AMENDED IN ASSEMBLY JUNE 17, 2009

AMENDED IN ASSEMBLY JUNE 3, 2009

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL No. 113

Introduced by Committee on Local Government (Senators Wiggins (Chair), Aanestad, Cox, Kehoe, and Wolk)

January 29, 2009

An act to amend Sections 6301.1, 6305, 6307, 6321, 6326, 6342, 6345, 6346, 6346.5, 6347, 6348, 6348.3, 6348.4, 6348.5, 6348.6, 6349, and 6350 of, and to repeal Section 6364 of, the Business and Professions Code, to amend Section 15303 of the Education Code, to amend Sections 7902.7, 23232, 24011, 25210.2, 25332, 25502.3, 25502.5, 29000, 29001, 29002, 29005, 29006, 29007, 29008, 29009, 29040, 29042, 29043, 29044, 29045, 29060, 29061, 29062, 29063, 29064, 29065, 29081, 29082, 29083, 29084, 29085, 29086, 29088, 29089, 29090, 29092, 29093, 29100, 29100.6, 29109, 29120, 29121, 29122, 29124, 29125, 29126.1, 29126.2, 29127, 29128, 29130, 29141, 29142, 30200, 36516, 53601.6, 53601.8, 53646, 53961, 61002, 61061, 66412, 66434, 66439, 66445, and 66447 of, to amend the headings of Article 2 (commencing with Section 29040) of Chapter 1 of Division 3 of Title 3, Article 3 (commencing with Section 29060) of Chapter 1 of Division 3 of Title 3, and Article 4 (commencing with Section 29080) of Chapter 1 of Division 3 of Title 3 of, to repeal Sections 29004, 29065.5, 29066, 29088.1, 29091, 29129, and 29140 of, to repeal Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3, Article 13 (commencing with Section 29560) of Chapter 2 of Division 3 of Title 3, and Chapter 6 (commencing with Section 60000) of Division 1 of Title ~~5~~ *6* of, and to repeal and add Sections 29003 and 29080 of, the Government Code, to amend Sections 9002, 9066, 9067, 9074, 9078, 40100.5, 101350, and 103505 of, to add Section 103501 to, and to repeal Section 103500 of, the Health and Safety Code, to amend Sections 1121 and 1262 of the Military and Veterans Code, to amend Sections 20601 and 20602 of, and to add Section 20615 to, the Public Contract Code, to amend Sections 2621.7 and 13041 of the Public Resources Code, to amend Section 11938 of the Public Utilities Code, to amend Section 99 of the Revenue and Taxation Code, to amend Sections 1550, 1550.1, 1552, and 5100 of, to repeal Sections 1551, 1553, and 1554 of, and to repeal and add Section 1550.2 of, the Streets and Highways Code, to amend Sections 376, 40355, 55336, 55371, 55371.5, 55372, and 55373 of the Water Code, and to amend Sections 4.1, ~~4.2,~~ 5.1, 5.2, 5.3, 5.5, 5.6, 5.7, and 5.20 of, to amend and renumber Section ~~8.12~~ *8.2* of, to add Section 6.2 to, and to repeal Sections 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, and 8.1 of, the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 113, as amended, Committee on Local Government. Local Government Omnibus Act of 2009.

(1) Existing law establishes a system of county law libraries and regulates their operation and governance, including, among other things, the amount a county law library is authorized to maintain in its revolving fund.

This bill would make various revisions to the provisions governing county law libraries.

(2) Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees to the law library fund in each county in specified amounts.

This bill would increase the amount of the superior court filing fees for distribution to law libraries in specified counties.

(3) Existing law authorizes the formation of a school facilities improvement district in a county, if the board of supervisors adopts a resolution authorizing the establishment of the district.

This bill would specify that the resolution of the board of supervisors may authorize a school facilities improvement district to be operative in the county generally, or to one or more school districts or community college districts within the county.

(4) Under existing law, 12 counties are authorized to convert the public administrator's office from an elected to an appointed position

by ordinance and without voter approval, 7 counties are authorized to appoint the same person as the public administrator and the public guardian, and 8 counties are authorized to separate the consolidated office of district attorney and public administrator.

This bill would also authorize Amador County to utilize these provisions.

(5) Existing law authorizes the boards of supervisors of certain counties to enter into contracts with private enterprise to provide services that require special experience, education, and training that the county possesses, as specified.

This bill would extend that authorization to the Board of Supervisors of Sonoma County.

(6) Existing law authorizes the board of supervisors of counties to authorize the purchasing agent to engage independent contractors to perform services for the county or county officers, when the aggregate cost does not exceed $50,000 for counties with a population of less than 200,000 and $100,000 for counties with a population of 200,000 or more, as specified.

This bill would authorize the purchasing agent to engage independent contractors to perform services for the county or county officer, when the annual aggregate cost does not exceed $50,000 for counties with a population of less than 200,000 and $100,000 for counties with a population of 200,000 or more.

(7) Existing law specifies the procedures a county must follow when adopting an annual budget.

This bill would implement the County Budget Act, which would clarify the definition of the terms administrative officer, auditor, board, and controller, and would define the terms adopted budget, budget year, final budget, and recommended budget, and would make conforming changes throughout. The bill would also repeal obsolete provisions and make other conforming changes.

(8) Existing law requires the board of supervisors of each county to establish a property tax reduction fund to receive all new revenues from sources other than property tax to reduce the property tax rate, as specified.

This bill would repeal these provisions.

(9) Existing law authorizes Sonoma County to adopt a retail ~~transaction~~ *transactions* and use tax ordinance applicable in the incorporated and unincorporated territory of a county, as specified.

This bill would repeal this authorization.

(10) Existing law requires the Controller to proscribe, and publish uniform accounting procedures for counties that conform to generally accepted accounting principals, as specified.

This bill would instead require the Controller to proscribe and publish uniform accounting procedures for counties that conform to the Generally Accepted Accounting Principles.

(11) Existing law specifies the procedures for setting the compensation of city council members and establishes a compensation schedule based on city population.

This bill would raise the maximum compensation of city council members established in the compensation schedule and authorize city councils to raise the salary of council members under specified circumstances.

(12) Existing law authorizes a local agency to invest a portion of its surplus funds in certificates of deposit at a commercial bank, savings bank, savings and loan association, or credit union that uses a private sector entity that assists in the placement of certificates of deposit, as specified.

This bill would correct an incorrect cross reference in these provisions.

(13) Existing law requires each city, county, or city and county investor of public funds to provide a statement of investment policy to the California Debt and Investment Advisory Commission, as specified.

This bill would repeal this requirement.

(14) Existing law authorizes the board of directors of a community services district, by resolution, to change the name of the community services district, as specified, and requires the board to file a copy of its resolution with the Secretary of State, the county clerk, the board of supervisors, and the local agency formation commission.

This bill would also require the board of directors to file the resolution with the State Board of Equalization and the county auditor.

(15) Existing law authorizes a city to form any portion of the city into a special municipal tax district for the purpose of levying upon the taxable property in the district a special tax not to exceed $1 a year on each $100 of assessed valuation, as specified.

This bill would repeal this authorization.

(16) The Subdivision Map Act establishes standards and procedures for subdivision of land in the state by prohibiting the selling, leasing, or financing of any parcel of real property without compliance with the map review, approval, and recordation requirements of the act.

The act exempts from its provisions, among other things, a lot line adjustment between 4 or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency or advisory agency.

This bill would require a local agency or advisory agency to act to approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act.

The bill would also exempt the leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land in conjunction with a biogas project, as specified.

(17) The Subdivision Map Act requires that final maps and parcel maps be prepared by or under the direction of a registered civil engineer or licensed land surveyor and conform to all specified provisions, including that the exterior boundary of the land included within the subdivision be indicated by distinctive symbols and clearly so designated.

This bill would require that the exterior boundary of the land included within the subdivision not include a parcel that has been designated as a remainder of the subdivision or has been omitted from the subdivision and would require the designated remainder or omitted parcel to be labeled as a designated remainder parcel or omitted parcel.

(18) The Subdivision Map Act requires that dedications of, or offers to dedicate interests in, real property for specified public purposes be made by a statement on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided.

This bill would require, if a subdivider is required under the act or any other provision of law to make a dedication for specified public purposes on a final map, that the local agency specify whether the dedication is to be in fee for public purposes or an easement for public purposes. The bill would require the subdivider to include certain language in the dedication clause on the final map or any separate instrument.

(19) Existing law authorizes a county board of supervisors to levy a special sanitary tax to prevent the introduction of, and to eradicate dangerous, infectious, or communicable diseases, and for general sanitation purposes, as specified.

This bill would revise these provisions to conform with Article XIII A of the Constitution.

(20) Existing law authorizes a county board of supervisors to levy a special tax to provide and maintain a home for veteran soldiers, sailors, and marines who have served the United States honorably in any of its wars, as specified.

This bill would revise these provisions to conform with Article XIII A of the Constitution.

(21) Existing law authorizes a county board of supervisors to levy a special tax to provide, maintain, or provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of one or more veterans' associations, as specified.

This bill would revise these provisions to conform with Article XIII A of the Constitution.

(22) Existing law defines various terms, for purposes of the Public Cemetery *District* Law.

This bill would define "interment right," for purposes of that act, to mean the right to use or control the use of a plot, niche, or other space for the interment of human remains.

(23) Existing law authorizes the governing board of a public cemetery district to establish a revolving fund, in an amount not to exceed 110% of $\frac{1}{12}$ of the district's adopted budget for the fiscal year.

This bill would instead authorize a public cemetery district to establish a revolving fund, not to exceed either $1,000, if the purpose of the revolving fund is to make change and pay small bills directly, or 110% of $\frac{1}{12}$ of the district's budget for the current fiscal year if the purpose of the revolving fund is to pay any authorized expenditures of the district.

(24) The Public Cemetery *District* Law authorizes a public cemetery district to accept any grants, goods, money, property, revenue, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district. Existing law also authorizes a public cemetery district to borrow money and incur indebtedness, as specified.

This bill would require the district to pay all money received or collected into a separate fund in the county treasury on or before the 10th day of the month following the month in which the district received or collected the money.

~~(26)~~

~~(25) The Public Cemetary Law authorizes cemetery districts to collect a payment for each interment and deposit those funds into an endowment care fund, which are generally deposited in the county treasury.~~

~~This bill would authorize a cemetery district's board of trustees to withdraw the principal and income of an endowment care fund from the county treasury and invest those funds into prime quality securities and obligations, certificates of deposit, or other interest bearing bank accounts of any state or federally chartered bank insured by the Federal Deposit Insurance Corporation.~~

(25) Existing law requires the governing board of each air pollution control district to include one or more members who are mayors, city council members, or both, to be selected by the city selection committee or by the city in districts where the county and cities have agreed that each city shall be represented on the governing board, and one or more members who are county supervisors, to be selected by the county, as specified.

This bill would authorize the city selection committee or the city to also select a mayor or another city council member as an alternate to serve and vote in place of a member who is absent or disqualified from participating, as specified.

~~(27)~~

(26) Existing law authorizes a county recorder, in the last county of permanent residence of one or both parents of a child, to record a certificate of birth or of birth data issued by an agency of the government of the United States to authenticate a birth of a child to a United States citizen outside of the United States, as specified, and to record a certificate of death or death data issued by an agency of the government of the United States to authenticate the death of a United States citizen outside the United States, as specified.

This bill would repeal that provision and instead require a county recorder to issue a certified copy of a foreign birth or death recorded in the office of the county recorder only as an official record of the county recorder, and not as a certified copy of a vital record, as specified. This bill would prohibit a certificate of birth or death outside of the United States from being recorded by the recorder, except as specified.

~~(28)~~

(27) Existing law requires the governing bodies of county waterworks districts to use public bidding procedures for waterworks service contracts.

This bill would clarify that county waterworks districts are required to follow public bidding procedures when awarding contracts for public works, but are allowed to let service contracts in the same manner as counties and other public agencies.

~~(29)~~

(28) Under the Alquist-Priolo Earthquake Fault Zoning Act, prior to approving a project within an earthquake fault zone, a city or county is directed to require the preparation of a geologic report, subject to certain exceptions.

This bill would specifically exempt from this requirement projects relating to structures owned and operated by the state entities and agencies listed on the California Register of Historical Resources or the National Register of Historic Places, including the California Memorial Stadium, if the state agency or entity submits a plan of proposed alterations to the State Geologist.

~~(30)~~

(29) Existing law requires a municipal utility district's general manager to publish its annual financial report in a general circulation newspaper.

This bill would authorize a municipal utility district to instead publish a summary of its annual financial report.

~~(31)~~

(30) The Resort Improvement District Law authorizes a district board to provide each director compensation of not more than $25 and reimbursement for travel expenses actually incurred by the director not to exceed $0.15 per mile for each meeting of the board, not to exceed two meetings in any calendar month.

This bill would instead authorize compensation of not more than $25 for each meeting of the board, not to exceed two meetings in any calendar month, plus reimbursement for actual and necessary expenses incurred in the performance of duties pertaining to the board. The bill would also require any compensation provided to comply with the guidelines for providing compensation of legislative body members for attendance at specified meetings, and would require ethics training.

~~(32)~~

(31) Existing law requires a city to enter into a property tax exchange agreement with the county in which it is located before it may annex territory. Until January 1, 2010, existing law requires a city and county that are unable to reach a property tax exchange agreement to participate in a 3-step alternative dispute resolution process.

This bill would extend this alternative dispute resolution requirement to January 1, 2015.

~~(33)~~

(32) Existing law authorizes a county board of supervisors to form special road maintenance districts, and to estimate annually, the amount of property tax for highway purposes in each road district, and fix the amount of, and levy, the property tax in each special road district for highway purposes, not to exceed $0.40 on every $100 of assessable property in the district in any year.

This bill would revise these provisions to conform with Articles XIII A and XIII C of the Constitution.

