

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 184

Introduced by Committee on Governance and Finance (Senators Wolk (Chair), Beall, DeSaulnier, Emmerson, Hernandez, Knight, and Liu)

February 6, 2013

An act to amend Sections *12419.8, 12419.10, 41802, 41803, 41805, 53243.4, 53395.1, 53395.2, 53395.10, 53395.13, 53395.14, 53395.17, 53395.85, 53396, 53890, 66442.5, and 66449* of the Government Code, to amend Section 9002 of the Health and Safety Code, ~~and~~ to amend Section 32556 of, *and to repeal Sections 9973, 9974, 9975, 9976, 9977, and 9978 of*, the Public Resources Code, *and to amend Section 36622 of the Streets and Highways Code*, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 184, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law, the Public Cemetery District Law, defines the term "family member" for purposes of that law to include, among others, a person's spouse.

This bill would additionally include within the definition of "family member" a person's domestic partner, and would define the term "domestic partner," as specified.

(2) Existing law requires specified employment contracts between a local agency and an officer or employee to include a provision that would fully reimburse the local agency for that officer's or employee's salary if that officer or employee is convicted of a crime involving an abuse of his or her office or position. Existing law, for purposes of these provisions, defines the term "abuse of office or position" to include,

among other things, a crime against public justice, including bribery of a *an* executive or judicial officer of the state.

This bill would revise the definition of “abuse of office or position” to include bribery of a Member of the Legislature.

(3) Existing law, the Subdivision Map Act, requires the city engineer or county surveyor, as appropriate, to sign an approved final or parcel map and indicate his or her registration number and stamp the map with his or her seal.

This bill would additionally require the city engineer or county surveyor to provide that date on which he or she signed the final or parcel map, and to include his or her seal.

(4) Existing law, the Baldwin Hills Conservancy Act, requires the board of the Baldwin Hills Conservancy to consist of 13 voting members, including, among others, the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located.

This bill would instead require one of the 13 voting members to include the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located, or his or her designee.

(5) Existing law allows the Controller, either in his or her discretion or upon local request, to offset or deduct certain amounts due from a person or entity to a city or county against certain state claims. Existing law also requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or from winnings in the California State Lottery.

This bill would expand these provisions to apply to amounts due to special districts, in addition to amounts due to cities and counties.

(6) Existing law requires the Ventura County Resource Conservation District to meet specified criteria, including criteria related to its subdivisions, boundaries, elections, and board of directors.

This bill would remove these provisions.

(7) The Property and Business Improvement District Law of 1994 requires, prior to the establishment of a property and business improvement district pursuant to the act, that the proponents of the district submit to the city council a management district plan. A

management district plan may provide that a class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

This bill would remove this provision.

(8) This bill would also make technical, nonsubstantive, and conforming changes to provisions relating to local government.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 SECTION 1. (a) This act shall be known, and may be cited,
2 as the Local Government Omnibus Act of 2013.

3 (b) The Legislature finds and declares that Californians want
4 their governments to be run efficiently and economically and that
5 public officials should avoid waste and duplication whenever
6 possible. The Legislature further finds and declares that it desires
7 to control its own costs by reducing the number of separate bills.
8 Therefore, it is the intent of the Legislature in enacting this act to
9 combine several minor, noncontroversial statutory changes relating
10 to the common theme, purpose, and subject of local government
11 into a single measure.

12 SEC. 2. Section 12419.8 of the Government Code is amended
13 to read:

14 12419.8. (a) The Controller may, in his or her discretion, offset
15 any amount due a ~~city or county~~ city, county, or special district
16 from a person or entity pursuant to paragraph (1), (2), or (4) of
17 subdivision (c), and shall, at the request of the ~~city or county~~, city,
18 county, or special district, offset any amount due a ~~city or county~~
19 city, county, or special district from a person or entity pursuant to
20 paragraph (3) of subdivision (c), against any amount owing the
21 person or entity by a state agency on a claim for a refund from the
22 Franchise Tax Board under the Personal Income Tax Law or the
23 Bank and Corporation Tax Law, a claim for refund from the State
24 Board of Equalization under the Sales and Use Tax Law, from
25 winnings in the California State Lottery, or a claim filed by the
26 owner, as described in subdivision (d) of Section 1540 of the Code
27 of Civil Procedure, for payment of money from unclaimed property
28 held by the state. Standards and procedures for submission of

1 requests for offsets shall be as prescribed by the Controller.
2 Whenever insufficient funds are available to satisfy an offset
3 request, the Controller, after first applying the amounts available
4 to any amount due a state agency, may allocate the balance among
5 any other requests for offset.

6 (b) The Controller shall deduct and retain from any amount
7 offset in favor of a ~~city or county~~ *city, county, or special district*
8 an amount sufficient to reimburse the Controller, the Franchise
9 Tax Board, the State Board of Equalization, or the California State
10 Lottery for their administrative costs of processing the offset
11 payment.

