



# **Organizational and Funding Options for Implementation of the Cambria Monterey Pine Forest Management Plan**

**Prepared for:**

Cambria Forest Committee  
Executive/Steering Committee

**Prepared by:**

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**February 2002**



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FOR IMPLEMENTATION

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# Introduction



This report outlines the strengths and weaknesses of six organizational options for implementing the Cambria Forest Management Plan (CFMP) to assist the Cambria Pine Forest Committee (Committee) in determining which option or combination of options will most effectively achieve the goals and objectives of the CFMP. Funding options described in Section IV vary depending on the type of organizational entity selected (e.g. assessments can only be levied by governmental entities and many private grants are available only to non-profits).

The CFMP relies on a mosaic approach to meet its objectives with the management actions being undertaken primarily by a forest manager working within identified management units. This approach recognizes the unique challenges inherent in maintaining the forest, which is characterized by both diverse land use patterns (urban and rural) and ownerships (large and small parcels). These land use and ownership patterns may require efforts as intensive as parcel-by-parcel evaluation by the forest manager.

All of the organizational options outlined in this report can be used for both the suburban and rural areas of Cambria. The success of the CFMP depends largely on the willingness of private landowners, small and large, to participate in the program. To the extent that large property owners refuse to participate and protection of pines on such lands is critical, purchase of such properties from willing sellers should be considered. Clearly, purchasing small ownerships will not be a feasible approach with respect to these ownerships. The program relies on their voluntary participation.

The selection of an appropriate entity to implement the CFMP should be based on: 1) the type of entity or combination of entities that can best realize the goals and objectives of the CFMP, and 2) guide the intensive work by the forest manager and staff. Each organizational entity presented has its strengths and weaknesses. For example, a government entity is potentially capable of generating stable funding for CFMP implementation through an areawide assessment district, but this may be more intimidating to property owners. On the other hand, a broad based, non-profit umbrella organization focused on implementing the CFMP may present a more favorable means of engaging small and large property owners in the CFMP by presenting a "friendly face." However, such an organization may have difficulty raising adequate funding to sustain the effort. Therefore, it may be that a combination of funding through an existing government entity (e.g. benefit assessment by the



County) with a focused non-profit advocacy effort is the most direct means of implementing the CFMP. The possibility of refocusing the efforts of the existing Resource Conservation District in the Cambria area (Upper Salina-Las Tablas) also merits further evaluation, with the caveat that funding is a major limiting factor under this option.

This report outlines:

- the basic options open to the Committee as it seeks a more formalized structure,
- existing organizations active in the region, and
- the funding options for implementation of the Management Plan by organization type.

There are six basic organizational options explored in this report:<sup>1</sup>

- Land Trust
- State Conservancy
- Open Space District or Authority
- Community Services District<sup>2</sup>
- Resource Conservation Districts
- Advocacy Group

This report highlights the similarities and differences between the different organizations and outlines the steps to form each type of organization. The funding possibilities are outlined for each type of organization, as well as the possible advantages and disadvantages. These are described in both general and specific terms

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<sup>1</sup> This report does not identify creation of a joint powers authority (JPA) as an appropriate organizational option because such authorities (1) do not create new powers, but instead provide a vehicle for the cooperative use of existing governmental powers, and (2) only public agencies can participate in JPAs. Nor does the report evaluate the option of a County-operated forest management entity and strengthened general plan policies and ordinances requiring landowner participation. If this approach is desirable, the Committee should work directly with the County. The North Coast Area Plan is being updated and will strengthen existing countywide restrictions on tree removal by reducing the threshold for removal restrictions from eight inches to two inches. The current restrictions generally allow trees to be removed so long as they are replaced, and these are to be replaced by more specific instructions on tree removal and replacement. In addition, new residential development will have to undergo extensive design review and be subject to development guidelines designed to protect Monterey pines. Cambria Residential Design Plan, October 30, 2001, distributed to CFC members by Jim Lopes of County Planning. The County provides arborist assistance for residents to help them determine the health of their trees and which should be removed. Additional local funds could be raised through an assessment to improve the ability of the County to respond to such requests.

<sup>2</sup> Although a dependent district such as a County Services Area (CSA) is also a possibility, this option will not be discussed in this report. The *North Coast Area Plan Feasibility Study for Erosion Control and Forest Management* investigated this option. It found that while CSA are relatively easy to form, they are more commonly associated with the provision of urban services.

relative to the Cambria Forest Committee's mission as outlined in the CFMP.