~~(34)~~

(33) Under existing law, all streets, places, public ways, property, rights-of-way, tidelands, submerged lands owned by any city, open or dedicated to public use, any property for which an order for possession prior to judgment has been obtained, all tidelands or submerged lands to which the right, title, and interest of the state have been granted to any city, and all tidelands or submerged lands which have been leased by the state to any city for the construction of improvements are open public streets, places, public ways, or property or rights-of-way owned by the city, for the purposes of the Improvement Act of 1911.

This bill would include among those open public streets, places, public ways, or property or rights-of-way owned by the city, all tidelands or submerged lands for which a permit, license, or easement has been issued by the United States Army Corps of Engineers, as specified.

~~(35)~~

(34) Existing law authorizes any public entity that supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity, to adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity, as specified. Existing law requires any adopted ordinance or resolution to be published or posted, as specified.

This bill would authorize the public entity to publish a summary of the proposed and adopted ordinance, resolution, or amendment to an existing ordinance or resolution, with a certified copy of the full text of the ordinance, resolution, or amendment to an existing ordinance or resolution available at the office of the governing body, or to display an advertisement of the meeting at which the governing board will consider the proposed or adopted ordinance, resolution, or amendment to an existing ordinance or resolution, in a newspaper of general circulation in the county, as specified.

~~(36)~~

(35) The California Water Storage District Law authorizes directors to receive compensation of $100 per day, not to exceed 6 days a month, $0.10 per mile for each mile traveled from the board member's place of residence to the office of the board, and actual and necessary expenses while engaged in official business under the order of the board.

This bill would instead authorize directors to receive compensation of not more than $100 per day, not to exceed 6 days a month, and actual and necessary expenses while engaged in official business under the order of the board.

~~(37)~~

(36) Under existing law, a waterworks district is empowered to sell surplus water outside of the district with the approval of the governing body of the local agency formation commission.

This bill would authorize a waterworks district to sell any water outside of the district if its governing body finds that the water is needed for public health, public safety, or emergency purposes, as defined.

~~(38)~~

(37) Existing law authorizes a waterworks district to sell or lease surplus property without public notice when the value of the property is $100 or less, or when it is sold to another county waterworks district governed by the same board.

This bill would expand a waterworks district's authority to sell, lease, or exchange property, or an interest in property, without notice when the property is valued at $5,000 or less, or is sold to another public agency with a service area or jurisdictional boundary that overlaps with the district.

~~(39)~~

(38) The North Delta Water Agency Act creates the North Delta Water Agency, defines the powers and duties of the agency, prescribes the boundaries of the agency, and specifies the mode of assessment to finance the agency. Existing law also prescribes the method for dissolving the agency.

This bill would make various revisions to the provisions relating to collecting assessments, levying special benefit assessments, and the agency's dissolution.~~ The bill would also revise the agency's general powers.~~

(39) This bill would incorporate additional changes to Section 66412 of the Government Code, proposed by SB 251, to be operative only if SB 251 and this bill are all enacted, both bills amend Section 66412 of the Government Code, and this bill is enacted after SB 251.

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

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

SECTION 1. (a) This act shall be known and may be cited as the Local Government Omnibus Act of 2009.

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

SEC. 1.1. Section 6301.1 of the Business and Professions Code is amended to read:

6301.1. Notwithstanding Section 6301, in San Diego County the board of law library trustees shall be constituted, as follows:

(a) Up to five judges of the superior court, to be elected by and from the superior court judges of the county. Each superior court judge so elected shall serve a three-year term. In order to maintain overlapping terms, those judges holding office as of the date of unification of the municipal and superior courts of San Diego County shall remain in office until the expiration of their original terms.

(b) The board of supervisors shall appoint up to four attorneys resident in the county to the board of law library trustees, to serve overlapping three-year terms. In order to stagger the appointments, the board of supervisors shall, in January of 1997, appoint one attorney to a one-year term, one attorney to a two-year term, and one attorney to a three-year term; and as each term expires, the new appointee shall thereafter serve three-year terms. At least one attorney appointed pursuant to this subdivision shall be a member of the San Diego County Bar Association.

(c) In the event a trustee cannot serve a full term, the appointing authority for that individual shall appoint another qualified person to complete that term. Interim appointments may be made by the board of law library trustees in accordance with Section 6305.

SEC. 1.2. Section 6305 of the Business and Professions Code is amended to read:

6305. A board of law library trustees may remove any trustee, except an ex officio trustee, who is absent from three consecutive meetings of the board, and may fill all vacancies that from any cause occur in the board.

SEC. 1.3. Section 6307 of the Business and Professions Code is amended to read:

6307. Each board shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and shall keep a record and full minutes in writing, with the ayes and noes at length, of all proceedings of the board.

Under the secretary's hand, the proceedings may be verified by an official seal adopted and provided by the board for that purpose.

SEC. 1.4. Section 6321 of the Business and Professions Code is amended to read:

6321. (a) On and after January 1, 2006, as described in Section 68085.1 of the Government Code, the Administrative Office of the Courts shall make monthly distributions from superior court filing fees to the law library fund in each county in the amounts described in this section and Section 6322.1. From each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670 of the Government Code, each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658 of the Government Code, Section 103470 of the Health and Safety Code, or Section 7660 of the Probate Code, each filing fee for a small claim or limited civil case appeal as provided under Section 116.760 of the Code of Civil Procedure or Section 70621 of the Government Code, and each vehicle forfeiture petition fee as provided under subdivision (e) of Section 14607.6 of the Vehicle Code, that is collected in each of the following counties, the amount indicated in this subdivision shall be paid to the law library fund in that county:

Jurisdiction	Amount

Alameda	$37.00
Alpine	4.00
Amador	20.00
Butte	35.00
Calaveras	32.00
Colusa	17.00
Contra Costa	35.00
Del Norte	20.00
El Dorado	29.00
Fresno	37.00
Glenn	20.00
Humboldt	40.00
Imperial	20.00
Inyo	29.00
Kern	27.00
Kings	29.00
Lake	23.00
Lassen	28.00
Los Angeles	24.00
Madera	32.00
Marin	32.00
Mariposa	27.00
Mendocino	35.00
Merced	29.00
Modoc	20.00
Mono	20.00
Monterey	31.00
Napa	23.00
Nevada	29.00
Orange	35.00
Placer	35.00
Plumas	23.00
Riverside	32.00
Sacramento	50.00
San Benito	26.00
San Bernardino	29.00
San Diego	38.00
San Francisco	42.00
San Joaquin	29.00
San Luis Obispo	34.00

San Mateo	38.50
Santa Barbara	41.00
Santa Clara	26.00
Santa Cruz	35.00
Shasta	26.00
Sierra	20.00
Siskiyou	26.00
Solano	29.00
Sonoma	35.00
Stanislaus	24.00
Sutter	7.00
Tehama	23.00
Trinity	20.00
Tulare	35.00
Tuolumne	20.00
Ventura	32.00
Yolo	35.00
Yuba	10.00

(b) If a board of supervisors in any county acted before January 1, 2006, to increase the law library fee in that county effective January 1, 2006, the amount distributed to the law library fund in that county under subdivision (a) shall be increased by the amount that the board of supervisors acted to increase the fee, up to three dollars ($3). Notwithstanding subdivision (b) of Section 6322.1, as it read on January 1, 2005, the maximum increase permitted under this subdivision in Los Angeles County is three dollars ($3), rather than two dollars ($2).

(c) The amounts of twenty-three dollars ($23) for Inyo County, twenty-nine dollars ($29) for Mendocino County, twenty-three dollars ($23) for Plumas County, and twenty-three dollars ($23) for San Benito County listed in subdivision (a) shall apply to distributions made under subdivision (a) beginning January 1, 2006.

SEC. 1.5. Section 6326 of the Business and Professions Code is amended to read:

6326. A revolving fund of not more than fifty thousand dollars ($50,000) may be established from money in the law library fund, by resolution of the board of law library trustees, for expenditures of not exceeding ten thousand dollars ($10,000) each for purposes for which the law library fund may lawfully be expended. The board shall prescribe the procedure by which money may be drawn from the revolving fund, the records to be kept, and the manner in which reimbursements shall be made to the revolving fund by demand and order from the law library fund. All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding ten thousand dollars ($10,000) each by check on the signature of the secretary or any other person or persons designated by the board.

SEC. 1.6. Section 6342 of the Business and Professions Code is amended to read:

6342. A board of law library trustees may order the drawing and payment, upon properly authenticated vouchers, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally do all that may be necessary to carry into effect the provisions of this chapter.

SEC. 1.7. Section 6345 of the Business and Professions Code is amended to read:

6345. A board may appoint a law librarian and define the powers and prescribe the duties of any law library employees, determine the number, and elect all necessary subordinate law librarians and law library employees, and at its pleasure remove any law librarian or law library employees.

For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a board may authorize payment of all or a part of the reasonable travel expense of applicants who are called for interview and all or part of the reasonable travel and moving expense of persons who change their place of residence to accept employment with the law library.

SEC. 1.8. Section 6346 of the Business and Professions Code is amended to read:

6346. A board shall fix the salaries of the law librarian and law library employees, and may require a bond of any law librarian or law library employee, in such sum as it may fix. The premium on a bond given by an authorized surety company may be paid from the law library fund.

SEC. 1.9. Section 6346.5 of the Business and Professions Code is amended to read:

6346.5. A board of law library trustees may contract with the California Public Employees' Retirement System, to make all or any of the employees of the law library members of the system.

SEC. 1.10. Section 6347 of the Business and Professions Code is amended to read:

6347. A board may contract with any other law library board, law library association, superior court, or legal-related entity, including a self-help group or other organization that provides a similar service, to provide public law library services as may best carry into effect the purposes of this chapter.

SEC. 1.11. Section 6348 of the Business and Professions Code is amended to read:

6348. A board may expend surplus funds under its control, not necessary for use to maintain the law library, to acquire or lease real property and erect thereon a library building to house the law library. In the alternative, a board of law library trustees may appropriate from the surplus funds so much as in the discretion of the board may be necessary to obtain adequate quarters for the law library in any building hereafter erected by the board of supervisors of the county in which the law library is maintained. The moneys so appropriated shall not be more than the proportion of the total cost of the building which the space allotted to the law library bears to the total usable space in the building. The moneys so appropriated may be transferred to the board of supervisors of the county for use in erecting the building, or may be paid directly on contracts for the erection thereof made by the board of supervisors.

SEC. 1.12. Section 6348.3 of the Business and Professions Code is amended to read:

6348.3. A library building erected to house the law library may include courtrooms with offices in connection therewith, offices for use of a county bar association, and an office for a notary public and public stenographer, which courtrooms and offices the board of law library trustees may lease, the income to be deposited in the law library fund.

SEC. 1.13. Section 6348.4 of the Business and Professions Code is amended to read:

6348.4. Real property acquired by a board may be sold with the proceeds to be deposited in the law library fund.

SEC. 1.14. Section 6348.5 of the Business and Professions Code is amended to read:

6348.5. A board of law library trustees may invest surplus funds in excess of one hundred thousand dollars ($100,000) or of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, whichever is lesser, in the Local Agency Investment Fund pursuant to Article 11 (commencing with Section 16429.1) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code or bonds of the government of the United States or of this state. Bonds so purchased may be sold at any time in the discretion of the board. In computing average annual expenditures for the purposes of this section, capital expenditures for the purchase of real property and construction of a library building shall not be included.

SEC. 1.15. Section 6348.6 of the Business and Professions Code is amended to read:

6348.6. A board of law library trustees may contract with the board of supervisors of the county upon such terms as may be mutually agreeable for the construction by the board of supervisors of a law library building or any part thereof or for quarters in a building to be erected by the board of supervisors. The agreement may be made subject to such terms and conditions including approval of plans and specifications, regarding the furnishing and equipping of the building or quarters, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors. The contract may provide that the board of law library trustees shall make payments to the board of supervisors out of future income in payment for constructing or furnishing or equipping the law library building or part thereof or those quarters in a building. Any contract executed by a board of law library trustees and a board of supervisors, which, if executed subsequent to the effective date of this section would be valid, is hereby ratified and validated.

SEC. 1.16. Section 6349 of the Business and Professions Code is amended to read:

6349. Each board of law library trustees, on or before the 15th day of October of each year, shall make an annual report to the board of supervisors of the county in which the law library is maintained, for the preceding fiscal year ending on the 30th day of June. A copy of the report shall be filed with the auditor of the county.

The report shall give the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and other information as might be of interest.

SEC. 1.17. Section 6350 of the Business and Professions Code is amended to read:

6350. A financial report, showing all receipts and disbursements of money, shall be made by the secretary, duly verified by oath, at the same time that the report of the board is made.

SEC. 1.18. Section 6364 of the Business and Professions Code is repealed.

SEC. 1.19. Section 15303 of the Education Code is amended to read:

15303. (a) This chapter shall not be operative in a county or counties until the board of supervisors of the county in which the county superintendent of schools having jurisdiction over the school district or community college district in which a proposed school facilities improvement district is located, and the board of supervisors of any county in which a proposed school facilities improvement district is located, by resolution adopted by a majority vote of each affected board of supervisors, makes this chapter applicable in the county or counties. The resolution may make this chapter operative in the county generally, or to one or more school districts or community college districts.

(b) A board of supervisors adopting a resolution pursuant to subdivision (a) shall file that resolution with the California Debt and Investment Advisory Commission established pursuant to Section 8855 of the Government Code.

SEC. 2. Section 7902.7 of the Government Code is amended to read:

7902.7. (a) The appropriations limit of a city incorporated on or after January 1, 1990, shall be determined pursuant to Section 56812.

(b) The appropriations limit of a special district formed on or after January 1, 1988, shall be determined pursuant to Section 56811 and approved by the voters at the formation election.

(c) The appropriations limit of a county formed on or after January 1, 1988, shall be determined pursuant to Section 23332 and approved by the voters at the formation election.