12 (c) This section shall apply only to any of the following
13 situations:

14 (1) Where the amount has been reduced to a judgment.

15 (2) Where the amount is contained in an order of a court.

16 (3) Where the amount is from a bench warrant for payment of
17 any fine, penalty, or assessment.

18 (4) Where the amount is delinquent unsecured property taxes
19 on which a certificate lien has been filed for record in the office
20 of the county recorder pursuant to Section 2191.3 of the Revenue
21 and Taxation Code.

22 (d) For purposes of paragraph (4) of subdivision (c):

23 (1) Upon the tax collector's request for taxpayer identification
24 numbers required by the Controller's procedures, the tax collector
25 shall immediately notify the appropriate assessee, by registered or
26 certified mail, that the request has been made for the purpose of
27 intercepting refunds from the state government due the taxpayer,
28 in order to offset the delinquent property tax obligation. The letter
29 shall state that if the assessee does not pay the outstanding tax
30 amount to the tax collector within 20 days, the required taxpayer
31 identification number will be so provided.

32 (2) The tax collector shall not be named in any action that may
33 be brought as a result of compliance with this subdivision.

34 *SEC. 3. Section 12419.10 of the Government Code is amended*
35 *to read:*

36 12419.10. (a) (1) The Controller shall, to the extent feasible,
37 offset any amount overdue and unpaid for a fine, penalty,
38 assessment, bail, vehicle parking penalty, or court-ordered
39 reimbursement for court-related services, from a person or entity,
40 against any amount owing the person or entity by a state agency

1 on a claim for a refund from the Franchise Tax Board under the
2 Personal Income Tax Law or the Bank and Corporation Tax Law,
3 from winnings in the California State Lottery, or a cash payment
4 of a claim for unclaimed property held by the state. Standards and
5 procedures for submission of requests for offsets shall be as
6 prescribed by the Controller. Whenever insufficient funds are
7 available to satisfy an offset request, the Controller, after first
8 applying the amounts available to any amount due a state agency,
9 may allocate the balance among any other requests for offset.

10 (2) Any request for an offset for a vehicle parking penalty shall
11 be submitted within three years of the date the penalty was
12 incurred. This three year maximum term for refund offsets for
13 parking tickets applies to requests submitted to the Controller on
14 or after January 1, 2004.

15 (b) Once an offset request for a vehicle parking penalty is made,
16 a local agency may not accrue additional interest charges, collection
17 charges, penalties, or other charges on or after the date that the
18 offset request is made. Payment of an offset request for a vehicle
19 parking penalty shall be made on the condition that it constitutes
20 full and final payment of that offset.

21 (c) The Controller shall deduct and retain from any amount
22 offset in favor of ~~a city or county~~ *city, county, or special district*
23 an amount sufficient to reimburse the Controller, the Franchise
24 Tax Board, the California State Lottery, and the Department of
25 Motor Vehicles for their administrative costs of processing the
26 offset payment.

27 (d) Notwithstanding Chapter 3.5 (commencing with Section
28 6250) of Division 7 of Title 1, or any other provision of law, the
29 social security number of any person obtained pursuant to Section
30 4150, 4150.2, or 12800 of the Vehicle Code is not a public record
31 and shall only be provided by the Department of Motor Vehicles
32 to an authorized agency for the sole purpose of making an offset
33 pursuant to this section for any unpaid vehicle parking penalty or
34 any unpaid fine, penalty, assessment, or bail of which the
35 Department of Motor Vehicles has been notified pursuant to
36 subdivision (a) of Section 40509 of the Vehicle Code or Section
37 1803 of the Vehicle Code, responding to information requests from
38 the Franchise Tax Board for the purpose of tax administration, and
39 responding to requests for information from an agency, operating
40 pursuant to and carrying out the provisions of ~~Part A~~ *(Aid to*

1 ~~Families with Dependent Children~~), (*Block Grants to States for*
 2 *Temporary Assistance for Needy Families*) or Part D (Child
 3 Support and Establishment of Paternity) of Subchapter IV of
 4 Chapter 7 of Title 42 of the United States Code. As used in this
 5 section, “authorized agency” means the Controller, the Franchise
 6 Tax Board, or the California Lottery Commission.

7 *SEC. 4. Section 41802 of the Government Code is amended to*
 8 *read:*

9 41802. ~~He~~*The city attorney shall frame all ordinances and*
 10 ~~resolutions~~ *an ordinance or resolution* required by the legislative
 11 body.

