



# *CSDA's Guide to Special District Laws and Related Codes*

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## **The California Special Districts Association: Who we are**

California Special District Association (CSDA) is a not-for-profit association that was formed in 1969 to ensure the continued existence of local, independent special districts. Special districts are a form of local government created by a local community to meet a specific need. When residents or landowners want new services or higher levels of existing services, they can form a district to pay for and administer them.

For over 38 years, CSDA has been offering its members cost-efficient programs and representation at the State Capitol and has a membership of over 1,000 organizations throughout California. We are the only statewide association representing all types of independent special districts including irrigation, water, park and recreation, cemetery, fire, police protection, library, utility, harbor, healthcare and community services districts, among many others.

CSDA provides education and training, insurance programs, legal advice, industry-wide litigation and public relations support, legislative advocacy, capital improvement and equipment funding, collateral design services, and, most importantly, current information that is crucial to a special districts management and operational effectiveness. CSDA also works very hard to keep its members informed and up-to date on current legislative issues and provides an opportunity to have a meaningful representation in the State Capitol.

## **CSDA's Guide to Special District Laws and Related Codes**

*CSDA's Guide to Special District Laws and Related Codes* is a reference guide to the myriad of statutes that affect local governments and special district governance. This document, created by the CSDA Legislative Department, is meant to serve as a resource for board members and staff to quickly identify where in the California Codes certain regulations are located. The entries in *CSDA's Guide to Special District Laws and Related Codes* are concepts, names of specific acts and laws, and special district principle acts. Each entry contains a brief summary of the topic, the section number of the code it is located in, and any cross-references to other entries or resources.

The idea of a reference guide specific to special districts was inspired by the Senate Local Government Committee's *The Quick List: An Annotated Glossary of Local Government Statutes*. The *Quick List* can be found at the Senate Local Government Committee's website (<http://www.senate.ca.gov>).

This publication was produced by the CSDA Legislative Department.  
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***The items in this Guide are designed to provide general direction in various areas and are not meant to be legal advice. It is always recommended that an attorney be consulted with any specific questions.***

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### **Air quality/pollution control districts**

*California Health and Safety Code §40000*

Rules and regulations of this district type seek to prevent air pollution, which causes discomfort, health risks or damage to the property of a significant number of people. Local and regional authorities have the primary responsibility of controlling air pollution from all sources, other than emissions from motor vehicles.

### **Airport districts**

*California Public Utilities Code §22001*

This district type facilitates the development of airports, spaceports, and air navigation facilities. The district's objective is to encourage airport and spaceport development and to distribute the cost uniformly among all who benefit.

### **Appropriations limit (Gann Limit)**

*California State Constitution Article XIII B*

*Government Code §7900, et seq.*

Local governments have limits (or ceilings) on the appropriations of tax proceeds. This limit is based on the amount of appropriations in the 1978-79 "base year" and is adjusted each year for population growth and cost-of-living factors, plus a few exceptions.

Resources:

- The State Appropriations Limit (April 2000), Legislative Analyst's Office

*(See entry for Proposition 4 (1979))*

### **Assembly Bill 8 (1979)**

*Revenue and Taxation Code §95*

This state law allocates property tax revenues to local governments, to provide the long-term policy changes to the allocation system that Senate Bill 154 (1978) did not have. It was created in 1979 to provide fiscal relief to local governments suffering from Proposition 13. AB 8 created the Special District Augmentation Fund.

Resources:

- Property Taxes: Why Some Local Governments Get More Than Others (August 1996), Legislative Analyst's Office
- What's So Special About Special Districts (February 2002), Senate Local Government Committee

*(See entry for "Special District Augmentation Fund")*

*(See entry for "Proposition 13 (1978)")*

### **Assessments**

*California Constitution Article XIII D*

A special district may finance the maintenance and operation of public systems that include, but are not limited to, drainage, flood control, and street lighting. Assessments

are involuntary charges on property owners to pay for these public works when their properties benefit from the improvements through increased property values. Assessments include special, benefit, and maintenance assessments, and special assessment taxes. Assessments are subject to a weighted election.

Resource:

- Assessing The Benefits of Benefit Assessment, 2<sup>nd</sup> Edition (December 2004), Senate Local Government Committee
- Understanding Proposition 218 (December 2006), Legislative Analyst's Office

*(See entry for "Proposition 218 (1996)")*

### **Audits**

*Government Code §26909*

Special districts are required to have annual, independent audits conducted by the county auditor or a certified public accountant. This information is filed with the State Controller's Office. The annual audit can be changed to a bi-annual audit if approved unanimously by the district board and the board of supervisors, under certain restrictions.

### **Benefit Assessment Act of 1982**

*Government Code §54703, et seq.*

A district that provides services for public works projects that benefit property may impose assessments for the installation, improvement, and maintenance for these facilities. Since it is considered a benefit assessment, the Act is not subject to Proposition 13 limitations.

### **Bond oversight**

*Government Code §53410, et seq.*

Any local bond that is subject to voter approval, and provides for the sale of bonds by a special district, must be transparent. A special district must file a report that contains a statement indicating a specific purpose of the bond, information regarding the account into which the proceeds will be submitted, and an annual report on how that bond is spent.

### **Brown Act**

*(See entry for "Ralph Brown Act")*

### **California Environmental Quality Act (CEQA)**

*Public Resource Code §21000, et seq.*

The Act requires state and local public agencies to consider the environmental impacts of proposed activities or projects. Agencies must determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts on the environment.

Resources:

- Guide to CEQA, Solano Press Books.