Key elements that will be needed to ensure success of the program outlined in the CFMP include:

- A substantial public education program.
- A "landowner-friendly" outreach program, possibly with incentives for participation (e.g. free property evaluations, small grants or matching funds for needed management, and ongoing monitoring and tree maintenance).<sup>3</sup>
- Capable of administering "landowner-friendly" management and monitoring activities on private lands.
- Adequate staffing to undertake the intensive parcel-by-parcel, owner by owner work.
- Adequate, ongoing funding for staffing and management efforts (See draft budget, Attachment 1, with initial funding for one forest manager with as-needed tree crews at \$167,000/year).
- Broad-based leadership that allows the organization to act as a trusted, honest broker when dealing with all types of landowners.
- Does not duplicate existing efforts.

Each option is also evaluated in terms of its ability to provide these key elements.

Other existing state, regional and local organizations with similar or overlapping conservation missions are listed in Section III. These organizations are possible partners to implement the CFMP's objectives.

A more detailed summary of funding techniques and sources is presented at the end of the report with a table matching techniques to organizational options.

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<sup>3</sup> For example, the program should provide 'one-stop-shopping' for landowners in need of assistance with the management of their pine trees. This would increase the consistency of application of the principles developed in the management plan.



## Organizational Options



### Land Trust

#### What is a Land Trust?

Land trusts are local, state, or regional nonprofit organizations directly involved in protecting land for its natural, recreational, scenic, historical, or productive value. The majority of land trusts are private, nonprofit corporations. Land trusts are not “trusts” in the legal sense. They are also referred to as “conservancies,” “foundations,” or other names descriptive of their purpose.

Typical activities of land trusts include:

- purchasing or accepting donations of land in fee title;
- purchasing or accepting of conservation easements (permanent, binding agreements that restrict the uses of a piece of land to protect its conservation resources);
- managing land owned by other parties;
- educating land owners on how to manage their land;
- partnering with government agencies in acquiring or managing land;
- researching regional open space needs and priorities, and developing management plans and protection plans (Priority Resource Inventories, Conservation Plans, and the like); and
- acting as an agent to assist in negotiations of conservation transactions where the land trust plays no other role.

Land trusts differ from other non-profit groups in that they do not (1) influence land regulation or set public policy or (2) focus on a single piece of property.

Most land trusts rely on volunteer leadership and support even if they also have professional staff.

## **Steps Involved in Forming a Land Trust**

The basic steps involved in forming a land trust include:

1. Developing community support by contacting interested parties, holding a public meeting, and educating them about land trusts.
2. Forming a steering committee to see the organization through formation stages.
3. Choosing a diverse board with a good mix of skills.
4. Incorporating as a non-profit organization and applying for tax-exempt status (steps outlined and forms provided in *The California Nonprofit Corporation Kit*, Nolo Press).
5. Developing a mission, a plan of action, and a fundraising strategy.
6. Beginning to fundraise, developing a volunteer base and staff, and conserving land.

Before completing this process, it is important for the group interested in forming the land trust to ensure that they are filling a role that is not already being filled and that the idea has support within their community.

## **Funding Options Available to a Land Trust**

Land trusts can access a wide variety of funds, including:

- Private grants
- Donations, including land, in-kind services, and monetary donations
- Memberships
- Government grants and contracts for services

## **Existing Land Trusts in the Cambria Area**

There are at least four land trusts active in the Cambria area. All of them have Monterey Pines as at least a portion of their current focus of activities.

- The Land Conservancy of San Luis Obispo County
- Greenspace
- The Nature Conservancy
- North Coast Small Wilderness Area Preservation

### **The Land Conservancy of San Luis Obispo County**

The Land Conservancy operates throughout the County but has three primary focal areas. Cambria is one of these. In Cambria, they have protected land in three areas, all of which are focused on preservation of the Monterey Pine forest. Their purchases



to date total approximately 114 acres. The Land Conservancy is also active in conservation planning and GIS mapping on a countywide basis. It has collaborated with other organizations and government agencies to plan for acquisition of land in project areas such as the San Luis Obispo Greenbelt and Bob Jones City to the Sea Trail.

### **Greenspace—The Cambria Land Trust**

Greenspace has been involved locally in protecting pocket parks and other open space areas throughout Cambria. It has also been involved in the statewide pitch canker task force, dealing with this disease that has affected pine trees around the state. Greenspace provides assistance to landowners with questions about the management of Monterey pines on their property. This service could be augmented by providing a more stable local funding source.