SEC. 2.5. Section 24011 of the Government Code is amended to read:

24011. Notwithstanding the provisions of Section 24009:

(a) The Boards of Supervisors of Amador County, Glenn County, Lake County, Lassen County, Madera County, Mendocino County, Monterey County, Napa County, Solano County, Sonoma County, Trinity County, Tuolumne County, and Ventura County may, by ordinance, provide that the public administrator shall be appointed by the board.

(b) The Boards of Supervisors of Lake County, Madera County, Mendocino County, Napa County, Trinity County, and Tuolumne County may appoint the same person to the offices of public administrator, veteran service officer, and public guardian. The Boards of Supervisors of Amador County, Glenn County, Kings County, Lassen County, Monterey County, Solano County, Sonoma County, and Ventura County, may, by ordinance, appoint the same person to the offices of public administrator and public guardian.

(c) The Boards of Supervisors of Amador County, Glenn County, Lake County, Lassen County, Madera County, Mendocino County, Napa County, Trinity County, and Tuolumne County may separate the consolidated offices of district attorney and public administrator at any time in order to make the appointments permitted by this section. Upon approval by the board of supervisors, the officer elected to these offices at any time may resign, or decline to qualify for, the office of public administrator without resigning from, or declining to qualify for, the office of district attorney.

(d) The Board of Supervisors of Ventura County may separate the consolidated office of public administrator from the office of treasurer, in order to make the appointment authorized by this section. Upon approval by the board of supervisors, the officer elected to these offices at any time may resign, or decline to qualify for, the office of public administrator without resigning from, or declining to qualify for, the office of treasurer.

SEC. 3. Section 23232 of the Government Code is amended to read:

23232. Proceedings under this article shall not be subject to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5, relating to local agency formation commissions.

SEC. 4. Section 25210.2 of the Government Code is amended to read:

25210.2. Unless the context requires otherwise, as used in this chapter, the following terms shall have the following meanings:

(a) "Board" means the county board of supervisors acting as the governing authority of a county service area.

(b) "Commission" or "local agency formation commission" means a local agency formation commission that operates in the county pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5.

(c) "County service area" means a county service area formed pursuant to this chapter or any of its statutory predecessors.

(d) "Geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth.

(e) "Inhabited territory" means territory within which there reside 12 or more registered voters. All other territory shall be deemed "uninhabited."

(f) "Landowner" or "owner of land" means all of the following:

(1) Any person shown as the owner of land on the county's most recent assessment roll, except where that person is no longer the owner. Where that person is no longer the owner, the landowner or owner of land is any person entitled to be shown as the owner of land on the next assessment roll.

(2) Where land is subject to a recorded written agreement of sale, any person shown in the agreement as purchaser.

(3) Any public agency owning land, provided that a public agency which owns highways, rights-of-way, easements, waterways, or canals shall not be deemed a landowner or owner of land.

(g) "Latent power" means any service or facility authorized by Article 4 (commencing with Section 25213) that the local agency formation commission has determined, pursuant to subdivision (i) of Section 56425, that the county service area was not authorized to provide prior to January 1, 2009.

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

(i) “Zone” means a zone formed pursuant to Article 8 (commencing with Section 25217).

SEC. 5. Section 25332 of the Government Code is amended to read:

25332. (a) The Boards of Supervisors of Butte, Kings, Los Angeles, Merced, Orange, Riverside, San Bernardino, Santa Clara, Sonoma, and Ventura Counties may enter into contracts with private enterprise to provide services that require special experience, education, and training that the county possesses. In addition, the Boards of Supervisors of Butte, Kings, Los Angeles, Merced, Orange, Riverside, San Bernardino, Santa Clara, Sonoma, and Ventura Counties may charge a fee for these optional services and enhanced services provided to the public that require special experience, education, training, or facilities that the county possesses.

(b) These services shall be limited to the performance of maintenance and construction services, production and dissemination of training materials, leasing of training facilities, or provision of training or consulting services resulting from the special or unique experiences derived from the magnitude, diversity, or distinctive nature of the county’s services such as law enforcement, fire protection, public health care, welfare and public social programs, and public works projects, and the acquisition and management of real and personal property.

(c) Prior to entering into a contract pursuant to this section, the board of supervisors shall find, based on evidence in record, that the provision of the special service described in the proposed contract will not adversely impact the provision of similar services by private sector companies or individuals within the county.

SEC. 5.3. Section 25502.3 of the Government Code is amended to read:

25502.3. In counties having a population of less than 200,000, the board of supervisors may authorize the purchasing agent to engage independent contractors to perform services for the county or county officers, with or without the furnishing of material, when the annual aggregate cost does not exceed fifty thousand dollars ($50,000), except that this amount shall be adjusted annually by any annual increase in the California Consumer Price Index as determined pursuant to Section 2212 of the Revenue and Taxation Code.

SEC. 5.5. Section 25502.5 of the Government Code is amended to read:

25502.5. (a) In counties having a population of 200,000 or more, the board of supervisors may authorize the purchasing agent to engage independent contractors to perform services for the county or county officers, with or without the furnishing of material, when the annual aggregate cost does not exceed one hundred thousand dollars ($100,000).

(b) The board of supervisors may establish rules and regulations to effectuate the purposes of this section.

SEC. 6. Section 29000 of the Government Code is amended to read:

29000. This chapter shall be known, and may be cited, as the County Budget Act. Unless the context otherwise requires or provides, the general provisions set forth in this article, and the requirements concerning county budget matters prescribed by the Controller under Section 30200, govern the construction of this chapter.

SEC. 7. Section 29001 of the Government Code is amended to read:

29001. Except as otherwise defined in this section, the meaning of terms used in this chapter shall be as defined in the Accounting Standards and Procedures for Counties prescribed by the Controller pursuant to Section 30200.

As used in this chapter:

(a) "Administrative officer," means the chief administrative officer, county administrator, county executive, county manager, or other officials employed in the several counties under various titles whose duties and responsibilities are comparable to the officials named herein.

(b) "Adopted budget" means the budget document formally approved by the board of supervisors after the required public hearings and deliberations on the recommended budget.

(c) "Auditor" means the county auditor or that officer whose responsibilities include those designated in Chapter 4 (commencing with Section 26900) of Division 2.

(d) "Board" means the board of supervisors of the county, or the same body acting as the governing board of a special district whose affairs and finances are under its supervision and control.

(e) "Budget year" means the fiscal year (July 1 through June 30) for which the budget is being prepared.

(f) "Controller" means the State Controller.

(g) "Final budget" means the adopted budget adjusted by all revisions throughout the fiscal year as of June 30.

(h) "Recommended budget" means the budget document recommended to the board of supervisors by the designated county official.

SEC. 8. Section 29002 of the Government Code is amended to read:

29002. This chapter shall apply to counties, dependent special districts, and other agencies whose affairs and finances are under the supervision and control of the board.

SEC. 9. Section 29003 of the Government Code is repealed.

SEC. 10. Section 29003 is added to the Government Code, to read:

29003. Except as otherwise specifically provided by law, a majority vote of the total membership of the board is required for the board to take action pursuant to this chapter.

SEC. 11. Section 29004 of the Government Code is repealed.

SEC. 12. Section 29005 of the Government Code is amended to read:

29005. (a) The Controller shall promulgate such rules, regulations, and classifications as are deemed necessary and commensurate with the accounting procedures for counties prescribed pursuant to Section 30200 to secure standards of uniformity among the various counties and to carry out the provisions of this chapter. The rules, regulations, and classifications shall be adopted in accordance with the provisions of Section 30200.

(b) The Controller shall prescribe the forms required to be used in presenting the required information in the budget document after consultation with the Committee on County Accounting Procedures, which committee is provided for in Section 30201. Any county may add to the information required, or display it in more detail, provided that the financial information and the classifications or items required to be included in the budget are clearly and completely set forth. Any change proposed by a county in the arrangement of the information required on the forms shall be subject to review and approval by the Controller.

SEC. 13. Section 29006 of the Government Code is amended to read:

29006. For the adopted budget, the various forms, as prescribed by the Controller pursuant to Section 29005, shall provide for the presentation of data and information to include, at a minimum, estimated or actual amounts of the following items by fund:

(a) Fund balances.

(1) Reserved.

(2) Unreserved.

(A) Designated.

(B) Undesignated.

(b) Additional financing sources shall be classified by source in accordance with the accounting procedures for counties as prescribed by the Controller pursuant to Section 30200.

For comparative purposes the amounts of financing sources shall be shown as follows:

(1) On an actual basis for the fiscal year two years prior to the budget year.

(2) On an actual basis, except for those sources that can only be estimated, for the fiscal year prior to the budget year.

(3) On an estimated basis for the budget year, as submitted by those officials or persons responsible, or as recommended by the administrative officer or auditor, as appropriate.

(4) On an estimated basis for the budget year, as approved, or as adopted, by the board.

(c) Financing uses for each budget unit, classified by the fund or funds from which financed, by the objects of expenditure, other financing uses, intrafund transfers, and transfers-out in accordance with the accounting procedures for counties and by such further classifications or requirements pertaining to county budget matters as prescribed by the Controller pursuant to Section 30200.

For comparative purposes the amounts of financing uses shall be shown as follows:

(1) On an actual basis for the fiscal year two years prior to the budget year.

(2) On an actual basis, except for those uses that can only be estimated, for the fiscal year prior to the budget year.

(3) On an estimated basis for the budget year, as submitted by those officials or persons responsible, or as recommended by the administrative officer or auditor, as appropriate.

(4) On an estimated basis for the budget year, as approved, or as adopted, by the board.

(d) Appropriations for contingencies.

(e) Provisions for reserves and designations.

(f) The appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Division 9 (commencing with Section 7900) of Title 1.

SEC. 14. Section 29007 of the Government Code is amended to read:

29007. There shall be a schedule in or supporting the adopted budget document or separate ordinance or resolution, setting forth for each budget unit the following data for each position classification:

(a) Salary rate or range, as applicable.

(b) Total allocated positions approved by the board.

SEC. 15. Section 29008 of the Government Code is amended to read:

29008. At a minimum, within the object of capital assets, the budget amounts for:

(a) Land shall be reported in total amounts, except when included as a component of a project.

(b) Structures and improvements shall be reported separately for each project, except that minor improvement projects may be reported in totals.

(c) Equipment shall be reported in total amounts by budget unit.

(d) Infrastructure shall be reported in total amounts by budget unit.

SEC. 16. Section 29009 of the Government Code is amended to read:

29009. In the recommended, adopted, and final budgets the funding sources shall equal the financing uses.

SEC. 17. The heading of Article 2 (commencing with Section 29040) of Chapter 1 of Division 3 of Title 3 of the Government Code is amended to read:

Article 2. Budget Request

SEC. 18. Section 29040 of the Government Code is amended to read:

29040. On or before June 10 of each year, each official in charge of any budget unit shall provide the administrative officer or the auditor, as the board directs, an itemized request detailing the estimate of financing sources, financing uses, and any other matter required by the board.

SEC. 19. Section 29042 of the Government Code is amended to read:

29042. The requests shall be submitted as prescribed by the administrative officer or the auditor, as designated by the board.

SEC. 20. Section 29043 of the Government Code is amended to read:

29043. The auditor shall provide the estimates for bonded debt service requirements. The auditor shall also provide or furnish to the responsible authority, as applicable, the estimates for bonded debt service requirements of:

(a) School districts.

(b) Any special district, the records for which are maintained in the auditor's office as required by law.

SEC. 21. Section 29044 of the Government Code is amended to read:

29044. The auditor shall provide to the administrative officer or such other official as the board directs, any financial statements or data or recommendations, if any, for any changes to the estimated financing sources referenced in Section 29040.

SEC. 22. Section 29045 of the Government Code is amended to read:

29045. In the absence or disability, or failure of any official or person required to submit budget requests, they shall be submitted by the acting official in charge of the budget unit or shall be prepared by the administrative officer or the auditor as designated by the board.

SEC. 23. The heading of Article 3 (commencing with Section 29060) of Chapter 1 of Division 3 of Title 3 of the Government Code is amended to read:

Article 3. Recommended Budget

SEC. 24. Section 29060 of the Government Code is amended to read:

29060. The administrative officer or auditor as designated by the board, shall compile the budget requests.

SEC. 25. Section 29061 of the Government Code is amended to read:

29061. The board shall designate either the administrative officer or auditor to review the budget requests and prepare a recommended budget. Any differences may be described in the written recommendations or comments, or both.

SEC. 26. Section 29062 of the Government Code is amended to read:

29062. The recommended budget shall be submitted to the board by the administrative officer or auditor, as designated by the board, on or before June 30 of each year, as the board directs.

SEC. 27. Section 29063 of the Government Code is amended to read:

29063. Upon receipt of the recommended budget, the board shall consider it and, on or before June 30 of each year, at such time as it directs, shall make any revisions, reductions, or additions. Any official or person whose budget requests have been revised shall be given the opportunity to be heard thereon before the board during or prior to the hearings required by Section 29080.

SEC. 28. Section 29064 of the Government Code is amended to read:

29064. On or before June 30 of each year the board, by formal action, shall approve the recommended budget, including the revisions it deems necessary for the purpose of having authority to spend until the budget is adopted.

SEC. 29. Section 29065 of the Government Code is amended to read:

29065. On or before September 8 of each year, as the board directs, the recommended budget shall be made available to the public.

SEC. 30. Section 29065.5 of the Government Code is repealed.

SEC. 31. Section 29066 of the Government Code is repealed.

SEC. 32. The heading of Article 4 (commencing with Section 29080) of Chapter 1 of Division 3 of Title 3 of the Government Code is amended to read:

Article 4. Adopted Budget

SEC. 33. Section 29080 of the Government Code is repealed.

SEC. 34. Section 29080 is added to the Government Code, to read:

29080. On or before September 8 of each year, the board shall publish a notice in a newspaper of general circulation throughout the county stating that:

(a) The recommended budget documents are available to members of the public.

(b) On the date stated in the notice, not fewer than 10 days after the recommended budget documents are available, and at a time and place also stated in the notice, the board will conduct a public hearing on the recommended budget.

