

AMENDED IN SENATE JUNE 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1995**

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**Introduced by Assembly Member Levine**

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1995, as amended, 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 *upon adoption of a resolution of application at a public hearing and approval by the Marin Local Agency Formation Commission*, 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:*

SECTION 1. Section 61105 of the Government Code is amended to read:

61105. (a) The Legislature finds and declares that the unique circumstances that exist in certain communities justify the enactment of special statutes for specific districts. In enacting this section, the Legislature intends to provide specific districts with special statutory powers to provide special services and facilities that are not available to other districts.

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

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

(ii) Upon resuming the powers pursuant to subdivision (i), the Los Osos Community Services District may continue the program to offset assessments or charges for very low or low-income households with funding sources, including, but not limited to, grants, adopted pursuant to subdivision (g) of Section 25825.5. If the county has not implemented that program, the Los Osos

1 Community Services District may adopt a program that complies  
2 with subdivision (g) of Section 25825.5 to offset assessments or  
3 charges for very low or low-income households. The Los Osos  
4 Community Services District shall not include in an assessment  
5 or charge an amount to cover the costs to the county in carrying  
6 out the offset program.

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

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

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

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

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

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

38 (d) The Wallace Community Services District may acquire,  
39 own, maintain, control, or operate the underground gas distribution  
40 pipeline system located and to be located within Wallace Lake

1 Estates for the purpose of allowing a privately owned provider of  
2 liquefied petroleum gas to use the underground gas distribution  
3 system pursuant to a mutual agreement between the private  
4 provider and the district or the district's predecessor in interest.  
5 The district shall require and receive payment from the private  
6 provider for the use of that system. The authority granted by this  
7 subdivision shall expire when the Pacific Gas and Electric  
8 Company is ready, willing, and able to provide natural gas service  
9 to the residents of Wallace Lake Estates. At that time, the district  
10 shall diligently transfer its title, ownership, maintenance, control,  
11 and operation of the system to the Pacific Gas and Electric  
12 Company.

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

24 (f) *The Bel Marin Keys Community Services District, which*  
25 *prior to January 1, 2006, enforced covenants, conditions, and*  
26 *restrictions pursuant to former Section 61601, may reestablish the*  
27 *powers set forth in former Section 61601.10 if both of the following*  
28 *conditions are met:*

29 (1) *The district conducts a public hearing, after giving mailed*  
30 *notice to each affected property owner and registered voter of the*  
31 *date, time, and place of the hearing, and adopts a resolution of*  
32 *application to the local agency formation commission pursuant*  
33 *to Section 56824.10 to enforce covenants, conditions, and*  
34 *restrictions, specifying the exact nature and scope of intended*  
35 *services to be provided by the district therein.*

36 (2) *The Marin Local Agency Formation Commission approves*  
37 *the action pursuant to Section 56824.14 that includes, among other*  
38 *completion terms deemed appropriate by the commission,*  
39 *indemnification for the district executed by all affected homeowner*  
40 *or property owner associations for all related services.*

1     ~~(f)~~

2     (g) The Bear Valley Community Services District, the Bell  
3 Canyon Community Services District, the Cameron Estates  
4 Community Services District, the Lake Sherwood Community  
5 Services District, the Saddle Creek Community Services District,  
6 the Wallace Community Services District, and the Santa Rita Hills  
7 Community Services District may, for roads owned by the district  
8 and that are not formally dedicated to or kept open for use by the  
9 public for the purpose of vehicular travel, by ordinance, limit access  
10 to and the use of those roads to the landowners and residents of  
11 that district.

12     ~~(g)~~

13     (h) Notwithstanding any other provision of law, the transfer of  
14 the assets of the Stonehouse Mutual Water Company, including  
15 its lands, easements, rights, and obligations to act as sole agent of  
16 the stockholders in exercising the riparian rights of the  
17 stockholders, and rights relating to the ownership, operation, and  
18 maintenance of those facilities serving the customers of the  
19 company, to the Hidden Valley Lake Community Services District  
20 is not a transfer subject to taxes imposed by Part 11 (commencing  
21 with Section 23001) of Division 2 of the Revenue and Taxation  
22 Code.

23     ~~(h)~~

24     (i) The El Dorado Hills Community Services District and the  
25 Rancho Murieta Community Services District may each acquire,  
26 construct, improve, maintain, and operate television receiving,  
27 translating, or distribution facilities, provide television and  
28 television-related services to the district and its residents, or  
29 authorize the construction and operation of a cable television  
30 system to serve the district and its residents by franchise or license.  
31 In authorizing the construction and operation of a cable television  
32 system by franchise or license, the district shall have the same  
33 powers as a city or county under Section 53066.

34     ~~(i)~~

35     (j) The Mountain House Community Services District may  
36 provide facilities for television and telecommunications systems,  
37 including the installation of wires, cables, conduits, fiber optic  
38 lines, terminal panels, service space, and appurtenances required  
39 to provide television, telecommunication, and data transfer services  
40 to the district and its residents, and provide facilities for a cable

1 television system, including the installation of wires, cables,  
2 conduits, and appurtenances to service the district and its residents  
3 by franchise or license, except that the district may not provide or  
4 install any facilities pursuant to this subdivision unless one or more  
5 cable franchises or licenses have been awarded under Section  
6 53066 and the franchised or licensed cable television and  
7 telecommunications services providers are permitted equal access  
8 to the utility trenches, conduits, service spaces, easements, utility  
9 poles, and rights-of-way in the district necessary to construct their  
10 facilities concurrently with the construction of the district's  
11 facilities. The district shall not have the authority to operate  
12 television, cable, or telecommunications systems, except as  
13 provided in Section 61100. The district shall have the same powers  
14 as a city or county under Section 53066 in granting a franchise or  
15 license for the operation of a cable television system.

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