- Resources Agency's website. <http://ceres.ca.gov/ceqa>

### **CEQA Guidelines**

*14 California Code Regulations §15000, et seq.*

State regulations that are required by the California Environmental Quality Act.

Resources:

- For a complete list of guidelines consult Title 14. California Code of Regulations Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

### **California water districts**

*California Water Code §34000*

This district constructs, maintains, and repairs the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected with any such projects.

### **California water storage districts**

*California Water Code §39000*

This district delivers water to customers for agricultural uses, supplies energy to a variety of users, and provides groundwater banking and storage services. It has the ability to construct, purchase, lease, and exchange material for works that include conduits, reservoirs, storage sites, water sheds, machinery, wells, pumps, dams, and other such appliances, and their accessories.

### **Citrus pest districts**

*California Food and Agriculture Code §8410*

The districts can be formed for the effective control and eradication of citrus pests. "Citrus pest" includes any infectious, transmissible, or contagious disease, any form of animal life, or any form of vegetable life infesting citrus trees or citrus fruits.

### **Closed sessions**

*Government Code §54945.5(a) to §54945.5(i)*

Closed sessions are allowed in very select circumstances, and a legislative body should go into a closed session only when absolutely required. The public must be informed of the closed session, and a brief description of the items on the agenda must be given. A minute book may be kept but not required, but the results of action taken must be made public. A meeting is always considered "open" until it is declared "closed".

Resources:

- Open & Public IV: A Guide to the Ralph Brown Act (2007), League of California Cities

*(See entry for "Ralph Brown Act")*

### **Community facilities districts (CFDs)**

*(See entry for “Mello-Roos Community Facilities Act”)*

### **Community Services District (CSD)**

*Government Code §61000, et seq.*

*Public Contract Code §20682, et seq.*

CSDs are special districts that provide more than one of the various services that other service-specific districts provide. In 2005, the Community Services District Law, a CSD’s principal act, was rewritten and streamlined by a working group that included CSDA and the Senate Local Government Committee.

Resources:

- Community Services, Community Needs (March 2006), Senate Local Government Committee

*(See entry for “Contracts and bidding”)*

### **Compensation**

*Code section varies*

Compensation of special district board members, commissioners and trustees varies by principal act, as do any provisions related to increases in compensation. Check the district principle act for procedures for a specific district.

#### **Compensation and ethics training**

*Government Code §53232, et seq. (on compensation)*

Local elected officials and key appointed officials (and management staff like general managers) are required by law to take ethics training courses if the officials receive compensation or reimbursement.

### **Conflict of interest**

*Government Code §1090, et seq. & §87100, et seq.*

*2 California Code Regulations §187100, et seq.*

Public officials cannot make or influence a governmental decision in which they have a conflict of interest. An official will have a conflict of interest if the decision has a foreseeable financial effect on their economic interests. They may not exert influence on a decision in which they have a conflict of interest unless their participation is legally required, or the official can establish that effect of the decision is indistinguishable from the effect on the general population.

Resources:

- A Local Official’s Guide to Ethics Laws, Institute for Local Government

### **Contracting and bidding**

*Public Contract Code §1100 to §9203 (generally applicable)*

*Public Contract Code §20100, et seq. (special districts-specific)*

The Local Agency Public Construction Act lays out the bidding and contracting procedures for special districts. Each special district type or even, at times, a specific special district has its own contracting and bidding regulations. See the list that follows Section 20100.

### **Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000**

*Government Code §56000 to §57550*

Cortese-Knox-Hertzberg is the latest iteration of the law that governs changes to boundaries and organization of cities and special districts. It updates the Cortese-Knox Local Government Reorganization Act of 1985, and is considered “the most important reform to the state’s local boundary laws in 40 years,” as Senator Tom Torlakson wrote in 2003. Changes to the 1985 law include making it easier for special districts to gain LAFCO representation, as well changes to spheres of influence evaluation and implemented municipal services reviews.

Resources:

- Assembly Bill 2838 (Hertzberg, 2000)
- [Guide to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000](#) (2002), Assembly Local Government Committee

*(See entry for “Local Agency Formation Commission”)*

### **Cotton pest districts**

*California Food and Agriculture Code §6051*

This district type controls and prevents the introduction of pests, the invasion of which may cause losses of several million dollars per year to this state's cotton crop. The district maintains a control of cotton plants in areas that are at risk.

### **County sanitation districts**

*California Health and Safety Code §4700*

This county type protects public health and the environment of the community by providing wastewater collection services in a safe, efficient, and innovative manner.

### **County water districts**

*Water Code §30000*

This district type establishes rules and regulations for the sale, distribution, and use of water. The district also stores and conserves water for present or future beneficial use, and is authorized to run recreational facilities, sanitation facilities, and fire protection.

### **CSDA Alliance**

The CSDA Alliance is a coalition comprised of the California Special Districts Association, the Special District Risk Management Authority, and the CSDA Finance

Corporation. The Alliance covers all the needs of special districts, ranging from legislative advocacy, educational workshops, risk management, workers' compensation, property liability and health coverages, and financing options for major purchases or projects.

### **CSDA Finance Corporation**

The Finance Corporation is a non-profit public benefit corporation formed by CSDA to assist special districts and other public agencies with acquiring highly competitive, tax-exempt financing for all type of major capital improvement projects, land acquisitions, and equipment purchases.

### **District Organization Law**

*Government Code §58000, et seq.*

The District Organization Law establishes a guide for the organization, operation and governance of certain special districts. This law applies only to particular districts or district types that refer to the District Organization Law in lieu of procedures of their own.