(c) Any member of the public may appear at the hearing and be heard regarding any item in the recommended budget or for the inclusion of additional items.

(d) All proposals for revisions shall be submitted in writing to the clerk of the board of supervisors before the close of the public hearing.

SEC. 35. Section 29081 of the Government Code is amended to read:

29081. The hearing may be continued from day to day until concluded, but not to exceed a total of 14 calendar days.

SEC. 36. Section 29082 of the Government Code is amended to read:

29082. (a) At the hearing, the board of supervisors shall hear any official who wishes to be heard regarding the recommended budget for his or her budget unit.

(b) At the time of the hearing, the board of supervisors may call in the official or person in charge of any budget unit concerning any matter relating to his or her budget unit. The board of supervisors may also call in the official or person in charge of a budget unit if any member of the public files with the clerk of the board a written request to question any matter relating to that budget unit.

SEC. 37. Section 29083 of the Government Code is amended to read:

29083. (a) The auditor, or a deputy designated by the auditor, shall attend the public hearing on the recommended budget, and shall furnish the board with any financial statements and data it requires.

(b) It shall be the responsibility of the administrative officer or auditor to revise the recommended budget to reflect the actions of the board pertaining thereto in developing the adopted budget document.

SEC. 38. Section 29084 of the Government Code is amended to read:

29084. The budget may contain an appropriation or appropriations for contingencies in such amounts as the board deems sufficient.

SEC. 39. Section 29085 of the Government Code is amended to read:

29085. The budget for each fund may contain reserves, including a general reserve, and designations in such amounts as the board deems sufficient.

SEC. 40. Section 29086 of the Government Code is amended to read:

29086. Except in cases of a legally declared emergency, as defined in Section 29127, the general reserve may only be established, canceled, increased, or decreased at the time of adopting the budget as provided in Section 29088. The general reserve may be increased any time during the fiscal year by a four-fifths vote of the board.

SEC. 41. Section 29088 of the Government Code is amended to read:

29088. After the conclusion of the hearing, and not later than October 2 of each year, and after making any revisions of, deductions from, or increases or additions to, the recommended budget it deems advisable during or after the public hearing, the board shall by resolution adopt the budget as finally determined. Increases or additions shall not be made after the public hearing, unless the items were proposed in writing and filed with the clerk of the board before the close of the public hearing or unless approved by the board by four-fifths vote.

SEC. 42. Section 29088.1 of the Government Code is repealed.

SEC. 43. Section 29089 of the Government Code is amended to read:

29089. The resolution of adoption of the budget of the county, each dependent special district, and each other agency as defined in Section 29002, shall specify:

(a) Appropriations by objects of expenditure within each budget unit, except for capital assets which are appropriated at the subobject level pursuant to Section 29008.

(b) Other financing uses by budget unit.

(c) Intrafund transfers by budget unit.

(d) Transfers-out by fund.

(e) Appropriations for contingencies, by fund.

(f) Provisions for reserves and designations, by fund and purpose.

(g) The means of financing the budget requirements.

SEC. 44. Section 29090 of the Government Code is amended to read:

29090. The adoption of the budget may be accomplished by a resolution in which the adoption is effectuated by reference to the financing uses in the budget as finally determined, provided that the minimum requirements set forth in Section 29089 are met in the budget document. If adopted by reference, the budget shall have the same effect and be subject to the same provisions of law as if the resolution of adoption had been accomplished by specific designation.

SEC. 45. Section 29091 of the Government Code is repealed.

SEC. 46. Section 29092 of the Government Code is amended to read:

29092. The board may set forth appropriations in greater detail than required in Section 29089 and may authorize any additional controls for the administration of the budget as it deems necessary. The board may designate a county official to exercise these administrative controls.

SEC. 47. Section 29093 of the Government Code is amended to read:

29093. (a) A copy of the adopted budget in the format prescribed by the Controller shall be filed by the auditor in the office of the clerk of the board and the office of the Controller not later than December 1 of each year.

(b) (1) If the auditor, after receipt of written notice from the Controller, fails to transmit a copy of the adopted budget within 20 days, the county shall forfeit to the state one thousand dollars

($1,000) to be recovered in an action brought by the Attorney General, in the name of the Controller.

(2) Upon a satisfactory showing of good cause, the Controller may waive the penalty for late filing provided in paragraph (1).

SEC. 48. Section 29100 of the Government Code is amended to read:

29100. (a) On or before October 3 of each year, the board shall adopt by resolution the rates of taxes on the secured roll, not to exceed the 1-percent limitation specified in Article XIII A of the Constitution and Sections 93 and 100 of the Revenue and Taxation Code. For voter-approved indebtedness, the board shall adopt the rates on the secured roll by determining the percentage of full value of property on the secured roll legally subject to support the annual debt requirement. Each rate shall be such as will produce the amount determined as necessary to be raised by taxation on the secured roll after due allowance for delinquency, anticipated changes to the roll, disputed tax revenues anticipated to be impounded pursuant to Section 26906.1, amounts subject to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), and other available financing sources. The board may adopt a rate for voter-approved indebtedness as will produce an amount determined as appropriate for necessary reserves.

(b) For purposes of this section, "an amount appropriate for necessary reserves" shall be limited to an amount sufficient to accommodate the county's anticipated annual cashflow needs for servicing the county's voter-approved debt. The reserve may service only the debt for which the extraordinary rate is levied. All interest earned on the amount deposited in the necessary reserve shall accrue to the necessary reserve.

SEC. 49. Section 29100.6 of the Government Code is amended to read:

29100.6. On or before December 1 of each year, each county auditor shall file with the Controller in such form as the Controller directs, a statement of the amounts of exempt values granted for the homeowners' property tax exemption under subdivision (k) of Section 3 and Section 25 of Article XIII of the Constitution for the county, each city and school district or portion thereof within the county, each special district or subdivision or zone thereof or portion thereof within the county, for which a tax levy is carried on the county assessment roll. The auditor shall therein compute and show the total amount of ad valorem tax loss to the county and the cities and districts resulting from the exemption and the statement shall claim such amount against the state for payment of reimbursement.

SEC. 50. Section 29109 of the Government Code is amended to read:

29109. (a) On or before December 1 of each year, the auditor shall forward to the Controller, in the format prescribed by the Controller, a statement of the rates of taxation, the assessed valuation as shown on the current equalized assessment roll, and the amount of taxes to be levied and allocated pursuant to the Revenue and Taxation Code.

(b) (1) If the auditor, after receipt of written notice from the Controller fails to transmit the statements within 20 days, the county shall forfeit to the state, one thousand dollars ($1,000) to be recovered in an action brought by the Attorney General, in the name of the Controller.

(2) Upon a satisfactory showing of good cause, the Controller may waive the penalty for late filing provided in paragraph (1).

SEC. 51. Section 29120 of the Government Code is amended to read:

29120. Except as otherwise provided by law, the board and every other county or dependent special district official and person shall be limited in the incurring or paying of obligations to the amounts of the appropriations allowed for each budget unit as originally adopted or as thereafter revised by addition, cancellation, or transfer.

SEC. 52. Section 29121 of the Government Code is amended to read:

29121. Except as otherwise provided by law, obligations incurred or paid in excess of the amounts authorized in the budget unit appropriations are not a liability of the county or dependent special district, but a personal liability of the official authorizing the obligation.

SEC. 53. Section 29122 of the Government Code is amended to read:

29122. The board shall not approve a claim and the auditor shall not issue payment for any obligation in excess of that authorized in the budget unit appropriation, except upon an order of a court, for an emergency, or as otherwise provided by law.

SEC. 54. Section 29124 of the Government Code is amended to read:

29124. (a) If at the beginning of any fiscal year, the budget has not been adopted, the auditor shall approve payments for the support of the various budget units in accordance with the following authorizations:

(1) Except as otherwise provided in subdivision (b), the amounts in the recommended budget, except capital assets, transfer-out, and new permanent employee positions, are deemed appropriated until the adoption of the budget.

(2) Capital assets, transfers-out, and new permanent employee positions are deemed appropriated until the adoption of the budget if specifically approved by the board. For the purposes of this subdivision, the words "new permanent employee positions" do not include any employee positions created in lieu of an employee position which is abolished.

(3) If the recommended budget has not been approved by the board because of an emergency as described in subdivision (a) of Section 29127, the amounts deemed appropriated shall be based on the final budget of the preceding year, excluding assets and transfers-out unless specifically approved by the board.

(b) Notwithstanding any other provision of this section, prior to the adoption of the adopted budget, the board of supervisors may impose expenditure limitations that are more restrictive than those contained in this section.

SEC. 55. Section 29125 of the Government Code is amended to read:

29125. (a) Transfers and revisions to the adopted appropriations may be made by an action formally adopted by the board at a regular or special meeting as follows:

(1) If between funds, by a four-fifths vote.

(2) If transfers from appropriation for contingencies, by a four-fifths vote.

(3) If between budget units within a fund if overall appropriations are not increased, by a majority vote.

(b) The board may designate the administrative officer or auditor to approve transfers and revisions of appropriations within a budget unit if the overall appropriations of the budget unit are not increased.

SEC. 56. Section 29126.1 of the Government Code is amended to read:

29126.1. At any regular or special meeting the board may cancel any unused appropriation in whole or in part upon determining that the source of funding of the appropriation will be unrealized in whole or part. An offsetting reduction shall be made to the corresponding estimated revenue.

SEC. 57. Section 29126.2 of the Government Code is amended to read:

29126.2. The auditor may review and issue reports and make recommendations regarding estimated financing sources, or actual financing sources, or both, and the status of appropriations. The auditor shall submit to the board, and any other official the board may designate, a statement showing this information with respect to the condition of each separate budget appropriation and to the condition of estimated financing sources, as the board requires.

SEC. 58. Section 29127 of the Government Code is amended to read:

29127. After adopting a resolution stating the facts constituting an emergency by a four-fifths vote of the board at any regular or special meeting, the board may appropriate and make the expenditure necessary to meet an emergency in any of the following cases:

(a) Upon the happening of an emergency caused by war, fire, failure or the imminent failure of a water system or supply, flood, explosion, storm, earthquake, epidemic, riot, or insurrection.

(b) For the immediate preservation of order or of public health.

(c) For the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident.

(d) For the relief of a stricken community overtaken by calamity.

(e) For the settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utilities owned by the county.

(f) To meet mandatory expenditures required by law.

SEC. 59. Section 29128 of the Government Code is amended to read:

29128. All emergency expenditures shall be paid from any money in the county treasury in any fund from which the expenditure may properly be paid.

SEC. 60. Section 29129 of the Government Code is repealed.

SEC. 61. Section 29130 of the Government Code is amended to read:

29130. At any regular or special meeting, the board by a four-fifths vote may make available for appropriation any of the following:

(a) Designations and reserves excluding the general reserve, balance sheet reserves, and reserve for encumbrances.

(b) Amounts which are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.

SEC. 62. Section 29140 of the Government Code is repealed.

SEC. 63. Section 29141 of the Government Code is amended to read:

29141. The adopted budget shall include a schedule showing the managerial budget of each service activity financed by a proprietary fund established pursuant to Sections 25260 and 25261. The schedule shall set forth expected operations of the activity in such detail for revenues, expenses, and reserves as will adequately display the nature and the approximate size of its operations. Comparative data as prescribed in Section 29006 shall be provided.

SEC. 64. Section 29142 of the Government Code is amended to read:

29142. Notwithstanding any other provision of law, when taxes or assessments are collected by the county for any special district, or zone or improvement district thereof, but excluding a school district, the board of supervisors may provide for a collection fee for such services which when collected shall belong to the county and shall be deposited to the credit of the general fund, and shall cover the expense and compensation of such officials of the county in the collection of such taxes and of the interest or penalties thereon, subject to the following:

(a) For taxes covering debt service requirements on any bond or bonds authorized and issued by any such special district, the tax rate fixed to raise such amounts may be fixed by the board of supervisors to include also a percentage of such amounts up to one-fourth of 1 percent thereof.

(b) For taxes covering all purposes of such special districts, other than debt service requirements on bonds, the amount of the collection fees, if any, to be charged by the county shall be fixed by agreement between the board of supervisors and the governing board of such special district and shall not exceed one-fourth of 1 percent of all money collected.

SEC. 65. Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3 of the Government Code is repealed.

SEC. 66. Article 13 (commencing with Section 29560) of Chapter 2 of Division 3 of Title 3 of the Government Code is repealed.

SEC. 67. Section 30200 of the Government Code is amended to read:

30200. Under this division, the Controller shall prescribe for counties uniform accounting procedures conforming to the Generally Accepted Accounting Principles (GAAP). The procedures shall be adopted under the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 and shall be published in the California Code of Regulations either in their entirety or by reference. The Controller shall prescribe such procedures after consultation with and approval by the Committee on County Accounting Procedures. Approval of such procedures shall be by a majority vote of the members of the committee. The vote may be conducted by mail at the discretion of the chairperson of the committee, provided however, that should one or more members of the committee request a meeting for the purpose of voting, the chairperson shall call a meeting of the committee as provided in Section 30201.

SEC. 68. Section 36516 of the Government Code is amended to read:

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including three hundred dollars ($300) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars ($400) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars ($500) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars ($600) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars ($800) per month.

(F) In cities over 250,000 population, up to and including one thousand dollars ($1,000) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars ($150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

SEC. 68.1. Section 53601.6 of the Government Code is amended to read:

53601.6. (a) A local agency shall not invest any funds pursuant to this article or pursuant to Article 2 (commencing with Section 53630) in inverse floaters, range notes, or mortgage-derived, interest-only strips.

(b) A local agency shall not invest any funds pursuant to this article or pursuant to Article 2 (commencing with Section 53630) in any security that could result in zero interest accrual if held to maturity. However, a local agency may hold prohibited instruments until their maturity dates. The limitation in this subdivision shall not apply to local agency investments in shares of beneficial interest issued by diversified management companies registered under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.) that are authorized for investment pursuant to subdivision (*l*) of Section 53601.