12 *SEC. 5. Section 41803 of the Government Code is amended to*
 13 *read:*

14 41803. ~~He~~*The city attorney shall perform other legal services*
 15 *required from time to time by the legislative body.*

16 *SEC. 6. Section 41805 of the Government Code is amended to*
 17 *read:*

18 41805. (a) ~~No~~*A city attorney who does not, in fact, exercise*
 19 *prosecutorial responsibilities on behalf of the city or cities by which*
 20 *he or she is employed shall not be precluded from defending or*
 21 *assisting in the defense of, or acting as counsel for, any person*
 22 *accused of any crime except for violation of any ordinance of the*
 23 *city or cities by which he or she is employed, provided that:*

24 (1) ~~The city or cities by which he~~ *the city attorney is employed*
 25 *expressly relieve him the city attorney of any and all prosecutorial*
 26 *responsibilities on its or their behalf; and*

27 (2) *The accused has been informed of and expressly waives any*
 28 *rights created as a result of any potential conflict created by his or*
 29 *her attorney’s position as a city attorney.*

30 (b) *Where the above provisions are met, no partner or associate*
 31 *of a city attorney shall not be prevented from defending or assisting*
 32 *in the defense of, or acting as counsel for, any person accused of*
 33 *any crime except for violations of any ordinance of the city or*
 34 *cities by which his or her partner or associate is employed as a*
 35 *city attorney.*

36 *This section shall not preclude any city from limiting or*
 37 *prohibiting the private practice of any attorney it retains or*
 38 *employs.*

1 ~~SEC. 2.~~

2 *SEC. 7.* Section 53243.4 of the Government Code is amended
3 to read:

4 53243.4. For purposes of this article, “abuse of office or
5 position” means either of the following:

6 (a) An abuse of public authority, including, but not limited to,
7 waste, fraud, and violation of the law under color of authority.

8 (b) A crime against public justice, including, but not limited to,
9 a crime described in Title 5 (commencing with Section 67), Title
10 6 (commencing with Section 85), or Title 7 (commencing with
11 Section 92) of Part 1 of the Penal Code.

12 *SEC. 8. Section 53395.1 of the Government Code is amended*
13 *to read:*

14 53395.1. Unless the context otherwise requires, the definitions
15 contained in this article shall govern the construction of this
16 chapter.

17 (a) “Affected taxing entity” means any governmental taxing
18 agency which levied or had levied on its behalf a property tax on
19 all or a portion of the property located in the proposed district in
20 the fiscal year prior to the designation of the district, but not
21 including any county office of education, school district, or
22 community college district.

23 (b) “City” means ~~a city, a county, city~~ or a city and county.

24 (c) “Debt” means any binding obligation to repay a sum of
25 money, including obligations in the form of bonds, certificates of
26 participation, long-term leases, loans from government agencies,
27 or loans from banks, other financial institutions, private businesses,
28 or individuals.

29 (d) “Designated official” means the city *or county* engineer or
30 other appropriate official designated pursuant to Section 53395.13.

31 (e) (1) “District” means an infrastructure financing district.

32 (2) An infrastructure financing district is a “district” within the
33 meaning of Section 1 of Article XIII A of the California
34 Constitution.

35 (f) “Infrastructure financing district” means a legally constituted
36 governmental entity established pursuant to this chapter for the
37 sole purpose of financing public facilities.

38 (g) “Landowner” or “owner of land” means any person shown
39 as the owner of land on the last equalized assessment roll or
40 otherwise known to be the owner of the land by the legislative

1 body. The legislative body has no obligation to obtain other
2 information as to the ownership of land, and its determination of
3 ownership shall be final and conclusive for the purposes of this
4 chapter. A public agency is not a landowner or owner of land for
5 purposes of this chapter, unless the public agency owns all of the
6 land to be included within the proposed district.

7 (h) “Legislative body” means the city council or board of
8 supervisors.

9 *SEC. 9. Section 53395.2 of the Government Code is amended*
10 *to read:*

11 53395.2. (a) The revenues available pursuant to Article 3
12 (commencing with Section 53396) may be used directly for work
13 allowed pursuant to Section 53395.3, may be accumulated for a
14 period not to exceed five years to provide a fund for that work,
15 may be pledged to pay the principal of, and interest on, bonds
16 issued pursuant to Article 4 (commencing with Section ~~53397~~),
17 ~~53397.1~~), or may be pledged to pay the principal of, and interest
18 on, bonds issued pursuant to the Improvement Bond Act of 1915
19 (Division 10 (commencing with Section 8500) of the Streets and
20 Highways Code) or the Mello-Roos Community Facilities Act of
21 1982 (Chapter 2.5 (commencing with Section 53311)), the proceeds
22 of which have been or will be used entirely for allowable purposes
23 of the district. The revenue of the district may also be advanced
24 for allowable purposes of the district to an Integrated Financing
25 District established pursuant to Chapter 1.5 (commencing with
26 Section 53175), in which case the district may be party to a
27 reimbursement agreement established pursuant to that chapter.
28 The revenues of the district may also be committed to paying for
29 any completed public facility acquired pursuant to Section 53395.3
30 over a period of time, including the payment of a rate of interest
31 not to exceed the bond buyer index rate on the day that the
32 agreement to repay is entered into by the ~~city~~: *city or county*.