Resources:

- [Integrity and Accountability: Exploring Special Districts' Governance](#) (November 2003), Senate Local Government Committee

### **Drainage districts**

*Water Code §56000, et seq.*

Drainage districts have been established by some six iterations of principal acts, the first dating back to 1885 and the last in 1923, and some by special acts. Districts have the authority to transfer their responsibilities to flood control districts (*Water Code §8150*).

### **Educational Revenue Augmentation Fund (ERAF)**

*Revenue and Taxation Code §97.2 and 97.3*

Starting in 1992, in response to the state's budget woes, the Legislature implemented the first Educational Revenue Augmentation Fund, shifting property tax revenue from local governments to the schools, thus relieving the state of some of its fiscal responsibility to fund schools. A second shift (ERAF II) was implemented in 1993, but took less from local governments and exempted health and safety agencies. Both are still ongoing. In 2004, in a compromise with the local governments, a third shift (ERAF III) was allowed to take place, but only for two years, and significant restrictions were placed on the state's ability to raid local government funding through Proposition 1A.

*(See entry for Proposition 1A (2004))*

### **elections, Advisory**

*Elections Code §9603*

Local governments, including special districts, can have advisory elections to allow voters to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal.



## **elections, Consolidations of**

*Elections Code §10400*

Local municipalities, including special districts, can consolidate their elections with statewide elections. The section pertaining specifically to special districts starts at §10404.

## **Eminent domain**

*California Constitution Article I, §19*

*Civil Procedures Code §1230.010, et seq.*

*District specific authority varies by principal act*

Public entities can take private property for public use, with just compensation and due process. While eminent domain laws vary from state to state, California's is among the most strict, requiring that blight be identified, and the purpose to be only for public use. 2005 saw the US Supreme Court decision *Kelo v. City of New London* handed down, causing a backlash against the use of eminent domain and started attempts to "reform" it. Special districts are given the authority to use eminent domain in their principal acts, with the procedures laid out elsewhere in the codes.

Resources:

- [Kelo and California: How the Supreme Court's Decision Affects California's Local Governments](#) (August 2005), Senate Local Government Committee

## **Ethics training**

*Government Code §53232, et seq. (on compensation)*

*Government Code §53234, et seq. (on ethics training)*

Local elected officials and key appointed officials (and management staff like general managers) are required by law to take ethics training courses if the officials receive compensation or reimbursement. This applies even if they do not receive compensation or reimbursement, but the district's principal act allows the elected officials to receive them. By law, the affected local official must take an ethics training course once every two years, and the district has to establish a written policy on reimbursements. The bill that established this law also made updates to the principal acts of special districts that offer reimbursement or compensation to their board board.

Resources:

- Assembly Bill 1234 (Salinas, 2005)
- [Integrity and Accountability: Exploring Special Districts' Governance](#) (November 2003), Senate Local Government Committee
- [Open, Ethical Leadership: AB 1234 Compliance Training for Special Districts](#), California Special Districts Association

## **Fair Political Practices Commission (FPPC)**

*Government Code §81000, et seq. & § 83100, et seq.*

The FPPC was created by the Political Reform Act of 1974, as passed by voters as Proposition 9. The Commission has five members, including the chairman. No more than three members of the Commission may be members of the same political party. The FPPC regulates campaign financing and spending, financial conflicts of interest, lobbyist registration and reporting, post-governmental employment and other provisions under the Political Reform Act. It investigates alleged violations of the Act and imposes penalties when appropriate.

*(See entry for “Political Reform Act of 1974”)*

## **Fees**

### *California Constitution Article XIII D*

A fee is a charge to an individual or a business for a service provided directly to the individual or business. Non-property related fees are not subject to a vote, and water delivery, garbage service and sewer service are exempt from a voter requirement. If there is a vote requirement, the proposal is rejected if a majority of property owners present written protests. Fees can be subject to referenda and cannot exceed the cost to provide the service.

### **Property-related fees**

Fees that are imposed “as an incident of property-ownership.” The definition is broad and is a point of contention. These fees are subject to a majority protest vote.

Resources:

- Understanding Proposition 218 (December 2006), Legislative Analyst’s Office

*(See entry for “Proposition 218 (1996)”)*

## **Fire protection districts**

### *Health and Safety Code §13800, et seq.*

Special districts can be formed to provide fire protection and other emergency services in that community. Fire protection districts are formed under the Fire Protection District Law of 1987, streamlined by SB 515 from 1987.

Resources:

- Senate Bill 515 (Bergeson, 1987)
- A New Law for a New Mission: SB 515 and the Fire Protection District Law of 1987 (October 1987), Senate Local Government Committee

## **Fire Suppression assessments**

### *Government Code § 50078, et seq.*

Combined with Proposition 218, the government code gives authority to a special district that provides fire suppression services to determine and levy an assessment for fire suppression services with 2/3 voter approval. The assessment may be made for the

purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or for the purpose of paying the salaries and benefits of firefighting personnel, or both.

### **Geological hazard abatement districts (GHADs)**

*Public Resources Code §26500, et seq.*

GHADs are local assessment districts created for the purpose of prevention, mitigation, abatement, or control of geologic hazards. A GHAD may be proposed by a petition signed by owners of at least 10 percent of the real property in the district, or by resolution of a local legislative body. A proposal for a GHAD must be accompanied by a plan of control, prepared by a certified engineering geologist, that describes the geologic hazard, its location, area affected, and a plan for the prevention, mitigation, abatement, or control of the geological hazard.

### **Gift of public funds prohibited**

*California Constitution Article XVI, §6*

Public officials cannot give, lend, nor authorize the making of any gift of public money to any person, association, or corporation.