### **The Nature Conservancy—Central Coast**

The Nature Conservancy has an active project in San Luis Obispo County, with funding from the Packard Foundation. In December of 2000, it purchased an 800-acre Monterey Pine Forest in Cambria. More recently, the Conservancy has purchased property inland in San Luis Obispo County.

### **North Coast Small Wilderness Area Preservation**

North Coast SWAP is responsible for managing the 417-acre East West Ranch, which the community of Cambria recently purchased. It contains several stands of Monterey Pines, for which a management plan is being developed.

## **Possible Advantages**

The possible advantages of forming a land trust to implement the Cambria Forest Management Plan include:

- Land trusts can hold and manage land and other assets as a corporation, rather than through individuals.
- Land trusts typically can act on potential land purchases more quickly than government agencies. They are not as constrained by politics, procedural hoops, or land appraisal and valuation requirements.
- As nonprofits, land trusts bring with them a number of tax advantages that can be passed along to land owners. For example, donations to land trusts may qualify donors of land, conservation easements, or money for income, estate, or gift tax savings. Land trusts enjoy exemption from federal and state income taxes, and donations can be tax deductible, when the land trust has been properly structured.

- The existing land trusts in Cambria would be important partners to an overall effort to implement the CFMP.

## Possible Disadvantages

The possible disadvantages of forming a land trust to implement the Cambria Forest Management Plan include:

- The focus of the CFMP is management and monitoring, not land acquisition. Thus, a land trust may not have the appropriate focus for implementing the CFMP.
- It may be difficult for a land trust to find sufficient funds to acquire and/or manage units of the Monterey Pine forest on its own, particularly a new land trust that would be competing with existing local land trusts for funding.
- There is the potential for inefficient duplication of ongoing efforts by existing land trusts active in the County. As described above, there are four land trusts currently active in the Cambria area, all of which are at least partially focused on the Monterey Pine forest.

## Evaluation of Land Trusts by Key Elements

Key element	Evaluation of Land Trusts
Public education	Land trusts can be capable of effective public education programs. However, these are staff-intensive and may be costly.
“Landowner-Friendly” Outreach	Some have strong track records of outreach. Landowner receptivity to a land trust is strongly linked to who is on the board and the focus of land trust activity.
Management activity on private lands	Administering management programs on private lands would be a highly specialized feature of a land trust (an atypical feature). In general, land trusts are occupied with management of their own lands and easements.
Adequate staffing	Possible, although land trusts are typically small organizations.
Adequate funding	May be difficult because they rely on grants and memberships.
Broad-based leadership	Frequently true; particularly useful if land trusts have large landowners directly involved on the board.
Non-duplicative	Several land trusts currently operate in Cambria.

# State Conservancy

## What is a State Conservancy?

In general, state conservancies protect and restore the natural environment, protect open space, and improve recreational opportunities, either directly through the purchase and improvement of land or indirectly by providing grants to state and local agencies and nonprofit organizations. They typically promote these objectives by:

- acquiring and consolidating subdivided land;
- acquiring land for eventual sale or transfer to other public agencies;
- creating buffer zones surrounding federal and state park sites;
- preserving, restoring and managing natural resource areas; and/or
- implementing programs to improve access for the general public.

While existing state conservancies differ in terms of structure, size, and funding, they all share common resource protection goals, public objectives, and the goal of bringing public stakeholders together to resolve complex and interrelated resource issues and advance state natural resource protection priorities. State conservancies can focus state policies and financial resources on a region that is experiencing degradation of resources of statewide significance due to causes that cross jurisdictional boundaries. Conservancies are formed as special legislative acts. For example, the Baldwin Hills Conservancy was created in 2000 as Senate Bill 1625. See Attachment 2.

Typical activities of state conservancies include:

- creation of a uniform vision or plan for their jurisdiction, by researching open space needs and priorities and developing management and protection plans, that can be used to assist local municipalities in land use planning and development, and to prioritize conservation activities by the conservancy and its partners;
- provision of a “bridge” for conservation actions between government, citizens and the private sector through the implementation of an integrated and comprehensive conservation program in a collaborative, responsive, and inclusive manner, which includes key stakeholders (landowners, other conservation organizations, local, regional and statewide agencies, and others);
- protection and restoration of the natural environment across jurisdictional boundaries, and improvement of recreational opportunities directly through the purchase of land in fee or easement, acceptance of donations of land, and indirectly by providing grants to state and local agencies, and nonprofit organizations for these purposes;
- provision of land management and management education for both public and private landowners; and

- assistance in negotiations of conservation transactions where the conservancy acts only as an agent.