33 (b) The legislative body may enter into an agreement with any
34 affected taxing entity providing for the construction of, or
35 assistance in, financing public facilities.

36 *SEC. 10. Section 53395.10 of the Government Code is amended*
37 *to read:*

38 53395.10. A legislative body of a *city or county* may designate
39 one or more proposed infrastructure financing districts pursuant
40 to this chapter. Proceedings for the establishment of a district shall

1 be instituted by the adoption of a resolution of intention to establish
2 the proposed district and shall do all of the following:

3 (a) State that an infrastructure financing district is proposed to
4 be established under the terms of this chapter and describe the
5 boundaries of the proposed district, which may be accomplished
6 by reference to a map on file in the office of the clerk of the city.

7 (b) State the type of public facilities proposed to be financed
8 by the district. The district may only finance public facilities
9 authorized by Section 53395.3.

10 (c) State that incremental property tax revenue from the city *or*
11 *county* and some or all affected taxing entities within the district
12 may be used to finance these public facilities.

13 (d) Fix a time and place for a public hearing on the proposal.

14 *SEC. 11. Section 53395.13 of the Government Code is amended*
15 *to read:*

16 53395.13. After adopting the resolution pursuant to Section
17 53395.10, the legislative body shall designate and direct the city
18 *or county* engineer or other appropriate official to prepare an
19 infrastructure plan pursuant to Section 53395.14.

20 *SEC. 12. Section 53395.14 of the Government Code is amended*
21 *to read:*

22 53395.14. After receipt of a copy of the resolution of intention
23 to establish a district, the official designated pursuant to Section
24 53395.13 shall prepare a proposed infrastructure financing plan.
25 The infrastructure financing plan shall be consistent with the
26 general plan of the city *or county* within which the district is
27 located and shall include all of the following:

28 (a) A map and legal description of the proposed district, which
29 may include all or a portion of the district designated by the
30 legislative body in its resolution of intention.

31 (b) A description of the public facilities required to serve the
32 development proposed in the area of the district including those
33 to be provided by the private sector, those to be provided by
34 governmental entities without assistance under this chapter, those
35 public improvements and facilities to be financed with assistance
36 from the proposed district, and those to be provided jointly. The
37 description shall include the proposed location, timing, and costs
38 of the public improvements and facilities.

1 (c) A finding that the public facilities are of communitywide
2 significance and provide significant benefits to an area larger than
3 the area of the district.

4 (d) A financing section, which shall contain all of the following
5 information:

6 (1) A specification of the maximum portion of the incremental
7 tax revenue of the city *or county* and of each affected taxing entity
8 proposed to be committed to the district for each year during which
9 the district will receive incremental tax revenue. The portion need
10 not be the same for all affected taxing entities. The portion may
11 change over time.

12 (2) A projection of the amount of tax revenues expected to be
13 received by the district in each year during which the district will
14 receive tax revenues, including an estimate of the amount of tax
15 revenues attributable to each affected taxing entity for each year.

16 (3) A plan for financing the public facilities to be assisted by
17 the district, including a detailed description of any intention to
18 incur debt.

19 (4) A limit on the total number of dollars of taxes which may
20 be allocated to the district pursuant to the plan.

21 (5) A date on which the district will cease to exist, by which
22 time all tax allocation to the district will end. The date shall not
23 be more than 30 years from the date on which the ordinance
24 forming the district is adopted pursuant to Section 53395.23.

25 (6) An analysis of the costs to the city *or county* of providing
26 facilities and services to the area of the district while the area is
27 being developed and after the area is developed. The plan shall
28 also include an analysis of the tax, fee, charge, and other revenues
29 expected to be received by the city *or county* as a result of expected
30 development in the area of the district.

31 (7) An analysis of the projected fiscal impact of the district and
32 the associated development upon each affected taxing entity.

33 (8) A plan for financing any potential costs that may be incurred
34 by reimbursing a developer of a project that is both located entirely
35 within the boundaries of that district and qualifies for the Transit
36 Priority Project Program, pursuant to Section 65470, including
37 any permit and affordable housing expenses related to the project.

38 (e) If any dwelling units occupied by persons or families of low
39 or moderate income are proposed to be removed or destroyed in
40 the course of private development or public works construction

1 within the area of the district, a plan providing for replacement of
2 those units and relocation of those persons or families consistent
3 with the requirements of Section 53395.5.