### **Harbor districts**

*California Harbors and Navigation Code §6000*

This district type manages improvement, development, protection and maintenance of any bay, harbor, inlet, river, channel, slough, or arm of the sea, in which the tides are affected by the Pacific Ocean.

### **Healthcare/hospital districts**

*California Health and Safety Code §32000*

Establishes, maintains, and provides assistance in the operation of one or more health facilities or various health services for the benefit of the district and the people served by the district.

### **Incompatibility of office doctrine**

*Government Code §1126, et seq.*

Local officials cannot engage in any employment or activity which is in conflict with their duties as a local agency officer or with the duties, or responsibilities of the agency by which they are employed. An employee's outside employment may be prohibited if it involves:

- the use of the agency's resources for private advantage, or
- receiving money or other considerations from anyone other than their local agency for the work which they are expected to complete as part of their duties as a local agency employee, or
- the performance of work in other than his or her capacity as a local employee which later may be subject to control or inspection of any officer of their shared employment, or
- time demands that would interfere with the performance of their duties or make them a less efficient employee

## **Infrastructure and Economic Development Bank**

*Government Code §63000, et seq.*

Established by the Bergeson-Peace Infrastructure and Economic Development Bank Act, the bank offers grants and loans for public works projects to local agencies. The bank is governed by a five-member board of directors.

## **Initiative procedure**

*Election Code § 9300, et seq.*

Any proposed ordinance may be submitted to the governing board of the district by an initiative petition filed with the district elections official. Before circulating an initiative petition in any district, the proponents of that measure must publish a notice of intention. After the publication of intention, the petition may be circulated among the voters of the district for signatures by any person who is a voter or who is qualified to register to vote in the district. Each section of the petition should have an attached affidavit of the person soliciting the signatures.

## **Interest rate limit on local bonds**

*Government Code §53530, et seq.*

State law limits the interest rate on local bonds. Although it provides authority to local agencies to issue bonds bearing interest at the coupon rate or as determined by the legislative body in its discretion, it does not let it exceed 12 percent per year payable, unless some higher rate is permitted by law.

## **Investment of funds**

*California Constitution Article XI §11*

*Government Code §53600, et seq.*

State law allows local governments to invest surplus funds, under certain guidelines.

## **Irrigation districts**

*Water Code §20500, et seq.*

A community can form irrigation districts under the Irrigation District Law, the principal act, and existing districts follow this law, except as otherwise noted. Irrigation districts are allowed to own and operate facilities for power generation and to sell electrical power

## **Joint powers agency/agreement (JPA)**

*Government Code §6500, et seq.*

The Joint Exercise of Powers Act allows public agencies, ranging from the federal government to the smallest special district, to enter into an agreement with each other to jointly exercise a common power. Council of governments (land-use and transportation) and risk management authorities (workers' compensation insurance) are considered JPAs.

## **Levee districts**

*California Water Code §70150 to §70151*

The district type acquires drains, canals, sluices, bulkheads, watergates, levees, embankments, pumping plants and pipelines and purchases, constructs, maintains and

repairs those things, in order to protect the land of the district from overflow, and to conserve or add water to the sloughs and drains in a certain area.

### **Library districts**

*California Education Code §19400*

The library district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature.

### **Library and museums in unincorporated towns and villages districts**

*California Education Code §19600*

Any unincorporated town or village may establish, equip, and maintain a public library and a public museum for the dissemination of knowledge. This district maintains such public facilities through several established methods allowed by the code.

### **Little Hoover Commission**

*Government Code §8501, et seq.*

The Little Hoover Commission, the common name for the Milton Marks Commission on California State Government Organization and Economy, is an independent state oversight agency that was created in 1962. It investigates state government and local operations and to promote efficiency, economy and improved service. By statute, the Commission is a balanced bipartisan board composed of five citizen members appointed by the Governor, four citizen members appointed by the Legislature, two Senators and two Assembly members.

Resources:

- Special Districts: Relics of the Past or Resources for the Future? (May 2000), Little Hoover Commission

### **Local Agency Formation Commission (LAFCO)**

*Government Code §56300, et seq.*

A local agency formation commission (LAFCO) is an independent commission working within the boundaries of each county to help control the borders of cities and special districts, to discourage sprawl and encourage orderly government. The Knox-Nisbet Act of 1963 established LAFCOs in law. There is a list of 14 factors that LAFCOs consider when conducting any of the nine boundary changes. As part of this effort, LAFCOs conduct sphere of influence assessments and municipal service reviews.

#### **Commission proceedings for special districts**

*Government Code §56821, et seq.*

This portion of Cortese-Knox-Hertzberg refers to a LAFCO's proceedings for change of organization or reorganization of special districts.

Resources:

- LAFCO Spheres of Influence After 20 Years (1991), Senate Local Government Committee

- Taking Their Pulse: How the LAFCOs Implemented AB 2838 (Hertzberg, 2000), Senate Local Government Committee
- It's Time to Draw the Line: A Citizen's Guide to LAFCOs (May 2003), Senate Local Government Committee

*(See entry for "Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000")*

### **Local Agency Investment Fund (LAIF)**

*Government Code §16429.1, et seq.*

The LAIF offers local agencies the opportunity to allocate treasury money that is not required for immediate needs to the Treasurer in order to deposit it in the Local Agency Fund for investment. It gives special districts the opportunity to participate in a major portfolio, using the investment expertise of the Treasurer's Office investment staff at no additional cost to the taxpayer.

### **LOCAL Coalition**

Leave Our Community Assets Local coalition was formed in 2002 by CSDA, the California State Association of Counties and the League of California Cities to oppose further raids on local government funds. The Coalition was joined by scores of special districts, chambers of commerce, community groups and more, in 2004 to support Proposition 1A (2004).

