount to cover the costs to the county in carrying
40 out the offset program.

1 (B) Nothing in this paragraph shall affect the district's power
2 to do any of the following:

3 (i) Operate wastewater collection and treatment facilities within
4 the district that the district was operating on January 1, 2006.

5 (ii) Provide facilities and services in the territory that is within
6 the district, but outside the prohibition zone.

7 (iii) Provide facilities and services, other than wastewater
8 collection and treatment, within the prohibition zone.

9 (C) Promptly upon the adoption of a resolution by the Board of
10 Supervisors of the County of San Luis Obispo requesting this
11 action pursuant to subdivision (i) of Section 25825.5, the district
12 shall convey to the County of San Luis Obispo all retained
13 rights-of-way, licenses, other interests in real property, funds, and
14 other personal property previously acquired by the district in
15 connection with construction projects for which the district awarded
16 contracts in 2005.

17 (c) The Heritage Ranch Community Services District may
18 acquire, construct, improve, maintain, and operate petroleum
19 storage tanks and related facilities for its own use, and sell those
20 petroleum products to the district's property owners, residents,
21 and visitors. The authority granted by this subdivision shall expire
22 when a private person or entity is ready, willing, and able to
23 acquire, construct, improve, maintain, and operate petroleum
24 storage tanks and related facilities, and sell those petroleum
25 products to the district and its property owners, residents, and
26 visitors. At that time, the district shall either (1) diligently transfer
27 its title, ownership, maintenance, control, and operation of those
28 petroleum tanks and related facilities at a fair market value to that
29 private person or entity, or (2) lease the operation of those
30 petroleum tanks and related facilities at a fair market value to that
31 private person or entity.

32 (d) The Wallace Community Services District may acquire,
33 own, maintain, control, or operate the underground gas distribution
34 pipeline system located and to be located within Wallace Lake
35 Estates for the purpose of allowing a privately owned provider of
36 liquefied petroleum gas to use the underground gas distribution
37 system pursuant to a mutual agreement between the private
38 provider and the district or the district's predecessor in interest.
39 The district shall require and receive payment from the private
40 provider for the use of that system. The authority granted by this

1 subdivision shall expire when the Pacific Gas and Electric
2 Company is ready, willing, and able to provide natural gas service
3 to the residents of Wallace Lake Estates. At that time, the district
4 shall diligently transfer its title, ownership, maintenance, control,
5 and operation of the system to the Pacific Gas and Electric
6 Company.

7 (e) The Cameron Park Community Services District, the El
8 Dorado Hills Community Services District, the Golden Hills
9 Community Services District, the Mountain House Community
10 Services District, the Rancho Murieta Community Services District,
11 the Salton Community Services District, the Stallion Springs
12 Community Services District, ~~and~~ the Tenaja Meadows Community
13 Services District, *and the Bel Marin Keys Community Services*
14 *District*, which enforced covenants, conditions, and restrictions
15 prior to January 1, 2006, pursuant to former Section 61601.7 and
16 former Section 61601.10, may continue to exercise the powers set
17 forth in former Section 61601.7 and former Section 61601.10.

18 (f) The Bear Valley Community Services District, the Bell
19 Canyon Community Services District, the Cameron Estates
20 Community Services District, the Lake Sherwood Community
21 Services District, the Saddle Creek Community Services District,
22 the Wallace Community Services District, and the Santa Rita Hills
23 Community Services District may, for roads owned by the district
24 and that are not formally dedicated to or kept open for use by the
25 public for the purpose of vehicular travel, by ordinance, limit access
26 to and the use of those roads to the landowners and residents of
27 that district.

28 (g) Notwithstanding any other provision of law, the transfer of
29 the assets of the Stonehouse Mutual Water Company, including
30 its lands, easements, rights, and obligations to act as sole agent of
31 the stockholders in exercising the riparian rights of the
32 stockholders, and rights relating to the ownership, operation, and
33 maintenance of those facilities serving the customers of the
34 company, to the Hidden Valley Lake Community Services District
35 is not a transfer subject to taxes imposed by Part 11 (commencing
36 with Section 23001) of Division 2 of the Revenue and Taxation
37 Code.

38 (h) The El Dorado Hills Community Services District and the
39 Rancho Murieta Community Services District may each acquire,
40 construct, improve, maintain, and operate television receiving,

1 translating, or distribution facilities, provide television and
2 television-related services to the district and its residents, or
3 authorize the construction and operation of a cable television
4 system to serve the district and its residents by franchise or license.
5 In authorizing the construction and operation of a cable television
6 system by franchise or license, the district shall have the same
7 powers as a city or county under Section 53066.

8 (i) The Mountain House Community Services District may
9 provide facilities for television and telecommunications systems,
10 including the installation of wires, cables, conduits, fiber optic
11 lines, terminal panels, service space, and appurtenances required
12 to provide television, telecommunication, and data transfer services
13 to the district and its residents, and provide facilities for a cable
14 television system, including the installation of wires, cables,
15 conduits, and appurtenances to service the district and its residents
16 by franchise or license, except that the district may not provide or
17 install any facilities pursuant to this subdivision unless one or more
18 cable franchises or licenses have been awarded under Section
19 53066 and the franchised or licensed cable television and
20 telecommunications services providers are permitted equal access
21 to the utility trenches, conduits, service spaces, easements, utility
22 poles, and rights-of-way in the district necessary to construct their
23 facilities concurrently with the construction of the district's
24 facilities. The district shall not have the authority to operate
25 television, cable, or telecommunications systems, except as
26 provided in Section 61100. The district shall have the same powers
27 as a city or county under Section 53066 in granting a franchise or
28 license for the operation of a cable television system.

29 SEC. 2. The Legislature finds and declares that a special law
30 is necessary and that a general law cannot be made applicable
31 within the meaning of Section 16 of Article IV of the California
32 Constitution because of the unique circumstances facing the Bel
33 Marin Keys Community Services District.