4 *SEC. 13. Section 53395.17 of the Government Code is amended*
5 *to read:*

6 53395.17. The legislative body shall conduct a public hearing
7 prior to adopting the proposed infrastructure financing plan. The
8 public hearing shall be called no sooner than 60 days after the plan
9 has been sent to each affected taxing entity. In addition to the
10 notice given to landowners and affected taxing entities pursuant
11 to Sections 53395.11 and 53395.12, notice of the public hearing
12 shall be given by publication not less than once a week for four
13 successive weeks in a newspaper of general circulation published
14 in the city *or county* in which the proposed district is located. The
15 notice shall state that the district will be used to finance public
16 works, briefly describe the public works, briefly describe the
17 proposed financial arrangements, including the proposed
18 commitment of incremental tax revenue, describe the boundaries
19 of the proposed district and state the day, hour, and place when
20 and where any persons having any objections to the proposed
21 infrastructure financing plan, or the regularity of any of the prior
22 proceedings, may appear before the legislative body and object to
23 the adoption of the proposed plan by the legislative body.

24 *SEC. 14. Section 53395.85 of the Government Code is amended*
25 *to read:*

26 53395.85. If a city *or county* that is a member of the Orangeline
27 Development Authority establishes an infrastructure financing
28 district pursuant to this chapter for the purpose of providing funding
29 for public transit facilities, that city *or county* may provide some
30 or all of this funding to the Orangeline Development Authority
31 for the purposes of furthering public transit facilities within the
32 jurisdiction of the authority, including facilities related to magnetic
33 levitation.

34 *SEC. 15. Section 53396 of the Government Code is amended*
35 *to read:*

36 53396. Any infrastructure financing plan may contain a
37 provision that taxes, if any, levied upon taxable property in the
38 area included within the infrastructure financing district each year
39 by or for the benefit of the State of California, or any affected
40 taxing entity after the effective date of the ordinance adopted

1 pursuant to Section 53395.23 to create the district, shall be divided
2 as follows:

3 (a) That portion of the taxes which would be produced by the
4 rate upon which the tax is levied each year by or for each of the
5 affected taxing entities upon the total sum of the assessed value
6 of the taxable property in the district as shown upon the assessment
7 roll used in connection with the taxation of the property by the
8 affected taxing entity, last equalized prior to the effective date of
9 the ordinance adopted pursuant to Section 53395.23 to create the
10 district, shall be allocated to, and when collected shall be paid to,
11 the respective affected taxing entities as taxes by or for the affected
12 taxing entities on all other property are paid.

13 (b) That portion of the levied taxes each year specified in the
14 adopted infrastructure financing plan for the city *or county* and
15 each affected taxing entity which has agreed to participate pursuant
16 to Section 53395.19 in excess of the amount specified in
17 subdivision (a) shall be allocated to, and when collected shall be
18 paid into a special fund of, the district for all lawful purposes of
19 the district. Unless and until the total assessed valuation of the
20 taxable property in a district exceeds the total assessed value of
21 the taxable property in the district as shown by the last equalized
22 assessment roll referred to in subdivision (a), all of the taxes levied
23 and collected upon the taxable property in the district shall be paid
24 to the respective affected taxing entities. When the district ceases
25 to exist pursuant to the adopted infrastructure financing plan, all
26 moneys thereafter received from taxes upon the taxable property
27 in the district shall be paid to the respective affected taxing entities
28 as taxes on all other property are paid.

29 *SEC. 16. Section 53890 of the Government Code is amended*
30 *to read:*

31 53890. As used in this article, “local agency” means any city,
32 county, *and any district, and any community redevelopment agency*
33 *district* required to furnish financial reports pursuant to Section
34 12463.1 or 12463.3.

35 ~~SEC. 3.~~

36 *SEC. 17. Section 66442.5 of the Government Code is amended*
37 *to read:*

38 66442.5. The following statements shall appear on a final map:

39
40 Engineer’s or Surveyor’s statement:

1 This map was prepared by me or under my direction and is based
 2 upon a field survey in conformance with the requirements of the
 3 Subdivision Map Act and local ordinance at the request of (name
 4 of person authorizing map) on (date). I hereby state that all the
 5 monuments are of the character and occupy the positions indicated
 6 or that they will be set in those positions before (date), and that
 7 the monuments are, or will be, sufficient to enable the survey to
 8 be retraced, and that this final map substantially conforms to the
 9 conditionally approved tentative map.

10
 11 (Signed) _____ (Date Signed) _____
 12 L.S. or R.C.E. No. _____ (Seal)

13
 14 ~~(b)~~Recorder's certificate or statement.

15 Filed this ___ day of ___, 20___, at ___m. in Book ___ of ___, at page
 16 ___, at the request of _____.

17 Signed _____

18 County Recorder

19
 20 ~~SEC. 4.~~

21 *SEC. 18.* Section 66449 of the Government Code is amended
 22 to read:

23 66449. The following statements shall appear on a parcel map:
 24 Engineer's or Surveyor's statement:

25 This map was prepared by me or under my direction (and was
 26 compiled from record data) (and is based upon a field survey) in
 27 conformance with the requirements of the Subdivision Map Act
 28 and local ordinance at the request of (name of person authorizing
 29 map) on (date). I hereby state that this parcel map substantially
 30 conforms to the approved or conditionally approved tentative map,
 31 if any.