## Steps Involved in Forming a State Conservancy

To form a new state conservancy, several steps must be followed.

1. Ensure that the following criteria for creating a new state conservancy have been met:
  - Primary Mission Focuses on State Environmental Priorities. A state conservancy, like any other agency, must have state needs and priorities as its primary objective. Conservancies fall under the jurisdiction of the California Resources Agency, and their mission should focus on resources and environmental protection needs and public access. A conservancy should protect the environment, preserve wildlife habitat, and provide recreational opportunities for the general public.
  - Protects State Interest. Conservancies are state agencies and require state funding; therefore the state must have the authority to appoint the majority of the members of the governing body. This ensures that projects undertaken are consistent with statewide policies and goals regarding habitat and species preservation, and open space and recreation opportunities. Additionally, both the jurisdictional boundaries and powers of the conservancy should be clearly defined to prevent disputes (legal or otherwise) in the future. Finally, the conservancy must comply with all state laws and procedures and be constrained from obligating the State to long-term funding or debt without approval of the project by the Governor and the Legislature.
  - Inability of Existing Institutional Capacity to Address Complex Cross-Jurisdictional Issues. A conservancy should only be created where the existing institutional capacity and/or structure is not able to protect a broad range of resources in a comprehensive and integrated manner and to provide for public access across jurisdictional lines. Small projects or acquisitions that may be accomplished in the short-term do not require a new organization to resolve the problem. Additionally, natural features or resources requiring protection (such as rivers, lakes, ecosystems, etc.) cross governmental jurisdictions. In some cases, the issues may be too complex for the existing organizational structure to resolve because there is no agreement on either the goals or the methods to be employed in reaching resolution of the problem. In addition, costs may be too significant for one level of government to support alone. The state recommends setting by statute clear jurisdictional lines for conservancies.
  - Funding can be shared among the beneficiaries. The amount funded by the state and localities should be representative of the benefits received. Additionally, funding for conservancies should be relative to the needs of the whole state. Each conservancy competes for state funding with all other resources departments and state departments for its funding.

2. Meet with Monterey Pine forest advocates in Monterey (Monterey Pine Forest Watch), San Mateo, Santa Cruz, and San Luis Obispo Counties to discuss the possibility of forming a State Conservancy. Invite other experts to participate in the discussion.
3. Form a committee to draft a proposal that meets the State's criteria.
4. Meet with legislators to solicit support and refine the concept. Identify a legislator or legislators to sponsor the bill.
5. Organize a lobbying effort in support of the bill.

## **Funding Options Available to a State Conservancy**

Conservancies are state agencies and serve a state purpose, so the State provides baseline funding from the General Fund. The baseline funding should cover the basic staff and overhead necessary for running the conservancy. For example, the state provided \$250,000 to the newly formed Baldwin Hills Conservancy to cover these needs.

Funding of ongoing maintenance of properties should be limited to those properties that require management specific to the goals of the conservancy and not already provided by other entities. For example, the California Tahoe Conservancy manages many of its properties to preserve and maintain an ecosystem function (i.e. water quality).

To the extent possible, the capital outlay program for the conservancies should be a joint effort by state, local, federal and non-profit organizations (e.g. Trust for Public Land and The Nature Conservancy). In the future, capital outlay project needs should be tied to the California Continuing Resource Inventory Strategy Program (CCRISP) that is currently being developed by the Resources Agency. CCRISP is a statewide program to develop and implement a strategic approach to conserving California's lands and natural resources. Capital outlay funds from the State including state bonds, General Fund, Habitat Conservation Fund, and the Environmental License Plate Fund. Such funding sources are generally appropriated annually in the State Budget.

Other examples of funding sources available to conservancies include:

- The Santa Monica Mountains Conservancy has received great support from both the city and county of Los Angeles through the passage of Propositions A and K. In addition, it has set up a Joint Powers Authority (JPA) called the Mountains Conservation and Recreation Authority with the City and County, as well as other organizations. The JPA allows them to work together to bring in a variety of funding sources and acts as the operations arm of the Conservancy to provide ranger services for lands within their jurisdiction.



