

Senate Bill No. 128

Passed the Senate May 20, 2013

Secretary of the Senate

Passed the Assembly August 22, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to community facilities districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, Emmerson. Community facilities districts: transfer of governance authority.

Existing law, the Mello-Roos Community Facilities Act of 1982, authorizes a local agency, as defined, to initiate proceedings to establish a community facilities district for purposes of financing certain public capital facilities and services, especially in developing areas and areas undergoing rehabilitation. Existing law authorizes the authority for the governance of one or more community facilities districts to be transferred from the jurisdiction of a county to the jurisdiction of a city upon written agreement entered into between the governing boards of the county and the city and satisfaction of certain conditions.

This bill would authorize the Hemet Unified School District Community Facilities District No. 2005-1 to be transferred from the jurisdiction of the Hemet Unified School District to the Temecula Valley Unified School District upon written agreement entered into between the governing boards of those school districts, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for Hemet Unified School District Community Facilities District No. 2005-1.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The French Valley community, located in unincorporated Riverside County, is located in close proximity to the schools of the Temecula Valley Unified School District. However, due to current school district boundary lines, French Valley students are

required to travel long distances by bus to attend schools of the Hemet Unified School District.

(b) In 2009, with the support of both the Hemet Unified School District and the Temecula Valley Unified School District, proceedings were initiated with the Riverside County Committee on School District Organization to transfer French Valley from the Hemet Unified School District to the Temecula Valley Unified School District, under the French Valley Reorganization Plan. Approval of the French Valley Reorganization Plan would authorize French Valley students to permanently attend local schools of the Temecula Valley Unified School District.

(c) A portion of the French Valley area to be transferred also includes an existing community facilities district, known as the Hemet Unified School District Community Facilities District No. 2005-1, to provide necessary educational and facility financing. To effectuate the French Valley Reorganization Plan, Hemet Unified School District CFD No. 2005-1 must also be transferred from the Hemet Unified School District to the Temecula Valley Unified School District.

(d) Legislative approval is required because the Riverside County Committee of School District Organization lacks the authority to approve the transfer of the governance of the Hemet Unified School District CFD No. 2005-1 from the Hemet Unified School District to the Temecula Valley Unified School District.

(e) French Valley students are currently attending schools of the Temecula Valley Unified School District pursuant to temporary interdistrict transfers, pending final approval of the French Valley Reorganization Plan. Approval of the French Valley Reorganization Plan and transfer of Hemet Unified School District CFD No. 2005-1 from the Hemet Unified School District to the Temecula Valley Unified School District will provide comfort to these children and their families in that they may continue to attend their neighborhood school on a permanent basis.

(f) It is necessary and desirable that a process be established under which the governance of Hemet Unified School District CFD No. 2005-1 may be transferred from the governing board of the Hemet Unified School District to the governing board of the Temecula Valley Unified School District.

SEC. 2. Notwithstanding any other law, the jurisdiction of the Hemet Unified School District Community Facilities District No.

2005-1, may be transferred from the Hemet Unified School District to the Temecula Valley Unified School District upon written agreement entered into between the governing boards of those school districts. Except as otherwise may be provided in the written agreement, upon the effective date of the transfer of jurisdiction pursuant to the written agreement all of the following shall apply:

(a) The legislative body empowered pursuant to Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code to exercise authority over Hemet Unified School District CFD No. 2005-1 shall be the governing board of the Temecula Valley Unified School District.

(b) The Hemet Unified School District shall not bear any liability for any action taken with regard to Hemet Unified School District CFD No. 2005-1 on or after the effective date of the transfer of jurisdiction.

(c) The Temecula Valley Unified School District shall not bear any liability for any action taken with regard to Hemet Unified School District CFD No. 2005-1 before the effective date of the transfer of jurisdiction.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances related to the transfer of territory from the Hemet Unified School District to the Temecula Valley Unified School District.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Completion of the transfer of territory from the Hemet Unified School District to the Temecula Valley Unified School District before the start of the 2013–14 school year will avoid disruptions associated with mid-year transfers.

Approved _____, 2013

Governor