32
 33 (Signed) _____ (Date Signed) _____
 34 L.S. or R.C.E. No. _____ (Seal)

35
 36 ~~(b)~~Recorder's certificate or statement.

37 Filed this ___ day of ___, 20___, at ___m. in Book ___ of ___, at page
 38 ___, at the request of _____.

39 Signed _____

40 County Recorder

1 ~~SEC. 5.~~

2 *SEC. 19.* Section 9002 of the Health and Safety Code is
3 amended to read:

4 9002. The definitions in Chapter 1 (commencing with Section
5 7000) of Part 1 of Division 7 apply to this part. Further, as used
6 in this part, the following terms have the following meanings:

7 (a) “Active militia” means the active militia as defined by
8 Section 120 of the Military and Veterans Code.

9 (b) “Armed services” means the armed services as defined by
10 Section 18540 of the Government Code.

11 (c) “Board of trustees” means the legislative body of a district.

12 (d) “District” means a public cemetery district created pursuant
13 to this part or any of its statutory predecessors.

14 (e) “Domestic partner” means two adults who have chosen to
15 share one another’s lives in an intimate and committed relationship
16 of mutual caring, and are qualified and registered with the Secretary
17 of State as domestic partners in accordance with Division 2.5, of
18 the Family Code.

19 (f) “Family member” means any spouse, by marriage or
20 otherwise, domestic partner, child or stepchild, by natural birth or
21 adoption, parent, brother, sister, half-brother, half-sister,
22 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt,
23 uncle, first cousin, or any person denoted by the prefix “grand” or
24 “great,” or the spouse of any of these persons.

25 (g) “Firefighter” means a firefighter as defined by Section
26 1797.182.

27 (h) “Interment right” means the right to use or control the use
28 of a plot, niche, or other space, authorized by this part, for the
29 interment of human remains.

30 (i) “Nonresident” means a person who does not reside within a
31 district or does not pay property taxes on property located in a
32 district.

33 (j) “Peace officer” means a peace officer as defined by Section
34 830 of the Penal Code.

35 (k) “Principal county” means the county having all or the greater
36 portion of the entire assessed value, as shown on the last equalized
37 assessment roll of the county or counties, of all taxable property
38 within a district.

39 (l) “Voter” means a voter as defined by Section 359 of the
40 Elections Code.

1 ~~SEC. 20. Section 9973 of the Public Resources Code is~~
2 ~~repealed.~~

3 ~~9973. The district shall consist of three divisions, conforming~~
4 ~~generally to the major natural resource areas of the county, as~~
5 ~~follows:~~

6 ~~(a) Division 1 (Northern): the Ojai Division, generally~~
7 ~~coextensive with the boundaries of the predecessor Ojai Resource~~
8 ~~Conservation District.~~

9 ~~(b) Division 2 (Central): Santa Clara Valley Division,~~
10 ~~comprising the area generally embracing the Santa Clara River~~
11 ~~Watershed.~~

12 ~~(c) Division 3 (Southern): South Ventura County Division,~~
13 ~~conforming generally with the boundaries of the predecessor South~~
14 ~~Ventura County Resource Conservation District.~~

15 ~~SEC. 21. Section 9974 of the Public Resources Code is~~
16 ~~repealed.~~

17 ~~9974. (a) Within 60 days after the initial organization meeting~~
18 ~~of the board of directors of the district, a description and map of~~
19 ~~the district showing recommended division boundaries thereof~~
20 ~~shall be adopted by the board of directors with a resolution~~
21 ~~petitioning the Board of Supervisors of the County of Ventura to~~
22 ~~review and approve such boundaries.~~

23 ~~(b) Within 30 days after receipt of the petition, the board of~~
24 ~~supervisors shall refer the request to the local agency formation~~
25 ~~commission for recommendations and report.~~

26 ~~(c) Within 30 days after receipt of the request from the board~~
27 ~~of supervisors, the local agency formation commission shall~~
28 ~~conduct a noticed public hearing at which any interested person~~
29 ~~may appear and present testimony relative to the proposed~~
30 ~~boundaries.~~

31 ~~(d) Within 30 days after the hearing, the local agency formation~~
32 ~~commission shall submit its boundary recommendations to the~~
33 ~~board of supervisors.~~

34 ~~(e) Within 30 days after receipt of the commission's boundary~~
35 ~~recommendations, the board of supervisors shall conduct a noticed~~
36 ~~public hearing to consider the recommendations. If the board of~~
37 ~~supervisors approves the boundaries as recommended, it shall~~
38 ~~certify the boundaries by resolution and file a copy with the board~~
39 ~~of directors of the district.~~