*(See entry for "Proposition 1A (2004)")*

### **Mailed ballot elections**

*Elections Code §4000*

Local elections can be conducted wholly by mail given that all specified conditions apply. For a complete list of the conditions refer to the pertinent election code starting with Section 4000.

### **Marks-Roos Local Bond Pooling Act of 1985**

*Government Code §6584, et seq.*

This law allows local governments, under a joint powers agreement or as a joint powers authority, to pool bonds to lower their overhead costs.

*(See entry for "Joint powers agency/agreement (JPA)")*

### **Memorial districts**

*California Military and Veterans Code §1170*

These districts provide and maintain memorial halls, assembly halls, buildings, together with suitable indoor and outdoor parks and recreation facilities, including swimming pools, picnic areas, and playgrounds, for the use of persons or organizations other than veterans, and veteran soldiers, sailors, and marines who have served the United States in any wars.

### **Mello-Roos Community Facilities Act**

*Government Code §53311, et seq.*

This act allows for the creation of Mello-Roos districts, also known as community facilities districts. Local agencies can create Mello-Roos districts to pay for public works and some public services for a specific area, usually for rehabilitation or redevelopment of that area.

### **Meyers-Milias-Brown Act**

*Government Code §3500, et seq.*

The Act seeks to open the channels of effective communication between public employers and their employees. It provides a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations. It also recognizes the right of public employees to join organizations of their choice and protects their decision to be represented by those organizations in their employment relationships with public agencies.

### **Mosquito abatement and vector control districts**

*Health and Safety Code §2000, et seq.*

Communities can form mosquito abatement and vector control districts under the Mosquito Abatement and Vector Control District Law, the principal act for this district type. The district functions as an authority over programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors to protect the public health, safety, and welfare. In 2001 through 2002, a working group sought to revise the old law, updating and streamlining the state statutes. In 2003, the Senate Local Government Committee authored SB 1588, based on the recommendations of the working group. The bill passed in 2002 and went into effect in 2003.

Resources:

- Senate Bill 1588 (Senate Local Government Committee, 2003)
- Science, Service, and Statutes: A Legislative History of Senate Bill 1588 and the “Mosquito Abatement and Vector Control District Law” (September 2003), Senate Local Government Committee

### **Municipal utility district**

*California Public Utilities Code §11501*

Provides various services such as water services, sewage disposal services through construction, operation and maintenance of sewers, sewage treatment works, solid water resource recovery for the purpose of reducing, converting, and recycling solid waste, as well as supplies drainage and other services within the MUD boundaries.

### **Municipal water district**

*California Water Code §7100, et seq.*

This district type provides reliable water services to meet the needs of the community at an economical cost, while taking the steps to promote water-use efficiency. The district may acquire, distribute, and store any water, including sewage and storm waters, for the

beneficial use or uses of the district, or the owners of rights to water in the district. It may also undertake a water conservation program to reduce water use and restrict the use of district water during any emergencies. It may also improve, and operates public recreational facilities which are not appurtenant to a water reservoir but operated by the district.

### **Newspaper of general circulation**

*Government Code §6000, et seq.*

Used for the purposes of fulfilling a legal requirement of a special district to publicize specific notices, or certain local news. A newspaper in general circulation must have an official subscription list of paying subscribers and must have been established and published at regular intervals of not less than weekly in the city, district, or judicial district in which it is seeking recognition.

### **Open meeting laws**

*(See the entry for “Ralph M. Brown Act”)*

### **Pest abatement district**

*California Health and Safety Code §2800*

Controls and prevents the introduction of pests, which includes any plant, animal, insect, fish, or other matter or material, not under human control, which is offensive to the senses or interferes with the comfortable enjoyment of life, or which is detrimental to the agricultural industry of the State, and is not protected under any other provision of law.

### **Police protection district**

*California Health and Safety Code §20025*

This district type protects and safeguards life and property by providing police and security service without law enforcement. May equip and maintain a police department as well as ambulances to secure police protection for the members of the district. For a definition of a “peace officer” refer to Section 830 of the Penal Code. Please note however, that these districts can no longer be formed as of 1959.

### **Political Reform Act of 1974**

*Government Code §81000 to §81003*

Inhibits improper practices of state and local government officials in election campaigns and ensures that they serve the needs of all citizens equally, and perform their duties free from bias caused by their own financial interests. The Act requires certain public officials to disclose their finances, assets, expenditures and income. It also requires the regulation of lobbyist activities, and prescribes laws and practices that establish elections that are conducted more fairly.

Resources:

- [Political Reform Act](#) (2007), Fair Political Practices Commission.

### **Port district**

*Harbors and Navigation Code §6200, et seq.*



Communities can form port districts pursuant to the principle act. While some ports in specific counties or individual port districts themselves have their own procedures, board commissioners are appointed. Two are appointed by the county supervisors, two are appointed by the city council in which the district is located, and the fifth is appointed by a group of supervisors and city councilmembers.

### **Principal act**

*Code section varies*

The principal act of a special district is the law that enables a district of that type to form and gives it authority to operate. Each special district type (for example, flood control, public utilities, or community services districts) has its own principal act.

*(See entry for “Special act”)*

### **Proposition 1A (2004)**

*California Constitution Articles XI §15, XIII §25.5, and Article XIII B §6*

Prop 1A limits the ability of the state government to shift tax revenue from local governments, as was done in 1992-93 and 1993-94. Prop 1A was a compromise between local governments and the state. It allows the state government a final shift (otherwise known as ERAF III) lasting two years, then puts in place strict limits for future shifts. CSDA was part of the coalition (LOCAL) working to pass Proposition 1A.

