

AMENDED IN ASSEMBLY MARCH 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2455**

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**Introduced by Assembly Member Williams**

February 21, 2014

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An act to amend, repeal, and add Section 61040 of, and to add and repeal Section 61040.1 of, the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, Williams. The Santa Rita Hills Community Services District.

The Community Services District Law specifies the procedures for district formation, procedures for the selection of district governing board members, the powers and duties of the board, and the procedures for changing those powers and duties. Existing law ~~prohibits a person who is not a voter of the district or the proposed district from being a candidate for the board of directors~~ *requires the board of directors of each district to consist of 5 members.*

This bill would ~~provide that, authorize, until January 1, 2035, in addition to persons who are voters in the district, a person who is otherwise qualified to vote and who also owns property in the district may be a candidate for the board of directors of the Santa Rita Hills Community Services District~~ *to consist of 3 members.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Santa Rita Hills Community Services District.

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

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

1 SECTION 1. Section 61040 of the Government Code is  
2 amended to read:

3 61040. (a) ~~A~~*Except as provided in Section 61040.1, a*  
4 legislative body of five members known as the board of directors  
5 shall govern each district. The board of directors shall establish  
6 policies for the operation of the district. The board of directors  
7 shall provide for the implementation of those policies which is the  
8 responsibility of the district’s general manager.

9 (b) ~~Except as provided in Section 61040.1, no~~*No* person shall  
10 be a candidate for the board of directors unless he or she is a voter  
11 of the district or the proposed district. No person shall be a  
12 candidate for the board of directors that is elected by divisions or  
13 from divisions unless he or she is a voter of that division or  
14 proposed division.

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

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

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

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

33 SEC. 2. Section 61040 is added to the Government Code, to  
34 read:

35 61040. (a) A legislative body of five members known as the  
36 board of directors shall govern each district. The board of directors  
37 shall establish policies for the operation of the district. The board

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

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

8 (c) All members of the board of directors shall exercise their  
9 independent judgment on behalf of the interests of the entire  
10 district, including the residents, property owners, and the public  
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16 (d) Service on a municipal advisory council established pursuant  
17 to Section 31010 or service on an area planning commission  
18 established pursuant to Section 65101 shall not be considered an  
19 incompatible office with service as a member of a board of  
20 directors.

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

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

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

28 61040.1. (a) ~~No person shall be a candidate for the~~ *The* board  
29 of directors of the Santa Rita Hills Community Services District  
30 ~~unless he or she is a voter of the district, or is an individual who~~  
31 ~~is otherwise qualified to vote and who owns property in the district.~~  
32 ~~Eligibility shall be determined using the last Santa Barbara County~~  
33 ~~equalized assessment roll preceding the election~~ *may consist of*  
34 *three members.*

35 (b) This section shall be repealed on January 1, 2035.

36 SEC. 4. The Legislature finds and declares that a special law  
37 is necessary and that a general law cannot be made applicable  
38 within the meaning of Section 16 of Article IV of the California  
39 Constitution because of the unique circumstances that exist ~~in~~ *with*

- 1 *respect to the composition of the board of directors of the Santa*
- 2 *Rita Hills Community Services District.*

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