1 (f) ~~Once certified by the board of supervisors, boundaries of a~~
2 ~~division may be modified pursuant to the procedures for their initial~~
3 ~~certification, as provided in this chapter.~~

4 *SEC. 22. Section 9975 of the Public Resources Code is*
5 *repealed.*

6 ~~9975. (a) Notwithstanding subdivision (b) of Section 9183 or~~
7 ~~Sections 9241 and 9242, the board of directors of the district shall~~
8 ~~be composed of nine persons initially appointed by the Board of~~
9 ~~Supervisors of the County of Ventura, with three directors~~
10 ~~appointed to represent each division.~~

11 ~~(b) A director shall be an owner of land, or a designated agent~~
12 ~~of an owner of land, within the territory included in the division~~
13 ~~of the district he or she will represent. An agent of a landowner~~
14 ~~shall reside within the territory included in the division of the~~
15 ~~district he or she will represent.~~

16 ~~(c) Notwithstanding any other law, at the first regular meeting~~
17 ~~of the board of directors of the district after January 1, 1989, the~~
18 ~~directors shall classify themselves into two classes. One class shall~~
19 ~~have four members and the other class shall have five members.~~
20 ~~The term of office of those in the class having four members shall~~
21 ~~expire at noon on the last Friday in November 1990. The term of~~
22 ~~office of those in the class having five members shall expire at~~
23 ~~noon on the last Friday in November 1992. The board of directors~~
24 ~~shall arrange the classification so that not more than two directors~~
25 ~~from any division are in one class.~~

26 *SEC. 23. Section 9976 of the Public Resources Code is*
27 *repealed.*

28 ~~9976. Upon the expiration of the terms of office of directors~~
29 ~~pursuant to Section 9975, their successors shall be elected in the~~
30 ~~manner provided in Article 8 (commencing with Section 9351) of~~
31 ~~Chapter 3. Directors shall be nominated by divisions and elected~~
32 ~~at large. After the expiration of a term of office, a director shall~~
33 ~~continue to hold office and serve until his or her successor has~~
34 ~~qualified.~~

35 *SEC. 24. Section 9977 of the Public Resources Code is*
36 *repealed.*

37 ~~9977. At least 125 days prior to the day fixed for the general~~
38 ~~district election, the secretary of the district shall deliver to the~~
39 ~~county elections official a map and description of the boundaries~~
40 ~~of the divisions from which directors shall be nominated. The~~

1 number designated shall equal the number of directors to be elected
2 at that election as determined in accordance with subdivision (d)
3 of Section 9975.

4 *SEC. 25. Section 9978 of the Public Resources Code is*
5 *repealed.*

6 ~~9978. Five directors shall constitute a quorum for the conduct~~
7 ~~of the business of the board of directors of the district.~~

8 ~~SEC. 6.~~

9 *SEC. 26. Section 32556 of the Public Resources Code is*
10 *amended to read:*

11 32556. (a) The board shall consist of 13 voting members and
12 7 nonvoting members.

13 (b) The 13 voting members of the board shall consist of the
14 following:

15 (1) The Secretary of the Resources Agency, or his or her
16 designee.

17 (2) The Director of Parks and Recreation, or his or her designee.

18 (3) The Director of Finance, or his or her designee.

19 (4) The Director of the Los Angeles County Department of
20 Parks, or his or her designee.

21 (5) The member of the Los Angeles County Board of
22 Supervisors within whose district the majority of the Baldwin Hills
23 area is located, or his or her designee.

24 (6) Six members of the public appointed by the Governor who
25 are residents of Los Angeles County and who represent the
26 diversity of the community surrounding the Baldwin Hills area.
27 Of those six members, four members shall be selected as follows:

28 (A) One member shall be a resident of Culver City selected
29 from a list of three persons nominated by the city council.

30 (B) Three members shall be residents of the adjacent
31 communities of Blair Hills, Ladera Heights, Baldwin Hills,
32 Windsor Hills, Inglewood, View Park, or Baldwin Vista.

33 (7) A resident of Los Angeles County appointed by the Speaker
34 of the Assembly, and a resident of Los Angeles County appointed
35 by the Senate Committee on Rules.

36 (c) The seven nonvoting members shall consist of the following:

37 (1) The Secretary of the California Environmental Protection
38 Agency, or his or her designee.

39 (2) The Executive Officer of the State Coastal Conservancy, or
40 his or her designee.