Resources:

- Proposition 1A analysis, Legislative Analyst’s Office  
[http://www.lao.ca.gov/ballot/2004/1A\\_11\\_2004.htm](http://www.lao.ca.gov/ballot/2004/1A_11_2004.htm)

*(See entry for “Educational Revenue Augmentation Fund”)*

### **Proposition 4 (1979)**

*California State Constitution Article XIII B*

*Government Code §7900, et seq.*

This proposition established the appropriations limit, also called the Gann Limit, and requires the state to reimburse local governments for the cost of certain state mandates.

Resources:

- [The State Appropriations Limit](#) (April 2000), Legislative Analyst’s Office

*(See entry for “Appropriations limit”)*

### **Proposition 13 (1978)**

*California Constitution Article XIII A*

Proposition 13 is landmark proposition whose reverberations are still being felt. Prop 13 limited the property tax rate to 1 percent and similarly placed limits on the amount the property tax rate can increase. With such limited property tax base, local governments and school districts’ resources were and have been strained. Many attribute many of California’s current woes—failing schools, decrepit infrastructure, lack of local services,

and sprawl—to Prop 13. Prop 13 started the domino effect of bills and proposition that has affected local governments since.

(See entry for “Assembly Bill 8 (1979)”)

(See entry for “Proposition 218 (1996)”)

### **Proposition 62 (1986)**

*Government Code §53720, et seq.*

Proposition 62, an initiative adopted by the voters in 1986, prohibits a local agency from imposing a tax for specific purposes (a “special tax”) unless it is approved by 2/3 of the voters, or a tax for general purposes (a “general tax”) unless it is approved by a majority of the voters.

### **Proposition 218 (1996)**

*California Constitution Articles XIII C and XIII D*

Proposition 218 requires voter or property-owner approval for local taxes, assessments and fees, except for property-related water, sewer and waste management fees, and sets up procedures to carry out these elections. Prop 218 was in response to local governments’ reliance on fees and assessments as a result of Proposition 13.

Resources:

- [Understanding Proposition 218](#) (December 1996), Legislative Analyst’s Office

### **Public cemetery districts**

*Health and Safety Code §9000, et seq.*

Communities can establish public cemetery districts under the Public Cemetery District Law, the principal act for public cemeteries. In 2003, the Senate Local Government Committee thoroughly revised the state statutes that govern public cemetery districts. The effort was consolidate and streamline a nearly 100-year-old law and several previous revisions dating back to 1921, 1927, and 1939. Representatives from CSDA and 20 other offices participated in a working group to update the law, which was eventually passed in 2003 and went into effect in 2004.

Resources:

- Senate Bill 341 (Senate Local Government Committee, 2003)
- [For Years to Come: A Legislative History of SB 341 and the “Public Cemetery District Law”](#) (August 2004), Senate Local Government Committee

### **Public utility district**

*California Public Utilities Code §15501, et seq.*

This district type maintains the infrastructure for public service and provides, electricity, natural gas, sewer, waste collection, wholesale telecommunications, water, etc., to the residents of that district.

### **Public Records Act**

*Government Code §6250, et seq.*

The Public Record Act ensures public access to government records, with limited exceptions such as attorney-client privileges. The PRA can be considered to work hand-in-hand with the Ralph Brown Act to ensure open government and transparency.

Resources:

- Summary of the California Public Records Act (2004), California Attorney General's Office ([http://www.ag.ca.gov/open\\_government/](http://www.ag.ca.gov/open_government/))

### **Ralph M. Brown Act**

*Government Code §54950 to 54962*

The Ralph Brown Act was adopted in 1953 to provide guidance to local governments on procedures for conducting open and public hearings (and, inversely, circumstances under which a government body can hold a closed session). Since its initial adoption, the Brown Act has been amended numerous times and continues to be.

Resources:

- The Brown Act: Open Meetings for Local Legislative Bodies (2003), California Attorney General's Office ([http://www.ag.ca.gov/open\\_government/](http://www.ag.ca.gov/open_government/))
- Open & Public IV: A Guide to the Ralph Brown Act (2007), League of California Cities.

### **Recall procedure**

*Election Code §11000, et seq.*

Proponents of a recall must be registered voters of the electoral jurisdiction of the officer they seek to recall. Proceedings may be commenced for the recall of any elective officer, including any officer appointed to fill a vacancy, by filing and posting of a notice of intention to circulate a recall petition.

### **Reclamation district**

*California Water Code §50000, et seq.*

Responsible for reclaiming and maintaining land that is threatened by permanent or temporary flooding for agricultural, residential, commercial, or industrial use. The district may adopt a plan for the reclamation of the district lands, estimate the cost, and modify or change such original plans. The district may acquire, maintain and operate the whole or any part of any irrigation system through which any lands in the district may be supplied with water for irrigation. This includes water rights, dams, diversion works, rights of way, canals, pumps and all property or things, real or personal.

### **Recreation and park districts**

*Public Resources Code §5780, et seq.*

Communities are allowed to form recreation and park districts under the Recreation and Park District Law, the principal act. In 2001, the principal act was revised to streamline and update the current law at the time. The last time significant overhauls were made, President Dwight Eisenhower occupied the White House. SB 707 completely revised the state statutes regarding recreation and park districts, and was passed and signed in 2001,

and went into effect in 2002. Many recreation and park districts took a significant hit from the first two Education Revenue Augmentation Fund shifts.