SEC. 68.3. Section 53601.8 of the Government Code is amended to read:

53601.8. Notwithstanding Section 53601 or any other provision of this code, a local agency, at its discretion, may invest a portion of its surplus funds in certificates of deposit at a commercial bank, savings bank, savings and loan association, or credit union that uses a private sector entity that assists in the placement of certificates of deposit, provided that the purchases of certificates of deposit pursuant to this section, Section 53635.8, and subdivision (i) of Section 53601 do not, in total, exceed 30 percent of the agency's funds that may be invested for this purpose. The following conditions shall apply:

(a) The local agency shall choose a nationally or state chartered commercial bank, savings bank, savings and loan association, or credit union in this state to invest the funds, which shall be known as the "selected" depository institution.

(b) The selected depository institution may submit the funds to a private sector entity that assists in the placement of certificates of deposit with one or more commercial banks, savings banks, savings and loan associations, or credit unions that are located in the United States, for the local agency's account.

(c) The full amount of the principal and the interest that may be accrued during the maximum term of each certificate of deposit shall at all times be insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

(d) The selected depository institution shall serve as a custodian for each certificate of deposit that is issued with the placement service for the local agency's account.

(e) At the same time the local agency's funds are deposited and the certificates of deposit are issued, the selected depository institution shall receive an amount of deposits from other commercial banks, savings banks, savings and loan associations, or credit unions that, in total, are equal to, or greater than, the full amount of the principal that the local agency initially deposited through the selected depository institution for investment.

(f) A local agency may not invest surplus funds with a selected depository institution for placement as certificates of deposit pursuant to this section on or after January 1, 2012. A local agency's surplus funds, invested pursuant to this section before January 1, 2012, may remain invested in certificates of deposit issued through a private sector entity for the full term of each certificate of deposit.

(g) Notwithstanding subdivisions (a) to (f), inclusive, no credit union may act as a selected depository institution under this section or Section 53635.8 unless both of the following conditions are satisfied:

(1) The credit union offers federal depository insurance through the National Credit Union Administration.

(2) The credit union is in possession of written guidance or other written communication from the National Credit Union Administration authorizing participation of federally insured credit unions in one or more certificate of deposit placement services and affirming that the moneys held by those credit unions while participating in a deposit placement service will at all times be insured by the federal government.

(h) It is the intent of the Legislature that nothing in this section shall restrict competition among private sector entities that provide placement services pursuant to this section.

SEC. 68.5. Section 53646 of the Government Code is amended to read:

53646. (a) (1) In the case of county government, the treasurer may annually render to the board of supervisors and any oversight committee a statement of investment policy, which the board shall review and approve at a public meeting. Any change in the policy shall also be reviewed and approved by the board at a public meeting.

(2) In the case of any other local agency, the treasurer or chief fiscal officer of the local agency may annually render to the legislative body of that local agency and any oversight committee of that local agency a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting. Any change in the policy shall also be considered by the legislative body of the local agency at a public meeting.

(b) (1) The treasurer or chief fiscal officer may render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency. The quarterly report shall be so submitted within 30 days following the end of the quarter covered by the report. Except as provided in subdivisions (e) and (f), this report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, that are under the management of contracted parties, including lending programs. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report, and shall include the source of this same valuation.

(2) The quarterly report shall state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance.

(3) The quarterly report shall include a statement denoting the ability of the local agency to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

(4) In the quarterly report, a subsidiary ledger of investments may be used in accordance with accepted accounting practices.

(c) Pursuant to subdivision (b), the treasurer or chief fiscal officer shall report whatever additional information or data may be required by the legislative body of the local agency.

(d) The legislative body of a local agency may elect to require the report specified in subdivision (b) to be made on a monthly basis instead of quarterly.

(e) For local agency investments that have been placed in the Local Agency Investment Fund, created by Section 16429.1, in National Credit Union Share Insurance Fund-insured accounts in a credit union, in accounts insured or guaranteed pursuant to Section 14858 of the Financial Code, or in Federal Deposit Insurance Corporation-insured accounts in a bank or savings and loan association, in a county investment pool, or any combination of these, the treasurer or chief fiscal officer may supply to the governing body, chief executive officer, and the auditor of the local agency the most recent statement or statements received by the local agency from these institutions in lieu of the information required by paragraph (1) of subdivision (b) regarding investments in these institutions.

(f) The treasurer or chief fiscal officer shall not be required to render a quarterly report, as required by subdivision (b), to a legislative body or any oversight committee of a school district or county office of education for securities, investments, or moneys held by the school district or county office of education in individual accounts that are less than twenty-five thousand dollars ($25,000).

(g) In recognition of the state and local interests served by the actions made optional in subdivisions (a) and (b), the Legislature encourages the local agency officials to continue taking the actions formerly mandated by this section. However, nothing in this subdivision may be construed to impose any liability on a local agency that does not continue to take the formerly mandated action.

SEC. 68.7. Section 53961 of the Government Code is amended to read:

53961. The governing board of a mosquito abatement district or a vector control district organized pursuant to the Mosquito Abatement and Vector Control District Law, Chapter 1 (commencing with Section 2000) of Division 8 of the Health and Safety Code, may by resolution provide for the establishment of a revolving fund in an amount not to exceed 110 percent of one-twelfth of the district's adopted budget for that fiscal year. This fund, which shall replace the fund authorized in Section 53952, may be used to pay any authorized expenditures of the district. The resolution that established the district revolving fund shall conform with the designations required in Section 53952.

SEC. 69. Chapter 6 (commencing with Section 60000) of Division 1 of Title 5 of the Government Code is repealed.

SEC. 70. Section 61002 of the Government Code is amended to read:

61002. Unless the context requires otherwise, as used in this division, the following terms shall have the following meanings:

(a) "At large" means the election of members of the board of directors all of whom are elected by the voters of the entire district.

(b) "Board of directors" means the board of directors of a district that establishes policies for the operation of the district.

(c) "By divisions" means the election of members of the board of directors who are residents of the division from which they are elected only by voters of the division.

(d) "District" means a community services district created pursuant to this division or any of its statutory predecessors.

(e) "From divisions" means the election of members of the board of directors who are residents of the division from which they are elected by the voters of the entire district.

(f) "General manager" means the highest level management appointee who is directly responsible to the board of directors for the implementation of the policies established by the board of directors.

(g) "Graffiti abatement" means the power to prevent graffiti on public or private property, receive reports of graffiti on public or private property, provide rewards not to exceed one thousand dollars ($1,000) for information leading to the arrest and conviction of persons who apply graffiti on public or private property, abate graffiti as a public nuisance pursuant to Section 731 of the Code of Civil Procedure, remove graffiti from public or private property, and use the services of persons ordered by a court to remove graffiti.

(h) "Latent power" means those services and facilities authorized by Part 3 (commencing with Section 61100) that the local agency formation commission has determined, pursuant to subdivision (i) of Section 56425, that a district did not provide prior to January 1, 2006.

(i) "President" or "chair" means the presiding officer of the board of directors.

(j) "Principal county" means the county having all or the greatest portion of the entire assessed valuation, as shown on the last equalized assessment roll of the county or counties, of all taxable property in the district.

(k) "Secretary" means the secretary of the board of directors.

(*l*) "Voter" means a voter as defined by Section 359 of the Elections Code.

(m) "Zone" means a zone formed pursuant to Chapter 5 (commencing with Section 61140) of Part 3.

SEC. 70.5. Section 61061 of the Government Code is amended to read:

61061. (a) A district shall have perpetual succession.

(b) A board of directors may, by resolution, change the name of the district. The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1. Notwithstanding Section 7530, any district formed on and after January 1, 2006, and any district that changes its name on or after January 1, 2006, shall have the words "community services district" within its name. Within 10 days of its adoption, the board of directors shall file a copy of its resolution with the Secretary of State, the State Board of Equalization, the county clerk, the county auditor, the board of supervisors, and the local agency formation commission of each county in which the district is located.

(c) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1.

SEC. 71. Section 66412 of the Government Code is amended to read:

66412. This division shall be inapplicable to any of the following:

(a) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.

(b) Mineral, oil, or gas leases.

(c) Land dedicated for cemetery purposes under the Health and Safety Code.

(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).

(e) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.

(f) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.

(g) Unless a parcel or final map was approved by the legislative body of a local agency, the conversion of a community apartment project, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.

(2) A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.

(3) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(4) Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the project shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the project.

(h) Unless a parcel or final map was approved by the legislative body of a local agency, the conversion of a stock cooperative, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.

(2) No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.

(3) A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.

(4) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(5) Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the cooperative as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the cooperative shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the cooperative.

(i) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the advisory agency or legislative body.

(j) The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.

(k) Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.

(*l*) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or, if the project is subject to other discretionary action by the advisory agency or legislative body.

(m) The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land, in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.

SEC. 71.5. Section 66412 of the Government Code is amended to read:

66412. This division shall be inapplicable to any of the following:

(a) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.

(b) Mineral, oil, or gas leases.

(c) Land dedicated for cemetery purposes under the Health and Safety Code.

(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. *A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).*

(e) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.

(f) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.

(g) ~~Unless a parcel or final map was approved by the legislative body of a local agency, the~~ *The* conversion of a community apartment project, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.

(2) A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.

(3) The property was subdivided before January 1, 1982, as evidenced by a recorded deed creating the community apartment project.

(4) Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the project shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the project.

(5) If subdivision, as defined in Section 66424, of the property occurred after January 1, 1964, both of the following requirements are met:

(A) A final or parcel map of that subdivision was approved by the local agency and recorded, with all of the conditions of that map remaining in effect after the conversion.

(B) No more than 49 percent of the units in the project were owned by any one person as defined in Section 17, including an incorporator or director of the community apartment project, on January 1, 1982.

~~(3)~~

(6) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

~~(4) Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the project shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the project.~~

(h) ~~Unless a parcel or final map was approved by the legislative body of a local agency, the~~ *The* conversion of a stock cooperative, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

~~(1) At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.~~

~~(2) No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.~~

(1) The property was subdivided before January 1, 1982, as evidenced by a recorded deed creating the stock cooperative, an assignment of lease, or issuance of shares to a stockholder.

~~(3)~~

(2) A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.

~~(4) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.~~

~~(5)~~

(3) Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the cooperative as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the cooperative shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the cooperative.

(4) If subdivision, as defined in Section 66424, of the property occurred after January 1, 1980, both of the following requirements are met:

(A) A final or parcel map of that subdivision was approved by the local agency and recorded, with all of the conditions of that map remaining in effect after the conversion.

(B) No more than 49 percent of the shares in the project were owned by any one person as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1982.

(5) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(i) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is subject to discretionary action by the advisory agency or legislative body.

(j) The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.

(k) Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.

(*l*) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or, if the project is subject to other discretionary action by the advisory agency or legislative body.

(m) The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land, in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.

SEC. 72. Section 66434 of the Government Code is amended to read:

66434. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and any information that may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(d) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided.

(e) (1) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel that is designated or omitted under Section 66424.6. The designated remainder or omitted parcel shall be labeled as a designated remainder parcel or omitted parcel. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(2) If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

(3) A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

SEC. 73. Section 66439 of the Government Code is amended to read:

66439. (a) Dedications of, or offers to dedicate interests in, real property for specified public purposes shall be made by a statement on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436.

(b) In the event any street shown on a final map is not offered for dedication, the statement may contain a declaration to this effect. If the statement appears on the final map and if the map is approved by the legislative body, the use of the street or streets by the public shall be permissive only.

(c) An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under the real property unless, and only to the extent that, an intent to dedicate the facilities is expressly declared in the statement.

(d) (1) If a subdivider is required under this division or any other provision of law to make a dedication for specified public purposes on a final map, the local agency shall specify whether the dedication is to be in fee for public purposes or an easement for public purposes.

(2) If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the

dedication clause on the final map or any separate instrument: “The real property described below is dedicated in fee for public purposes: (here insert a description of the dedicated property that is adequate to convey the property).”

(3) If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument: “The real property described below is dedicated as an easement for public purposes: (here insert a description of the easement that is adequate to convey the dedicated property).”

SEC. 74. Section 66445 of the Government Code is amended to read:

66445. The parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates or statements, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided.

(d) (1) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel that is designated or omitted under Section 66424.6. The designated remainder parcel or omitted parcel shall be labeled as a designated remainder parcel or an omitted parcel.

(2) The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a “designated remainder” parcel or similar parcel, and the gross area of the “designated remainder” parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

(3) A parcel designated as “not a part” shall be deemed to be a “designated remainder” for purposes of this section.

(e) Subject to the provisions of Section 66436, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except that less inclusive requirements may be provided by local ordinance.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this paragraph, “record title ownership” means fee title of record unless a leasehold interest is to be divided, in which case “record title ownership” means ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights or other subsurface interests that have been severed from ownership of the surface.

(f) Notwithstanding any other provision of this article, local agencies may require that those statements and acknowledgments required pursuant to subdivision (e) be made by separate instrument to be recorded concurrently with the parcel map being filed for record.

(g) On and after January 1, 1987, no additional survey and map requirements shall be included on a parcel map that do not affect record title interests. However, the map shall contain a notation of reference to survey and map information required by a local ordinance adopted pursuant to Section 66434.2.

(h) Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1.

(i) If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

(j) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

SEC. 75. Section 66447 of the Government Code is amended to read:

66447. (a) If dedications or offers of dedication are required, they may be made either by a statement on the parcel map or by separate instrument, as provided by local ordinance. If dedications or offers of dedication are made by separate instrument, the dedications or offers of dedication shall be recorded concurrently with, or prior to, the parcel map being filed for record.

(b) The dedication or offers of dedication, whether by statement or separate instrument, shall be signed by the same parties and in the same manner as set forth in Section 66439 for dedications by a final map.

(c) (1) If a subdivider is required under this division or any other provision of law to make a dedication for specified public purposes on a parcel map, the local agency shall specify whether the dedication is to be in fee for public purposes or an easement for public purposes.