- 1 (3) The Executive Officer of the State Lands Commission, or
- 2 his or her designee.
- 3 (4) An appointee of the Governor with experience in developing
- 4 contaminated sites, commonly referred to as “brownfields.”
- 5 (5) The Executive Director of the Santa Monica Mountains
- 6 Conservancy, or his or her designee.
- 7 (6) The Director of the Culver City Human Services Department,
- 8 or his or her designee.
- 9 (7) The Director of the Department of Conservation, or his or
- 10 her designee.
- 11 (d) A quorum shall consist of seven voting members of the
- 12 board, and any action of the board affecting any matter before the
- 13 board shall be decided by a majority vote of the voting members
- 14 present, a quorum being present. However, the affirmative vote
- 15 of at least four of the voting members of the board shall be required
- 16 for the transaction of any business of the board.
- 17 (e) The board shall do both of the following:
- 18 (1) Study the potential environmental and recreational uses of
- 19 Ballona Creek and the adjacent property described in subdivision
- 20 (a) of Section 32553.
- 21 (2) Develop a proposed map for that area.
- 22 *SEC. 27. Section 36622 of the Streets and Highways Code is*
- 23 *amended to read:*
- 24 36622. The management district plan shall contain all of the
- 25 following:
- 26 (a) If the assessment will be levied on property, a map of the
- 27 district in sufficient detail to locate each parcel of property and, if
- 28 businesses are to be assessed, each business within the district. If
- 29 the assessment will be levied on businesses, a map that identifies
- 30 the district boundaries in sufficient detail to allow a business owner
- 31 to reasonably determine whether a business is located within the
- 32 district boundaries. If the assessment will be levied on property
- 33 and businesses, a map of the district in sufficient detail to locate
- 34 each parcel of property and to allow a business owner to reasonably
- 35 determine whether a business is located within the district
- 36 boundaries.
- 37 (b) The name of the proposed district.
- 38 (c) A description of the boundaries of the district, including the
- 39 boundaries of benefit zones, proposed for establishment or
- 40 extension in a manner sufficient to identify the affected lands and

1 businesses included. The boundaries of a proposed property
2 assessment district shall not overlap with the boundaries of another
3 existing property assessment district created pursuant to this part.
4 This part does not prohibit the boundaries of a district created
5 pursuant to this part to overlap with other assessment districts
6 established pursuant to other provisions of law, including, but not
7 limited to, the Parking and Business Improvement Area Law of
8 1989 (Part 6 (commencing with Section 36500)). This part does
9 not prohibit the boundaries of a business assessment district created
10 pursuant to this part to overlap with another business assessment
11 district created pursuant to this part. This part does not prohibit
12 the boundaries of a business assessment district created pursuant
13 to this part to overlap with a property assessment district created
14 pursuant to this part.

15 (d) The improvements and activities proposed for each year of
16 operation of the district and the maximum cost thereof. If the
17 improvements and activities proposed for each year of operation
18 are the same, a description of the first year's proposed
19 improvements and activities and a statement that the same
20 improvements and activities are proposed for subsequent years
21 shall satisfy the requirements of this subdivision.

22 (e) The total annual amount proposed to be expended for
23 improvements, maintenance and operations, and debt service in
24 each year of operation of the district. If the assessment is levied
25 on businesses, this amount may be estimated based upon the
26 assessment rate. If the total annual amount proposed to be expended
27 in each year of operation of the district is not significantly different,
28 the amount proposed to be expended in the initial year and a
29 statement that a similar amount applies to subsequent years shall
30 satisfy the requirements of this subdivision.

31 (f) The proposed source or sources of financing, including the
32 proposed method and basis of levying the assessment in sufficient
33 detail to allow each property or business owner to calculate the
34 amount of the assessment to be levied against his or her property
35 or business. The plan also shall state whether bonds will be issued
36 to finance improvements.

37 (g) The time and manner of collecting the assessments.

38 (h) The specific number of years in which assessments will be
39 levied. In a new district, the maximum number of years shall be
40 five. Upon renewal, a district shall have a term not to exceed 10

1 years. Notwithstanding these limitations, a district created pursuant
2 to this part to finance capital improvements with bonds may levy
3 assessments until the maximum maturity of the bonds. The
4 management district plan may set forth specific increases in
5 assessments for each year of operation of the district.

6 (i) The proposed time for implementation and completion of
7 the management district plan.

8 (j) Any proposed rules and regulations to be applicable to the
9 district.

10 (k) A list of the properties or businesses to be assessed, including
11 the assessor's parcel numbers for properties to be assessed, and a
12 statement of the method or methods by which the expenses of a
13 district will be imposed upon benefited real property or businesses,
14 in proportion to the benefit received by the property or business,
15 to defray the cost thereof, including operation and maintenance.
16 ~~The plan may provide that all or any class or category of real~~
17 ~~property which is exempt by law from real property taxation may~~
18 ~~nevertheless be included within the boundaries of the district but~~
19 ~~shall not be subject to assessment on real property.~~

20 (l) Any other item or matter required to be incorporated therein
21 by the city council.