

AMENDED IN ASSEMBLY MAY 5, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 948

Introduced by Assembly Member Patterson

February 26, 2015

An act to amend Section 61040 of, and to add Section 61040.3 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 948, as amended, Patterson. Local government: community service districts.

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. Existing law requires the board of directors of the district to consist of 5 people, and requires, among other things, that each member of the board of directors be a voter of the district, as specified.

This bill would authorize a person to serve on the Board of Directors of the Sierra Cedars Community Services District if he or she holds title to land within the district.

This bill would make legislative findings and declarations as to the necessity of a special statute for Sierra Cedars 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, as
2 amended by Section 1 of Chapter 505 of the Statutes of 2014, is
3 amended to read:

4 61040. (a) Except as provided in Section 61040.1, a legislative
5 body of five members known as the board of directors shall govern
6 each district. The board of directors shall establish policies for the
7 operation of the district. The board of directors shall provide for
8 the implementation of those policies which is the responsibility of
9 the district's general manager.

10 (b) Except as provided in Section 61040.3, no person shall be
11 a candidate for the board of directors unless he or she is a voter of
12 the district or the proposed district. No person shall be a candidate
13 for the board of directors that is elected by divisions or from
14 divisions unless he or she is a voter of that division or proposed
15 division.

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

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

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

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

34 SEC. 2. Section 61040 of the Government Code, as added by
35 Section 2 of Chapter 505 of the Statutes of 2014, is amended to
36 read:

37 61040. (a) A legislative body of five members known as the
38 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) Except as provided in Section 61040.3, no person shall be
5 a candidate for the board of directors unless he or she is a voter of
6 the district or the proposed district. No person shall be a candidate
7 for the board of directors that is elected by divisions or from
8 divisions unless he or she is a voter of that division or proposed
9 division.

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

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

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

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

28 SEC. 3. Section 61040.3 is added to the Government Code, to
29 read:

30 61040.3. Notwithstanding subdivision (b) of Section 61040, a
31 person may be a candidate for the board of directors of the Sierra
32 Cedars Community Services District if he or she holds title to land
33 within the district.

34 SEC. 4. The Legislature finds and declares ~~that both of the~~
35 *following*:

36 (a) *That* a special law is necessary and that a general law cannot
37 be made applicable within the meaning of Section 16 of Article
38 IV of the California Constitution because of the unique
39 circumstances relating to the types of residences within the Sierra
40 Community Services District.

- 1 *(b) That this act does not prohibit a registered voter within the*
- 2 *Sierra Cedars Community Services District from being a qualified*
- 3 *candidate for the board of that district, regardless of whether he*
- 4 *or she owns property within the district.*

O