(2) If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the parcel map or any separate instrument: "The real property described below is dedicated in fee for public purposes: (here insert a description of the dedicated property that is adequate to convey the property)."

(3) If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the parcel map or any separate instrument: "The real property described below is dedicated as an easement for public purposes: (here insert a description of the easement that is adequate to convey the dedicated property)."

SEC. 75.3. Section 9002 of the Health and Safety Code is amended to read:

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

(a) "Active militia" means the active militia as defined by Section 120 of the Military and Veterans Code.

(b) "Armed services" means the armed services as defined by Section 18540 of the Government Code.

(c) "Board of trustees" means the legislative body of a district.

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

(e) "Family member" means any spouse, by marriage or otherwise, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons.

(f) "Firefighter" means a firefighter as defined by Section 1797.182.

(g) "Interment right" means the right to use or control the use of a plot, niche, or other space, authorized by this part, for the interment of human remains.

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

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

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

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

SEC. 75.4. Section 9066 of the Health and Safety Code is amended to read:

9066. The board of trustees shall cause the principal of the endowment care fund to be invested and reinvested in any of the following:

(a) Securities and obligations designated by Section 53601 of the Government Code.

(b) Obligations of the United States or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest. These shall not be limited to maturity dates of one year or less.

(c) Obligations issued under authority of law by any county, municipality, or school district in this state for which are pledged the faith and credit of that county, municipality, or school district for the payment of principal and interest, if within 10 years immediately preceding the investment that county, municipality, or school district was not in default for more than 90 days in the payment of principal or interest upon any legally authorized obligations issued by it.

(d) Obligations of the State of California or those for which the faith and credit of the State of California are pledged for the payment of principal and interest.

(e) Interest-bearing obligations issued by a corporation organized under the laws of any state, or of the United States, provided that they bear a Standard and Poor’s financial rating of AAA at the time of the investment.

(f) Certificates of deposit or other interest-bearing accounts in any state or federally chartered bank or savings association, the deposits of which are insured by the Federal Deposit Insurance Corporation.

~~(g) Investment certificates or shares in any state or federally chartered savings and loan association insured by the Federal Savings and Loan Insurance Corporation.~~

~~SEC. 75.5. Section 9067 of the Health and Safety Code is amended to read:~~

~~9067. The board of trustees may withdraw the principal and income of the endowment care fund and the endowment income fund on deposit in the county treasury and cause the funds to be invested in the securities and obligations designated by Section 9066 and by Section 53601 of the Government Code.~~

~~SEC. 75.6.~~

SEC. 75.5 Section 9074 of the Health and Safety Code is amended to read:

9074. (a) A district may accept any grants, goods, money, property, revenue, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district.

(b) Except as provided by Section 9077, all moneys received or collected by a district shall be paid into a separate fund in the county treasury on or before the 10th day of the month following the month in which the district received or collected the money.

(c) In addition to any other existing authority, a district may borrow money and incur indebtedness pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840), Article 7.6 (commencing with Section 53850), and Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 75.7. Section 9078 of the Health and Safety Code is amended to read:

9078. A district may, by resolution, establish a revolving fund pursuant to Article 15 (commencing with Section 53950) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. The maximum amount of the revolving fund shall not exceed either of the following:

(a) One thousand dollars ($1,000) if the purpose of the revolving fund is to make change and pay small bills directly.

(b) One hundred ten percent of one-twelfth of the district's adopted budget for the current fiscal year, if the purpose of the revolving fund is to pay any authorized expenditures of the district.

SEC. 75.9. Section 40100.5 of the Health and Safety Code is amended to read:

40100.5. (a) The membership of the governing board of each county district shall include (1) one or more members who are mayors, city council members, or both, and (2) one or more members who are county supervisors.

(b) The number of those members and their composition shall be determined jointly by the county and the cities within the district, and shall be approved by the county, and by a majority of the cities that contain a majority of the population in the incorporated area of the district.

(c) The governing board shall reflect, to the extent feasible and practicable, the geographic diversity of the district and the variation of population between the cities in the district.

(d) (1) The members of the governing board who are mayors or city council members shall be selected by the city selection committee. When selecting a member of the governing board, the city selection committee may also select a mayor or another city council member as an alternate to serve and vote in place of the member who is absent or disqualified from participating.

(2) In districts where the county and the cities have agreed that each city shall be represented on the governing board, each city shall select its own representative to the governing board. When selecting a member of the governing board, each city may also select its mayor or another city council member as an alternate to serve and vote in place of the member who is absent or is disqualified from participating.

(3) The members of the governing board who are county supervisors shall be selected by the county.

(e) This section does not apply to any district in which the population of the incorporated area of the county is 35 percent or less of the total county population, as determined by the district on June 30, 1994, or to a county district having a population of more than 2,500,000 as of June 30, 1990.

(f) If a district fails to comply with subdivisions (a) and (b), the membership of the governing board shall be determined as follows:

(1) In districts in which the population in the incorporated areas represents between 36 and 50 percent of the total county population, one-third of the members of the governing board shall be mayors or city council members, and two-thirds shall be county supervisors.

(2) In districts in which the population in the incorporated areas represents more than 50 percent of the total county population, one-half of the members of the governing board shall be mayors or city council members, and one-half shall be county supervisors.

(3) The number of those members shall be determined as provided in subdivision (b), and the members shall be selected pursuant to subdivision (d).

(4) For purposes of paragraphs (1) and (2), if any number that is not a whole number results from the application of the term "one-third," "one-half," or "two-thirds," the number of county supervisors shall be increased to the nearest integer, and the number of mayors or city council members decreased to the nearest integer.

SEC. 76. Section 101350 of the Health and Safety Code is amended to read:

101350. Any board of supervisors may levy a special tax on all the property in the county, outside of any city pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, and spend the proceeds to prevent the introduction of, and to eradicate, dangerous, infectious, or communicable diseases, and for general sanitation purposes.

SEC. 76.3. Section 103500 of the Health and Safety Code is repealed.

SEC. 76.5. Section 103501 is added to the Health and Safety Code, to read:

103501. A county recorder shall issue a certified copy of a foreign birth or death recorded in the office of the county recorder only as an official record of the county recorder, as defined in subdivision (a) of Section 27300 of the Government Code, and not as a certified copy of a vital record pursuant to Chapter 14 (commencing with Section 103525) of Part 1 of Division 102.

SEC. 76.7. Section 103505 of the Health and Safety Code is amended to read:

103505. (a) A certification of birth or death outside of the United States shall not be recorded by the county recorder.

(b) This section shall not apply to any court order delayed birth certificate or court order delayed death certificate issued pursuant to Chapter 12 (commencing with Section 103450) of Part 1 of Division 102.

SEC. 77. Section 1121 of the Military and Veterans Code is amended to read:

1121. For the purposes of this chapter the board of supervisors of any county may:

(a) Purchase, receive by donation, condemn, lease, or otherwise acquire real and personal property necessary for such home, and improve, preserve, manage, and control the same.

(b) Purchase, construct, lease, furnish, and repair buildings for such home and provide the necessary custodians, employees, attendants, and supplies for its proper maintenance.

(c) Levy a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, and spend the proceeds for the purposes of this chapter.

(d) Establish a fund for the purposes of this chapter, and transfer from the general fund to such fund such moneys as the board deems necessary.

(e) Incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes of this chapter.

(f) Join with any incorporated city in the county in the accomplishment of the purposes of this chapter and to that end hold jointly with such city all property acquired, and expend money in conjunction with such city.

SEC. 78. Section 1262 of the Military and Veterans Code is amended to read:

1262. Any county may provide, maintain or provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of one or more veterans' associations. For these purposes the board of supervisors of any county may:

(a) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary for such buildings, memorial parks, or recreation centers, and improve, preserve, manage, and control the same.

(b) Purchase, construct, lease, furnish, or repair such buildings, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(c) Clear, grade, plant, irrigate, fence, and improve such memorial parks, or recreation centers, and provide custodians, employees, attendants, and supplies for the proper maintenance thereof.

(d) Furnish sites for such buildings to be built by or for such organizations, and furnish sites for the erection thereon of such buildings, the funds for which are supplied by county authorities or from other sources. Any part or portion of any public lot, block, or park may be used for such purpose.

(e) Levy a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, and spend the proceeds for the purposes of this chapter.

(f) Establish a fund for the purposes hereof, and transfer from the General Fund to such fund such moneys as the board deems necessary.

(g) Incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof.

(h) Join with any incorporated city in the county in the accomplishment of the above purposes and to that end hold jointly with such city all property acquired, and expended money in conjunction with such city in accomplishing the above purposes. Title to any property jointly so acquired by a county and a city may at any time be conveyed by either of the joint owners to the other without consideration other than to carry out the purposes of this section.

(i) Join with memorial districts in the purchase, acquisition, or construction of memorial halls, assembly halls, buildings or meeting places, or in the accomplishment of any other purpose for which a memorial district has been organized, using the funds authorized to be raised by this section. Title to any property so purchased, acquired, or constructed may be taken in the name of the memorial district, or jointly with the county, or the county may convey any property so acquired, purchased, or constructed to the memorial district without consideration to the county. The board of supervisors may transfer to a memorial district funds raised pursuant to this section to be expended by the district in furtherance of the purposes of the district under terms and conditions consistent with the purposes for which the funds were raised.

SEC. 78.1. Section 20601 of the Public Contract Code is amended to read:

20601. All contracts for construction of a work of improvement for the district in excess of three thousand five hundred dollars ($3,500) shall be let to the lowest responsible bidder, except that contracts under seven thousand five hundred dollars ($7,500) may be let pursuant to informal bidding procedures established by the board, and except that county waterworks districts may contract with each other, with the county, or, where the district is a subsidiary district of a city, with the city, for furnishing labor, materials, or supplies required for any improvement mentioned in this division upon such terms and conditions as their boards may elect. With the approval of the board of supervisors and the board of directors of the district, if any, or, where the district is a subsidiary district of a city, with the approval of the city council, and upon the terms and conditions they may determine, all contracts for construction of a work of improvement for the district, including those under three thousand five hundred dollars ($3,500), may be let by the county or city purchasing agent, as applicable.

SEC. 78.2. Section 20602 of the Public Contract Code is amended to read:

20602. The district shall advertise in the county pursuant to Section 6061 of the Government Code, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract for construction of a work of improvement for the district shall be made.

SEC. 78.3. Section 20615 is added to the Public Contract Code, to read:

20615. (a) Contracts by the district for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services may be let by the board or any officer authorized by the board pursuant to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(b) Contracts by the district for special services, as provided in Section 31000 of the Government Code, may be let by the board or any officer authorized by the board pursuant to Section 31000 of the Government Code.

SEC. 78.5. Section 2621.7 of the Public Resources Code is amended to read:

2621.7. This chapter, except Section 2621.9, shall not apply to any of the following:

(a) The conversion of an existing apartment complex into a condominium.

(b) Any development or structure in existence prior to May 4, 1975, except for an alteration or addition to a structure that exceeds the value limit specified in subdivision (c).

(c) An alteration or addition to any structure if the value of the alteration or addition does not exceed 50 percent of the value of the structure.

(d) (1) Any structure located within the jurisdiction of the City of Berkeley or the City of Oakland which was damaged by fire between October 20, 1991, and October 23, 1991, if granted an exemption pursuant to this subdivision.

(2) The city may apply to the State Geologist for an exemption and the State Geologist shall grant the exemption only if the structure located within the earthquake fault zone is not situated upon a trace of an active fault line, as delineated in the official earthquake fault zone map or in more recent geologic data, as determined by the State Geologist.

(3) When requesting an exemption, the city shall submit to the State Geologist all of the following information:

(A) Maps noting the parcel numbers of proposed building sites that are at least 50 feet from an identified fault and a statement that there is not any more recent information to indicate a geologic hazard.

(B) Identification of any sites that are within 50 feet of an identified fault.

(C) Proof that the property owner has been notified that the granting of an exemption is not any guarantee that a geologic hazard does not exist.

(4) The granting of the exemption does not relieve a seller of real property or an agent for the seller of the obligation to disclose to a prospective purchaser that the property is located within a delineated earthquake fault zone, as required by Section 2621.9.

(e) (1) Alterations which include seismic retrofitting, as defined in Section 8894.2 of the Government Code, to any of the following buildings in existence prior to May 4, 1975:

(A) Unreinforced masonry buildings, as described in subdivision (a) of Section 8875 of the Government Code.

(B) Concrete tilt-up buildings, as described in Section 8893 of the Government Code.

(C) Reinforced concrete moment resisting frame buildings as described in Applied Technology Council Report 21 (FEMA Report 154).

(D) Any structure owned and operated by a state entity or agency that is listed on the California Register of Historical Resources or the National Register of Historic Places, including the California Memorial Stadium. This exemption shall not apply unless the state entity or agency submits a plan of proposed alterations to the State Geologist. The addition of this subparagraph does not modify, alter, conflict with, or supersede the intent of applicability of any other provisions of this chapter.

(2) The exemption granted by subparagraphs (A), (B), and (C) of paragraph (1) shall not apply unless a city or county acts in accordance with all of the following:

(A) The building permit issued by the city or county for the alterations authorizes no greater human occupancy load, regardless of proposed use, than that authorized for the existing use permitted at the time the city or county grants the exemption. This may be accomplished by the city or county making a human occupancy load determination that is based on, and no greater than, the existing authorized use, and including that determination on the building permit application as well as a statement substantially as follows: "Under subparagraph (A) of paragraph (2) of subdivision (e) of Section 2621.7 of the Public Resources Code, the occupancy load is limited to the occupancy load for the last lawful use authorized or existing prior to the issuance of this building permit, as determined by the city or county."

(B) The city or county requires seismic retrofitting, as defined in Section 8894.2 of the Government Code, which is necessary to strengthen the entire structure and provide increased resistance to ground shaking from earthquakes.

(C) Exemptions granted pursuant to paragraph (1) are reported in writing to the State Geologist within 30 days of the building permit issuance date.