Resources:

- Senate Bill 707 (Senate Local Government Committee, 2001)
- Parks, Progress and Public Policy: A Legislative History of Senate Bill 707 and the “Recreation and Park District Law” (October 2001), Senate Local Government Committee

(See entry for “Educational Revenue Augmentation Fund”)

### **Referendum Procedure**

*Election Code §9340, et seq.*

The voters of any local public district have the right to petition for referendum on legislative acts of the district. The processes refer to the same rules as are set for the counties’ procedures, except that all computations and officers of the county should be construed to refer to comparable computations and officers of the district. It should be noted that Section 9147 does not apply to special districts as of 2007, but starting in 2008, it will.

### **Regional park and/or open space districts**

*Public Resources Code §51000, et seq.*

This district type provides enhanced recreational opportunities and expands access to recreational facilities for all residents throughout the regional district. The district’s goal is to improve quality of life for all communities in the regional district by protecting, restoring, and improving the regional district’s park, wildlife, open-space, beach lands, and the diverse historical, cultural, and archaeological values of the territory of the regional district.

### **Resort improvement districts**

*Public Resources Code §13000*

The intent of the district is to provide an alternative method for the furnishing of extended governmental services, including the construction and financing of public improvements, within recreation resort areas adequate to meet the needs of such areas, and to provide extended services for public improvements installed or constructed.

### **Resource conservation districts**

*Public Resources Code §9151, et seq.*

Resource conservation districts are formed for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities, generally for the viability of agricultural land. They have the authority to conduct surveys, investigations, and research. The district is governed by an elected board of directors.

### **River port districts**

*Harbors and Navigation §6800, et seq.*

A community can petition the county board of supervisors to form a river port district to oversee port construction and management. It is governed an appointed board of commissioners, serving fixed terms. Two are appointed by the county supervisors, two are appointed by the city council in which the district is located, and the fifth is appointed by a group of supervisors and city councilmembers.

### **Sanitary districts**

*Health and Safety Code §6400*

The Sanitary District Act of 1923 governs the formation, elections, governance, and operations of a sanitary district. Sanitary districts oversee all aspects of waste management systems, including construction, operation, collection, and treatment of garbage. It is governed by an elected board of directors. A sanitary district may be merged with a county sanitation district, following the County Sanitation District Act.

*(See entry for “County sanitation district”)*

### **Securitized Limited Obligation Notes (SLONs)**

*Government Code §53835, et seq.*

Special districts may issue securitized limited obligation notes (SLONs) and borrow up to \$2 million to be paid back from designated revenues, over 10 years. SLONs are a more secure and less expensive alternative to promissory notes, and do not require voter approval; however, a special district must secure its SLONs by pledging a dedicated stream of revenues. It takes 4/5 vote of a district’s governing board to issue SLONs. The authorization for districts to use SLONs ends December 31, 2009.

### **Small craft harbor districts**

*Harbors and Navigation §7000, et seq.*

A community can form a small craft harbor district pursuant to the principle act. The district is governed by an elected board of directors.

### **Special act**

*Code sections varies, usually following the principal act of the district type*

Special acts are laws that the Legislature passes to address the specific needs of a community and establishes a district to address those needs. These specific districts (rather than district types) are uniquely created by the Legislatures.

*(See entry for “Principal act”)*

### **Special District Augmentation Fund (SDAF)**

*No longer exists in law*

The Special District Augmentation Fund (SDAF) was created by Assembly Bill 8 (1979) to provide supplemental income for special districts as a response to financial hardships caused by Proposition 13. The SDAF was abolished in 1993 as part of the second Educational Revenue Augmentation Fund shift.

Resources:

- What's So Special About Special Districts (February 2002), Senate Local Government Committee

(See entry for "Assembly Bill 8 (1979)")

### **Special District Risk Management Authority (SDRMA)**

SDRMA provides renewable, efficiently priced risk management services and coverages, including workers' compensation, property and liability, and health.

### **Special Districts Legislative Days**

Special Districts Legislative Days (SDLD) is an annual event in Sacramento focused on policy and advocacy. Attendees listen to special speakers, including legislators, and statewide constitutional officers, about the important issues that affect special districts. There is a policy workshop on the top legislative priorities, as well as a Lobby Day opportunity for attendees to meet and lobby their legislators.

### **Special taxes**

*California Constitution Articles XIII A, §4 and XIII C, §2  
Government Code §50075 et seq., §5372, et seq., and §53970, et seq.*

A tax imposed for a specific purpose. A local government may impose, extend, or increase a special tax only if that proposal is submitted to the electorate and approved by a 2/3 vote. Special districts are limited to using only special taxes (versus general taxes) because districts are service specific and can only use funds for those services.

### **Special taxes oversight**

*Government Code §50075.1, §50075.3, and §50075.5*

Local officials are required to issue annual reports on how they spend special tax revenues. The report includes the amount of funds collected and spent, and the status of projects for which the special tax was implemented.

### **State Assistance for Fire Equipment Act (SAFE)**

*Government Code §8589.8, et seq.*

The Act creates ways for the Office of Emergency Services to help local agencies acquire firefighting apparatus and equipment, helping local agencies meet public safety needs. The office, which is capable of identifying firefighting apparatus and equipment that is available for acquisition, will be involved in an information system with the local agencies that are interested in acquiring apparatus and equipment. A fund is appropriated to the office for financing the equipment for the local agencies.

### **State mandated local programs**

*California Constitution Article XIII B*

*Government Code §17500, et seq.*

The state government must reimburse local governments for the costs of new state-mandated local programs. However, the process is lengthy and is often delayed by several years, without the full payment being paid back. The Commission on State

Mandates oversees the negotiations. Starting in 2008, local governments can negotiate directly with the Department of Finance regarding mandate reimbursements.

