

AMENDED IN SENATE JUNE 2, 2014
AMENDED IN ASSEMBLY APRIL 10, 2014
AMENDED IN ASSEMBLY MARCH 10, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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~~ *Sections 61040.1 and 61040.2* of, the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, 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 requires the board of directors of each district to consist of 5 members.

This bill would authorize, until January 1, 2035, the board of directors of the Santa Rita Hills Community Services District to consist of 3 members, as specified. *The bill would also authorize the board, if the number of members is reduced to 3, to adopt a resolution to increase the number of members from 3 to 5, as specified.*

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) Except as provided in Section 61040.1, a legislative
4 body of five members known as the board of directors shall govern
5 each district. The board of directors shall establish policies for the
6 operation of the district. The board of directors shall provide for
7 the implementation of those policies which is the responsibility of
8 the district's general manager.

9 (b) No person shall be a candidate for the board of directors
10 unless he or she is a voter of the district or the proposed district.
11 No person shall be a candidate for the board of directors that is
12 elected by divisions or from divisions unless he or she is a voter
13 of that division or 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

1 shall establish policies for the operation of the district. The board
2 of directors shall provide for the implementation of those policies
3 which is the responsibility of the district's general manager.

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

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

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

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

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

27 SEC. 3. Section 61040.1 is added to the Government Code, to
28 read:

29 61040.1. (a) The board of directors of the Santa Rita Hills
30 Community Services District may consist of three members.

31 (b) (1) Prior to reducing the board of directors to three members
32 pursuant to subdivision (a), the board of directors shall adopt, by
33 a *recorded* majority vote of the entire board of directors, ~~on the~~
34 ~~record~~, a resolution proposing to reduce the number of directors
35 to three members.

36 (2) The district shall hold a public hearing regarding the proposal
37 to reduce the number of directors.

38 (3) Notice of the public hearing shall be given by placing a
39 display advertisement *of* at least one-eighth page in a newspaper
40 of general circulation for three weeks, pursuant to Section 6063,

1 and by United States first-class mail to each landowner voter in
2 the district, postage prepaid, and notice shall be deemed given
3 when deposited in the mail. The envelope or cover of the mailing
4 shall include the name of the local agency and the return address
5 of the sender and the mailed notice shall be in at least 10-point
6 type.

7 (4) The public hearing shall be held at least 45 days after mailing
8 the notice pursuant to paragraph (3).

9 (5) At the hearing the board shall receive and consider any
10 written or oral comments regarding the proposed reduction in the
11 number of directors. After receiving and considering the comments,
12 the board, by a *recorded* majority vote of the entire board of
13 ~~directors, on the record,~~ *directors* shall do one of the following:

14 (A) Disapprove the proposal.

15 (B) Adopt a resolution that orders the reduction in the number
16 of members of the board to three members.

17 (c) A reduction in the number of directors *pursuant* to this
18 section shall not affect the term of office of any director. A director
19 currently holding office as of the effective date of the reduction
20 in the number of members of the board of directors shall continue
21 to be the director until the office becomes vacant by means of term
22 expiration or otherwise.

23 (d) This section shall be repealed on January 1, 2035.

24 *SEC. 4. Section 61040.2 is added to the Government Code, to*
25 *read:*

26 *61040.2. (a) If the number of members of the board of directors*
27 *of the Santa Rita Hills Community Services district is reduced*
28 *pursuant to Section 61040.1, the board may increase the board to*
29 *five members.*

30 *(b) (1) Prior to increasing the board of directors to five*
31 *members pursuant to Section 61040.1, the board of directors shall*
32 *adopt, by a recorded majority vote of the entire board of directors,*
33 *a resolution proposing to increase the number of directors to five*
34 *members.*

35 *(2) The district shall hold a public hearing regarding the*
36 *proposal to increase the number of directors.*

37 *(3) Notice of the public hearing shall be given by placing a*
38 *display advertisement of at least one-eighth page in a newspaper*
39 *of general circulation for three weeks, pursuant to Section 6063,*
40 *and by United States first-class mail to each landowner voter in*

1 *the district, postage prepaid, and notice shall be deemed given*
2 *when deposited in the mail. The envelope or cover of the mailing*
3 *shall include the name of the local agency and the return address*
4 *of the sender and the mailed notice shall be in at least 10-point*
5 *type.*

6 *(4) The public hearing shall be held at least 45 days after*
7 *mailing the notice pursuant to paragraph (3).*

8 *(5) At the hearing the board shall receive and consider any*
9 *written or oral comments regarding the proposed increase in the*
10 *number of directors. After receiving and considering the comments,*
11 *the board, by a recorded majority vote of the entire board of*
12 *directors shall do one of the following:*

13 *(A) Disapprove the proposal.*

14 *(B) Adopt a resolution that orders the increase in the number*
15 *of members of the board to five members.*

16 *(c) If the board adopts a resolution to increase the number of*
17 *directors pursuant to this section, it shall not subsequently reduce*
18 *the number of directors pursuant to Section 61040.1.*

19 *(d) This section shall be repealed on January 1, 2035.*

20 ~~SEC. 4.~~

21 *SEC. 5.* The Legislature finds and declares that a special law
22 is necessary and that a general law cannot be made applicable
23 within the meaning of Section 16 of Article IV of the California
24 Constitution because of the unique circumstances that exist with
25 respect to the composition of the board of directors of the Santa
26 Rita Hills Community Services District.