(3) Any structure with human occupancy restrictions under subparagraph (A) of paragraph (2) shall not be granted a new

building permit that allows an increase in human occupancy unless a geologic report, prepared pursuant to subdivision (d) of Section 3603 of Title 14 of the California Code of Regulations in effect on January 1, 1994, demonstrates that the structure is not on the trace of an active fault, or the requirement of a geologic report has been waived pursuant to Section 2623.

(4) A qualified historical building within an earthquake fault zone that is exempt pursuant to this subdivision may be repaired or seismically retrofitted using the State Historical Building Code, except that, notwithstanding any provision of that building code and its implementing regulations, paragraph (2) shall apply.

SEC. 79. Section 13041 of the Public Resources Code is amended to read:

13041. (a) Any compensation provided pursuant to this section shall comply with Articles 2.3 (commencing with Section 53232) and 2.4 (commencing with Section 53234) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(b) The district board may authorize each director to receive compensation not exceeding twenty-five dollars ($25) for each meeting of the board attended by the director within the State of California, not exceeding two meetings in any calendar month, plus reimbursement for actual and necessary expenses incurred in the performance of these duties.

(c) The district board may authorize a director to receive for performing duties for the district other than attending board meetings:

(1) Not to exceed twenty-five dollars ($25) for each day, but payment is limited to five days in any calendar month as to each director other than the president.

(2) Actual and necessary expenses incurred in the performance of these duties.

(d) The secretary shall receive compensation set by the board, which compensation shall be in lieu of any other compensation to which the secretary may be entitled for attendance at meetings pursuant to this section.

SEC. 79.1. Section 11938 of the Public Utilities Code is amended to read:

11938. The general manager shall within 90 days from the end of each fiscal year cause to be published a summary of the financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this division for the publication of ordinances and notices generally.

SEC. 79.5. Section 99 of the Revenue and Taxation Code is amended to read:

99. (a) For the purposes of the computations required by this chapter:

(1) In the case of a jurisdictional change, other than a city incorporation or a formation of a district as defined in Section 2215, the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 96.1, or the annual tax increment determined pursuant to Section 96.5, for local agencies whose service area or service responsibility would be altered by the jurisdictional change, as determined pursuant to subdivision (b) or (c).

(2) In the case of a city incorporation, the auditor shall assign the allocation of property tax revenues determined pursuant to Section 56810 of the Government Code and the adjustments in tax revenues that may occur pursuant to Section 56815 of the Government Code to the newly formed city or district and shall make the adjustment as determined by Section 56810 in the allocation of property tax revenue determined pursuant to Section 96 or 96.1 for each local agency whose service area or service responsibilities would be altered by the incorporation.

(3) In the case of a formation of a district as defined in Section 2215, the auditor shall assign the allocation of property tax revenues determined pursuant to Section 56810 of the Government Code to the district and shall make the adjustment as determined by Section 56810 in the allocation of property tax revenue determined pursuant to Section 96 or 96.1 for each local agency whose service area or service responsibilities would be altered by the formation.

(b) Upon the filing of an application or a resolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code), but prior to the issuance of a certificate of filing, the executive officer shall give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. This notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change.

(1) (A) The county assessor shall provide to the county auditor, within 30 days of the notice of filing, a report which identifies the assessed valuations for the territory subject to the jurisdictional change and the tax rate area or areas in which the territory exists.

(B) The auditor shall estimate the amount of property tax revenue generated within the territory that is the subject of the jurisdictional change during the current fiscal year.

(2) The auditor shall estimate what proportion of the property tax revenue determined pursuant to paragraph (1) is attributable to each local agency pursuant to Section 96.1 and Section 96.5.

(3) Within 45 days of notice of the filing of an application or resolution, the auditor shall notify the governing body of each local agency whose service area or service responsibility will be altered by the amount of, and allocation factors with respect to, property tax revenue estimated pursuant to paragraph (2) that is subject to a negotiated exchange.

(4) Upon receipt of the estimates pursuant to paragraph (3) the local agencies shall commence negotiations to determine the amount of property tax revenues to be exchanged between and among the local agencies. This negotiation period shall not exceed 60 days.

The exchange may be limited to an exchange of property tax revenues from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years.

(5) In the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues. Prior to entering into negotiation on behalf of a district for the exchange of property tax revenue, the board shall consult with the affected district. The consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending

consultation and provision of adequate opportunity to comment on the negotiation.

(6) Notwithstanding any other provision of law, the executive officer shall not issue a certificate of filing pursuant to Section 56658 of the Government Code until the local agencies included in the property tax revenue exchange negotiation, within the 60-day negotiation period, present resolutions adopted by each such county and city whereby each county and city agrees to accept the exchange of property tax revenues.

(7) In the event that the commission modifies the proposal or its resolution of determination, any local agency whose service area or service responsibility would be altered by the proposed jurisdictional change may request, and the executive officer shall grant, 15 days for the affected agencies, pursuant to paragraph (4) to renegotiate an exchange of property tax revenues. Notwithstanding the time period specified in paragraph (4), if the resolutions required pursuant to paragraph (6) are not presented to the executive officer within the 15-day period, all proceedings of the jurisdictional change shall automatically be terminated.

(8) In the case of a jurisdictional change that consists of a city's qualified annexation of unincorporated territory, an exchange of property tax revenues between the city and the county shall be determined in accordance with subdivision (e) if that exchange of revenues is not otherwise determined pursuant to either of the following:

(A) Negotiations completed within the applicable period or periods as prescribed by this subdivision.

(B) A master property tax exchange agreement among those local agencies, as described in subdivision (d).

For purposes of this paragraph, a qualified annexation of unincorporated territory means an annexation, as so described, for which an application or a resolution was filed on or after January 1, 1998, and on or before January 1, 2015.

(9) No later than the date on which the certificate of completion of the jurisdictional change is recorded with the county recorder, the executive officer shall notify the auditor or auditors of the exchange of property tax revenues and the auditor or auditors shall make the appropriate adjustments as provided in subdivision (a).

(c) Whenever a jurisdictional change is not required to be reviewed and approved by a local agency formation commission, the local agencies whose service area or service responsibilities would be altered by the proposed change, shall give notice to the State Board of Equalization and the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. This notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change and request the auditor and assessor to make the determinations required pursuant to paragraphs (1) and (2) of subdivision (b). Upon notification by the auditor of the amount of, and allocation factors with respect to, property tax subject to exchange, the local agencies, pursuant to the provisions of paragraphs (4) and (6) of subdivision (b), shall determine the amount of property tax revenues to be exchanged between and among the local agencies. Notwithstanding any other provision of law, no such jurisdictional change shall become effective until each county and city included in these negotiations agrees, by resolution, to accept the negotiated exchange of property tax revenues. The exchange may be limited to an exchange of property tax revenue from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years. Upon the adoption of the resolutions required pursuant to this section, the adopting agencies shall notify the auditor who shall make the appropriate adjustments as provided in subdivision (a). Adjustments in property tax allocations made as the result of a city or library district withdrawing from a county free library system pursuant to Section 19116 of the Education Code shall be made pursuant to Section 19116 of the Education Code, and this subdivision shall not apply.

(d) With respect to adjustments in the allocation of property taxes pursuant to this section, a county and any local agency or agencies within the county may develop and adopt a master property tax transfer agreement. The agreement may be revised from time to time by the parties subject to the agreement.

(e) (1) An exchange of property tax revenues that is required by paragraph (8) of subdivision (b) to be determined pursuant to this subdivision shall be determined in accordance with all of the following:

(A) The city and the county shall mutually select a third-party consultant to perform a comprehensive, independent fiscal analysis, funded in equal portions by the city and the county, that specifies estimates of all tax revenues that will be derived from the annexed territory and the costs of city and county services with respect to the annexed territory. The analysis shall be completed within a period not to exceed 30 days, and shall be based upon the general plan or adopted plans and policies of the annexing city and the intended uses for the annexed territory. If, upon the completion of the analysis period, no exchange of property tax revenues is agreed upon by the city and the county, subparagraph (B) shall apply.

(B) The city and the county shall mutually select a mediator, funded in equal portions by those agencies, to perform mediation for a period of not to exceed 30 days. If, upon the completion of the mediation period, no exchange of property tax revenues is agreed upon by the city and the county, subparagraph (C) shall apply.

(C) The city and the county shall mutually select an arbitrator, funded in equal portions by those agencies, to conduct an advisory arbitration with the city and the county for a period of not to exceed 30 days. At the conclusion of this arbitration period, the city and the county shall each present to the arbitrator its last and best offer with respect to the exchange of property tax revenues. The arbitrator shall select one of the offers and recommend that offer to the governing bodies of the city and the county. If the governing body of the city or the county rejects the recommended offer, it shall do so during a public hearing, and shall, at the conclusion of that hearing, make written findings of fact as to why the recommended offer was not accepted.

(2) Proceedings under this subdivision shall be concluded no more than 150 days after the auditor provides the notification pursuant to paragraph (3) of subdivision (b), unless one of the periods specified in this subdivision is extended by the mutual agreement of the city and the county. Notwithstanding any other provision of law, except for those conditions that are necessary to implement an exchange of property tax revenues determined pursuant to this subdivision, the local agency formation commission shall not impose any fiscal conditions upon a city's qualified annexation of unincorporated territory that is subject to this subdivision.

(f) Except as otherwise provided in subdivision (g), for the purpose of determining the amount of property tax to be allocated in the 1979–80 fiscal year and each fiscal year thereafter for those local agencies that were affected by a jurisdictional change which was filed with the State Board of Equalization after January 1, 1978, but on or before January 1, 1979. The local agencies shall determine by resolution the amount of property tax revenues to be exchanged between and among the affected agencies and notify the auditor of the determination.

(g) For the purpose of determining the amount of property tax to be allocated in the 1979–80 fiscal year and each fiscal year thereafter, for a city incorporation that was filed pursuant to Sections 54900 to 54904 after January 1, 1978, but on or before January 1, 1979, the amount of property tax revenue considered to have been received by the jurisdiction for the 1978–79 fiscal year shall be equal to two-thirds of the amount of property tax revenue projected in the final local agency formation commission staff report pertaining to the incorporation multiplied by the proportion that the total amount of property tax revenue received by all jurisdictions within the county for the 1978–79 fiscal year bears to the total amount of property tax revenue received by all jurisdictions within the county for the 1977–78 fiscal year. Except, however, in the event that the final commission report did not specify the amount of property tax revenue projected for that incorporation, the commission shall by October ~~10,~~ *10* determine pursuant to Section 54790.3 of the Government Code the amount of property tax to be transferred to the city.

The provisions of this subdivision shall also apply to the allocation of property taxes for the 1980–81 fiscal year and each fiscal year thereafter for incorporations approved by the voters in June 1979.

(h) For the purpose of the computations made pursuant to this section, in the case of a district formation that was filed pursuant to Sections 54900 to 54904, inclusive, of the Government Code after January 1, 1978, but before January 1, 1979, the amount of property tax to be allocated to the district for the 1979–80 fiscal year and each fiscal year thereafter shall be determined pursuant to Section 54790.3 of the Government Code.

(i) For the purposes of the computations required by this chapter, in the case of a jurisdictional change, other than a change requiring an adjustment by the auditor pursuant to subdivision (a), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 96.1 or its predecessor section, or the annual tax increment determined pursuant to Section 96.5 or its predecessor section, for each local school district, community college district, or county superintendent of schools whose service area or service responsibility would be altered by the jurisdictional change, as determined as follows:

(1) The governing body of each district, county superintendent of schools, or county whose service areas or service responsibilities would be altered by the change shall determine the amount of property tax revenues to be exchanged between and among the affected jurisdictions. This determination shall be adopted by each affected jurisdiction by resolution. For the purpose of negotiation, the county auditor shall furnish the parties and the county board of education with an estimate of the property tax revenue subject to negotiation.

(2) In the event that the affected jurisdictions are unable to agree, within 60 days after the effective date of the jurisdictional change, and if all the jurisdictions are wholly within one county, the county board of education shall, by resolution, determine the amount of property tax revenue to be exchanged. If the jurisdictions are in more than one county, the State Board of Education shall, by resolution, within 60 days after the effective date of the jurisdictional change, determine the amount of property tax to be exchanged.

(3) Upon adoption of any resolution pursuant to this subdivision, the adopting jurisdictions or State Board of Education shall notify the county auditor who shall make the appropriate adjustments as provided in subdivision (a).

(j) For purposes of subdivision (i), the annexation by a community college district of territory within a county not previously served by a community college district is an alteration of service area. The community college district and the county shall negotiate the amount, if any, of property tax revenues to be exchanged. In these negotiations, there shall be taken into consideration the amount of revenue received from the timber yield tax and forest reserve receipts by the community college district in the area not previously served. In no event shall the property tax revenue to be exchanged exceed the amount of property tax revenue collected prior to the annexation for the purposes of paying tuition expenses of residents enrolled in the community college district, adjusted each year by the percentage change in population and the percentage change in the cost of living, or per capita personal income, whichever is lower, less the amount of revenue received by the community college district in the annexed area from the timber yield tax and forest reserve receipts.

(k) At any time after a jurisdictional change is effective, any of the local agencies party to the agreement to exchange property tax revenue may renegotiate the agreement with respect to the current fiscal year or subsequent fiscal years, subject to approval by all local agencies affected by the renegotiation.

SEC. 80. Section 1550 of the Streets and Highways Code is amended to read:

1550. (a) A board of supervisors may form special road maintenance districts and levy special taxes for road and highway purposes to this chapter.

(b) Nothing contained in this section shall authorize any property tax for highway purposes to be levied or collected by a county within any city wherein work and improvements upon the streets are done by virtue of any law relating to street work and improvements within such a city.

