

ASSEMBLY BILL

No. 2455

Introduced by Assembly Member Williams

February 21, 2014

An act to amend, repeal, and add Section 61040 of, and to add and repeal Section 61040.1 of, the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as introduced, Williams. The Santa Rita Hills Community Services District.

The Community Services District Law specifies the procedures for district formation, procedures for the selection of district governing board members, the powers and duties of the board, and the procedures for changing those powers and duties. Existing law prohibits a person who is not a voter of the district or the proposed district from being a candidate for the board of directors.

This bill would provide that, until January 1, 2035, in addition to persons who are voters in the district, a person who is otherwise qualified to vote and who also owns property in the district may be a candidate for the board of directors of the Santa Rita Hills Community Services District.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Santa Rita Hills Community Services 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 61040 of the Government Code is
2 amended to read:

3 61040. (a) A legislative body of five members known as the
4 board of directors shall govern each district. The board of directors
5 shall establish policies for the operation of the district. The board
6 of directors shall provide for the implementation of those policies
7 which is the responsibility of the district’s general manager.

8 (b) ~~No~~ Except as provided in Section 61040.1, no person shall
9 be a candidate for the board of directors unless he or she is a voter
10 of the district or the proposed district. No person shall be a
11 candidate for the board of directors that is elected by divisions or
12 from divisions unless he or she is a voter of that division or
13 proposed division.

14 (c) All members of the board of directors shall exercise their
15 independent judgment on behalf of the interests of the entire
16 district, including the residents, property owners, and the public
17 as a whole in furthering the purposes and intent of this division.
18 Where the members of the board of directors have been elected
19 by divisions or from divisions, they shall represent the interests of
20 the entire district and not solely the interests of the residents and
21 property owners in their divisions.

22 (d) Service on a municipal advisory council established pursuant
23 to Section 31010 or service on an area planning commission
24 established pursuant to Section 65101 shall not be considered an
25 incompatible office with service as a member of a board of
26 directors.

27 (e) A member of the board of directors shall not be the general
28 manager, the district treasurer, or any other compensated employee
29 of the district, except for volunteer firefighters as provided by
30 Section 53227.

31 (f) *This section shall be repealed on January 1, 2035.*

32 SEC. 2. Section 61040 is added to the Government Code, to
33 read:

34 61040. (a) A legislative body of five members known as the
35 board of directors shall govern each district. The board of directors
36 shall establish policies for the operation of the district. The board
37 of directors shall provide for the implementation of those policies
38 which is the responsibility of the district’s general manager.

1 (b) No person shall be a candidate for the board of directors
2 unless he or she is a voter of the district or the proposed district.
3 No person shall be a candidate for the board of directors that is
4 elected by divisions or from divisions unless he or she is a voter
5 of that division or proposed division.

6 (c) All members of the board of directors shall exercise their
7 independent judgment on behalf of the interests of the entire
8 district, including the residents, property owners, and the public
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12 the entire district and not solely the interests of the residents and
13 property owners in their divisions.

14 (d) Service on a municipal advisory council established pursuant
15 to Section 31010 or service on an area planning commission
16 established pursuant to Section 65101 shall not be considered an
17 incompatible office with service as a member of a board of
18 directors.

19 (e) A member of the board of directors shall not be the general
20 manager, the district treasurer, or any other compensated employee
21 of the district, except for volunteer firefighters as provided by
22 Section 53227.

23 (f) This section shall become operative on January 1, 2035.

24 SEC. 3. Section 61040.1 is added to the Government Code, to
25 read:

26 61040.1. (a) No person shall be a candidate for the board of
27 directors of the Santa Rita Hills Community Services District
28 unless he or she is a voter of the district, or is an individual who
29 is otherwise qualified to vote and who owns property in the district.
30 Eligibility shall be determined using the last Santa Barbara County
31 equalized assessment roll preceding the election.

32 (b) This section shall be repealed on January 1, 2035.

33 SEC. 4. The Legislature finds and declares that a special law
34 is necessary and that a general law cannot be made applicable
35 within the meaning of Section 16 of Article IV of the California
36 Constitution because of the unique circumstances that exist in the
37 Santa Rita Hills Community Services District.