*(See entry for “Proposition 4 (1976)”)*

### **Surplus land (sold by the state)**

*Government Code §11011.1*

State departments that are selling surplus land (as defined) must first make that land available to local jurisdictions, including special districts, to purchase at fair market value. Only after no jurisdiction has purchased the land can it be sold on the market.

### **Surplus property (special districts)**

*Government Code §50568, et seq. and 54220, et seq.*

There are specific procedures for local governments, including special districts, to catalogue their property, including surplus property, and to sell off this property.

### **Unified school district library**

*Education Code §18300, et seq.*

A community may form a unified school district library once a unified school district has been formed. The board of trustees, the governing board of such a district, consists of the board of trustees of the unified school district. However, certain unified school district libraries have—by special act of the Legislature—a separate elected board of trustees.

### **Uniform District Election Law (UDEL)**

*Elections Code §10500 to §10566*

UDEL is the general election law for some special district types. While some special district types may contain their own unique election procedures within their principal act, some principal acts refer election procedures to UDEL. It is important to note that where UDEL and the principal act conflicts, UDEL shall apply and control (§10502(c)). Additionally, UDEL does not apply to initial formation elections of the district officers (§10502(d)).

### **Uniform Public Construction Cost Accounting Act**

*Public Contract Code §22000*

In an effort to promote uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by local agencies, the Legislature established the Uniform Public Construction Cost Accounting Act as an alternative method for the bidding of public works projects by public entities.

### **United States Census of Governments**

Every five years, on the second and seventh year of each decade (ie, 1992, 1997, 2002, and 2007), the US government takes a census of governments. The information documents all (or attempts to) state and local governments within the nation, and gives a brief description of each type of special district (both dependent and independent) within each state where special district exist.

## Resources:

- [2002 Census of Governments](#), US Census Bureau
- <http://www.census.gov/govs/www/index.html>

## **Urgency clause**

*California Constitution Article IV §8 (d)*

An urgency clause allows a bill to take affect immediately upon the signature of the governor. Urgency bills are those that preserve public peace, health, or safety. An urgency bill may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest. To pass the bill, each house will pass the section and the bill separately by a 2/3 vote.

## **Vacancies**

*Government Code §1780, et seq.*

Unless otherwise noted in the principal act of the district, vacancies in special districts are filled as provided in this section. Check a district's principle act of special act first.

## **Water conservation districts**

*Water Code §74000, et seq.*

Communities can form water conservation districts under the Water Conservation District Law of 1931 to maintain—including surveying, inspecting, purchasing and selling—water supplies. The district is governed by an elected board consisting of three, five or seven members.

## **Water replenishment districts**

*Water Code §60000, et seq.*

Water replenishment districts are formed and governed under the Water Replenishment District Act, the principle act of this district type. It is governed by an elected five-member board of directors, with the responsibility to upkeep the ground water supply of the community it serves.

## **1911 Act (The Improvement Act of 1911)**

*Streets and Highways Code §5000, et seq.*

*This act is one of the benefit assessment laws that allow local governments to pay for public works projects with assessment bonds.*

## **1913 Act (The Municipal Improvement Act of 1913)**

*Streets and Highways Code §10000, et seq.*

This act is one of the benefit assessment laws that allow local governments to pay for public works projects with assessment bonds.

## **1915 Act (The Improvement Bond Act of 1915)**

*Streets and Highways Code §8500, et seq.*

This act is one of the benefit assessment laws that allow local governments to pay for public works projects with assessment bonds.



**1972 Act (The Landscaping and Lighting Act of 1972)**

Streets and Highways Code §22500, *et seq.*

This act allows local governments to levy benefit assessments to pay for public works and public services.

**1982 Act (The Benefit Assessment Act of 1982)**

*Government Code §54703, et seq.*

This act allows local governments to levy benefit assessments to pay for public works and public services.

## **Local Government Resources**

Association of California Healthcare Districts

<http://www.achd.org>

Association of California Water Agencies

<http://www.acwa.com>

California Association of Joint Powers Authorities

<http://www.cajpa.org>

California Association of Local Agency Formation Commissions

<http://www.calafco.org>

California Association of Public Cemeteries

<http://www.designsbyvivid.com/capc/index.html>

California Association of Recreation & Park Districts

<http://www.carpd.org>

California Association of Resource Conservation Districts

<http://www.carcd.org>

California Association of Sanitation Agencies

<http://www.casa.org>

California Special Districts Association

<http://www.csda.net>

California State Association of Counties

<http://www.csac.counties.org>

Fire Districts Association of California

<http://www.fdac.org>

Institute for Local Government

<http://www.ca-ilg.org>

League of California Cities

<http://www.cacities.org>

Local Government Finance Almanac

<http://www.californiacityfinance.com>

Mosquito and Vector Control Association of California

<http://www.mvcac.org>

State resources

Attorney General's Office

<http://www.ag.ca.gov>

California Codes

<http://www.leginfo.ca.gov/calaw.html>

California Constitution

<http://www.leginfo.ca.gov/const.html>

California legislation database

<http://www.leginfo.ca.gov/billinfo.html>

California State Assembly

<http://www.assembly.ca.gov>

California State Senate

<http://www.senate.ca.gov>

Fair Political Practices Commission

<http://www.fppc.ca.gov>

Legislative Analyst's Office

<http://www.lao.ca.gov>

Little Hoover Commission

<http://www.lhc.ca.gov>

Local Government Commission

<http://www.lgc.org>

Secretary of State's Office

<http://www.sos.ca.gov>

State Controller's Office

<http://www.sco.ca.gov>

Federal resources

United States Census

<http://www.census.gov>