SEC. 81. Section 1550.1 of the Streets and Highways Code is amended to read:

1550.1. The board of supervisors may form special road maintenance districts in unincorporated areas of the county wholly outside of incorporated cities. Formation of these districts may be ordered by the board when in its opinion additional road funds are necessary to properly maintain highways and roads in specific unincorporated areas of the county. These districts shall be formed by order of the board setting forth the boundaries thereof. A district shall be in existence until the board shall by its order discontinue the district. If a district is to be formed, the board shall set a date for a hearing on the formation. This hearing shall not be held in less than three weeks after the date of the order for the hearing, and prior to the date of the hearing, a notice of the hearing shall be published twice in a newspaper of general circulation in the area, and, in addition, at least three notices shall be posted in public places within the proposed district. At the hearing, protests, if any, shall be heard on the proposed formation of the district. It shall be within the power of the board to determine from the results of the hearing the necessity for the special road maintenance district, and, if it be deemed necessary, the district may be formed.

SEC. 82. Section 1550.2 of the Streets and Highways Code is repealed.

SEC. 83. Section 1550.2 is added to the Streets and Highways Code, to read:

1550.2. The board of supervisors may levy a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, and spend the proceeds for the purposes of this chapter.

SEC. 84. Section 1551 of the Streets and Highways Code is repealed.

SEC. 85. Section 1552 of the Streets and Highways Code is amended to read:

1552. Except as otherwise provided in this code, all revenues from special taxes levied for highway and road purposes collected in each road district shall be expended for highway and road purposes within the district in which collected.

The board of supervisors shall cause such tax collected each year to be apportioned to the several road districts entitled thereto, and to be kept by the county treasurer in separate funds.

SEC. 86. Section 1553 of the Streets and Highways Code is repealed.

SEC. 87. Section 1554 of the Streets and Highways Code is repealed.

SEC. 88. Section 5100 of the Streets and Highways Code is amended to read:

5100. (a) All streets, places, public ways, or property, or rights-of-way, or tidelands, or submerged lands owned by any city, open or dedicated to public use, and any property for which an order for possession prior to judgment has been obtained, and all tidelands or submerged lands to which all the right, title, and interest of the state have been granted to any city, all tidelands or submerged lands for which a permit, license, or easement has been issued by the United States Army Corps of Engineers or the state for work to be done pursuant to subdivision (m) of Section 5101, and all tidelands or submerged lands which have been leased by the state to any city for the construction of improvements authorized by subdivision (g) of Section 5101, are open public streets, places, public ways, or property or rights-of-way owned by the city, for the purposes of this division, and the legislative body of the city may establish and change the grades of the respective ways, properties, and rights-of-way hereinbefore enumerated and fix the width thereof and is hereby invested with jurisdiction to order to be done therein, over or thereon, either singly or in any combination thereof, any of the work mentioned in this division under the proceedings described in this part.

(b) Nothing in this section shall supersede the legislative body's obligation to obtain a lease or permit from the State Lands Commission for the use of state-owned tidelands or submerged lands.

SEC. 89. Section 376 of the Water Code is amended to read:

376. (a) Any ordinance or resolution adopted pursuant to Section 375 is effective upon adoption. Within 10 days after its adoption, the ordinance or resolution shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation which is printed, published, and circulated in the public entity. If there is no such newspaper the ordinance or resolution shall be posted within 10 days after its adoption in three public places within the public entity.

(b) The publication of ordinances or resolutions, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The public entity may publish a summary of a proposed ordinance, resolution, or proposed amendment to an existing ordinance or resolution. The summary shall be prepared by an official designated by the governing body. A summary shall be published and a certified copy of the full text of the proposed ordinance, resolution, or amendment shall be posted in the office of the governing body at least five days prior to the governing body's meeting at which the proposed ordinance, resolution, or amendment is to be adopted. Within 15 days after adoption of the ordinance, resolution, or amendment, the governing body shall publish a summary of the ordinance, resolution, or amendment with the names of those members voting for and against the ordinance, resolution, or amendment and the official shall post in the office of the governing body a certified copy of the full text of the adopted ordinance, resolution, or amendment along with the

names of those members voting for and against the ordinance, resolution, or amendment.

(2) If the official designated by the governing body determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance, resolution, or amendment, and if the governing body so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the governing body meeting at which the proposed ordinance, resolution, or amendment is to be adopted. Within 15 days after adoption of the ordinance, resolution, or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance, resolution, or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance, resolution, or amendment, and the names of those members voting for and against the ordinance, resolution, or amendment.

SEC. 90. Section 40355 of the Water Code is amended to read:

40355. (a) A director, when sitting on the board or acting under its orders, shall receive not exceeding:

(1) One hundred dollars ($100) per day, not exceeding six days in any calendar month.

(2) Actual and necessary expenses while engaged in official business under the order of the board.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(c) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 90.1. Section 55336 of the Water Code is amended to read:

55336. Subject to Section 56133 of the Government Code, a district may sell water to any person, firm, public or private corporation, or public agency, ~~or~~ other consumer outside the district when the governing body finds that the district has a surplus of water above that which is required by the consumers within the district. Additionally, a district may sell water to any person, firm, public or private corporation, public agency, or other consumer outside the district when the governing body finds that the sale of the water is required in response to an emergency as defined in Section 1102 of the Public Contract Code.

SEC. 90.2. Section 55371 of the Water Code is amended to read:

55371. The board may sell, exchange, or lease any property, or any interest in property, of the district, real or personal, if the board determines that the property is no longer needed for the uses of the district.

SEC. 90.3. Section 55371.5 of the Water Code is amended to read:

55371.5. If the board determines that the property is needed for the uses of another county waterworks district governed by the same board or another public agency with a service area or jurisdictional boundary that overlaps the district, the property, or an interest in the property, may be sold, exchanged, or leased to that district or public agency at its reasonable market value without notice.

SEC. 90.4. Section 55372 of the Water Code is amended to read:

55372. If the board determines the value of the property, or interest in the property, to be of a value of five thousand dollars ($5,000) or less, or is being leased for one year or less, it may be sold, exchanged, or leased without notice.

SEC. 90.5. Section 55373 of the Water Code is amended to read:

55373. If the board determines the property, or interest in the property, to have a value of more than five thousand dollars ($5,000) or is being leased for more than one year, a notice of time and place of sale or leasing shall be given by posting three notices in three public places within the district five days before the date of sale or leasing. At the time fixed for the sale or leasing, bids shall be received and the board may sell or lease to the highest bidder or may reject any or all bids.

SEC. 91. Section 4.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973) is amended to read:

Sec. 4.1. The general purposes of the agency shall be to take all reasonable and lawful actions, including to negotiate, enter into, execute, amend, administer, perform, and *pursue legislative and* *legal actions to* enforce one or more agreements with the United States, the State of California, or other ~~entities, and to pursue legislative and legal actions~~ *entities* that have for their general purposes either of the following:

(a) To protect the water supply of the lands within the agency against intrusion of ocean salinity.

(b) To assure the lands within the agency a dependable supply of water of suitable quality sufficient to meet present and future needs.

~~SEC. 92. Section 4.2 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973) is amended to read:~~

~~Sec. 4.2. The agency shall also have the following powers:~~

~~(a) To have perpetual succession.~~

~~(b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.~~

~~(c) To adopt a seal and alter it at pleasure.~~

~~(d) To take by grant, purchase, gift, devise, or lease, or dispose of, real and personal property of every kind, including money, within or without the agency.~~

~~(e) To borrow money and incur indebtedness; provided, however, that with the exception of agreements provided for in Section 4.1, the agency shall not at any one time incur indebtedness in excess of the ordinary annual income and revenues of the agency; except that the agency may borrow money for its expenses incurred during the period until the agency first receives tax money.~~

~~(f) To employ labor and contract for services.~~

~~(g) To cause assessments to be levied, in the manner hereinafter provided, for the purpose of paying expenses and obligations of the agency, including its formation expenses and any warrants issued therefor.~~

~~(h) To act jointly with or cooperate with the United States and with the State of California to the end that the purposes and activities of the agency may be fully and economically performed.~~

~~(i) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.~~

~~(j) To carry on technical and other investigations of all kinds necessary or convenient for the accomplishment of the purposes or powers of the agency.~~

~~(k) To do any and every lawful act necessary in order that a sufficient in-channel water supply of suitable quality may be available for any present or future beneficial use or uses of the lands within the agency.~~

~~SEC. 93.~~

SEC. 92. Section 5.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as amended by Chapter 609 of the Statutes of 1994, is amended to read:

Sec. 5.1. On or before June 30 of each year, the board shall determine, and cause to be thereafter assessed and collected pursuant to Section 5.20, an amount of money sufficient to pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as money is available to the agency from the assessments levied in the next succeeding year.

~~SEC. 94.~~

SEC. 93. Section 5.2 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is amended to read:

Sec. 5.2. The board shall fix a uniform charge per acre on each acre of taxable land within the agency sufficient to pay the expenses and obligations. This section shall be effective only until the board adopts an assessment rate pursuant to Section 5.20 that has been validated pursuant to Section 6.2.

~~SEC. 95.~~

SEC. 94. Section 5.3 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is amended to read:

Sec. 5.3. In the event the charge for any parcel of land separately charged, based on the rate fixed pursuant to Section 5.2, is less than ten dollars ($10), a minimum charge may be set by the board that shall not exceed ten dollars ($10) for each separately charged parcel. This section shall be effective only until the board adopts an assessment rate pursuant to Section 5.20 that has been validated pursuant to Section 6.2.

~~SEC. 96.~~

SEC. 95. Section 5.5 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is amended to read:

Sec. 5.5. All payments of charges shall be made in installments, of the amounts and at those times as the board, by order, may direct. The collector shall bill each payment contractor and individual landowner not within a payment contractor. Bills shall be mailed by first-class mail to each payment contractor or landowner as shown on the records of the county assessors' offices which the assessors will use to prepare the next assessor's rolls. Payment shall be payable to the treasurer of the agency. This section shall be effective only until the board adopts an assessment rate pursuant to Section 5.20 that has been validated pursuant to Section 6.2.

~~SEC. 97.~~

SEC. 96. Section 5.6 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is amended to read:

Sec. 5.6. Any charge erroneously made by reason of inadvertence or clerical mistake may be refunded upon order of the board at any time after payment thereof. This section shall be effective only until the board adopts an assessment rate pursuant to Section 5.20 that has been validated pursuant to Section 6.2.

~~SEC. 98.~~

SEC. 97. Section 5.7 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is amended to read:

Sec. 5.7. The collector shall prepare a list containing the following information for the area within each payment contractor and for each parcel not within a payment contractor:

(a) The property description.

(b) The name of the payment contractor, names of the owners of each parcel not within a payment contractor, or if unknown, that fact.

(c) The number of acres in each separately assessed parcel, based on the assessor's rolls, plats, and maps for each affected county.

(d) The amount of the charge set pursuant to Section 5.2.

(e) The percentage of benefit determined pursuant to Section 5.11 or 5.17.

(f) The total amount to be collected for each parcel, the product of the amounts specified in subdivisions (c) and (d) or subdivisions (c), (d), and (e).

(g) This section shall be effective only until the board adopts a rate pursuant to Section 5.20 that has been validated pursuant to Section 6.2.

~~SEC. 99.~~

SEC. 98. Section 5.8 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 100.~~

SEC. 99. Section 5.9 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 101.~~

SEC. 100. Section 5.10 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 102.~~

SEC. 101. Section 5.11 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 103.~~

SEC. 102. Section 5.12 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 104.~~

SEC. 103. Section 5.13 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 105.~~

SEC. 104. Section 5.14 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 106.~~

SEC. 105. Section 5.15 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 107.~~

SEC. 106. Section 5.16 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 108.~~

SEC. 107. Section 5.17 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 1119 of the Statutes of 1980, is repealed.

~~SEC. 109.~~

SEC. 108. Section 5.20 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as added by Chapter 296 of the Statutes of 2003, is amended to read:

Sec. 5.20. (a) The board may raise revenue in the same manner as reclamation districts, pursuant to Part 7 (commencing with Section 51200) of Division 15 of the Water Code, and in conformance with Section 53753 of the Government Code. Every reference in Part 7 (commencing with Section 51200) of Division 15 of the Water Code to "board of trustees" and "board of supervisors" shall be deemed a reference to the board of directors of the agency.

(b) If new, increased, or extended assessments are proposed, the agency shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code and Section 4 of Article XIII D of the California Constitution.

~~SEC. 110.~~

SEC. 109. Section 6.2 is added to the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), to read:

Sec. 6.2. The agency may bring an action to determine the validity of its zones, assessments, rates, charges, warrants, contracts, or obligations pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure upon the existence of those zones, assessments, rates, charges, warrants, contracts, or obligations and for 60 days thereafter. If the agency does not bring its own action under Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure, then Sections 863 and 869 of the Code of Civil Procedure shall not apply.

~~SEC. 111.~~

SEC. 110. Section 8.1 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973), as amended by Chapter 403 of the Statutes of 1978, is repealed.

~~SEC. 112.~~

SEC. 111. Section 8.2 of the North Delta Water Agency Act (Chapter 283 of the Statutes of 1973) is amended and renumbered to read:

Sec. 8.1. In the event of dissolution of the agency and the termination of its existence, its affairs shall be wound up, its successor for the purpose of winding up its affairs determined, and its assets and funds distributed in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code.

SEC. 112. The Legislature finds and declares that Section 2.5 of this act, which amends Section 24009 of the Government Code, is a special law that is necessary because 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 of the County of Amador. In that respect, the County of Amador needs to reorganize offices in a way that are not available to all counties under the general laws.

SEC. 113. The Legislature finds and declares that Section 5 of this act which amends Section 25332 of the Government Code is a special law which is necessary because 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 of the County of Sonoma. In that respect, the County of Sonoma needs to contract with private firms with special experience, education, and training, including maintenance and construction services.

SEC. 114. Section 71.5 of this bill incorporates amendments to Section 66412 of the Government Code proposed by both this bill and SB 251. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2010, (2) each bill amends Section 66412 of the Government Code, and (3) this bill is enacted after SB 251, in which case Section 71 of this bill shall not become operative.

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