- The California Tahoe Conservancy has a formal funding share program—the Environmental Improvement Plan—between the states of California and Nevada, the federal government and local jurisdictions. It receives two percent of the hotel tax from participating counties.
- Instead of operating under a state budget, the San Joaquin River Conservancy has a grant from the state and intends to become self-supporting by seeking additional, outside grants.

## **Examples of State Conservancies**

- Coastal Conservancy (est. 1976)
- Santa Monica Mountains Conservancy (est. 1979)
- California Tahoe Conservancy (est. 1984)
- Coachella Valley Mountains Conservancy (est. 1990)
- San Joaquin River Conservancy (est. 1992)
- San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (est. 1999)
- Baldwin Hills Conservancy (est. 2000)

## **Possible Advantages**

The possible advantages of forming a state conservancy to implement the Cambria Forest Management Plan include:

- Because conservancies, by the nature of their boards, represent both state and regional interests, they often are more successful in finding common ground and an agreeable approach to meet both their goals and the needs of the State.
- A broader array of tools is available to Conservancies than to the major state resource management agencies (e.g. the Department of Parks and Recreation, the Department of Fish and Game, Forestry and Fire Protection). This can allow them to achieve a specific mandate more effectively than other conservation organizations.
- Limited state funding is available for both operating and matching funds. This could include funding for management of the Monterey Pine forests.
- A state conservancy may result in increased visibility for Monterey Pine forests.
- A state conservancy could facilitate coordination of Monterey Pine protection and management among the different locations throughout the state, including dealing with the Pine Pitch Canker Disease. However, there are currently collaborative efforts to address pitch canker and to coordinate discussions of Monterey Pine ecology on a state level.

## Possible Disadvantages

The possible disadvantages of forming a state conservancy to implement the Cambria Forest Management Plan include:

- There is a potential for duplication of efforts because there are currently local groups focused on the conservation of Monterey Pines in each area of the state where they are found. The California Coastal Conservancy also has jurisdiction within each of these areas because Monterey Pines are found only in coastal areas.
- Land acquisition and management activities must meet state interests, which could result in the removal of authority from local players. For example, participants in the development of the San Gabriel Mountains Conservancy felt that they no longer had control over the land purchases that were made in their area after the Conservancy was formed.
- Conservancies are subject to the legislative budgeting process for their funding; the funding they receive from the state may not exceed minimal operating expenses.
- As state agencies, conservancies are required to follow rules for public meetings and notices as well as to make purchases through the state department of general services.

## Evaluation of State Conservancies by Key Elements

Key element	Evaluation of State Conservancy
Public education	Not usually a major activity, but well within their mandates.
“Landowner-Friendly” Outreach	The requirement for a conservancy to have board representation from outside the area, and state representation, may hamper optimal local landowner relations.
Management activity on private lands	Administering management programs on private lands would be a highly specialized feature of a state conservancy (an atypical feature). In general, conservancies are occupied with support of acquisitions and partner non-profit land conservation activities.
Adequate staffing	State conservancies typically have small staffs. Because a conservancy would have to cover multiple counties, staffing may not be adequate to successfully implement an intensive management program in the Cambria area.
Adequate funding	A conservancy could potentially be adequately funded, depending on the state budget process.
Broad-based leadership	Because they are required to represent state-wide interests, conservancies may lack sufficient local involvement and focus.
Non-duplicative	The Coastal Conservancy is active throughout the coastal zone, where Monterey Pines are located. However, it has a very broad mandate.

# Open Space Districts and Authorities

## What is an Open Space District?

Open space districts and authorities are public agencies typically formed to preserve regional open space and greenbelts. Open space districts are formed by voter initiative pursuant to Public Resources Code sections 5500-5595. See Attachment 3. Open space authorities differ from open space districts in that they are formed by special legislation. Both districts and authorities permanently protect wildlife habitat, natural resources, watersheds, ecosystem functions, and provide for low-impact recreational use. Open space districts have been a successful force for land conservation in California since the East Bay Regional Park District was formed in 1934.

## Activities Typical to an Open Space District

By legislative decree, open space districts and authorities may undertake land acquisitions, improvements and provision of services that specifically benefit the properties assessed and the persons paying assessments in at least the following respects:

- enhanced recreational opportunities and expanded access to recreational facilities for all residents throughout the regional district;
- improved quality of life for all communities in the regional district by protecting, restoring, and improving the district's irreplaceable park, wildlife, open space and beach lands; and
- preservation of canyons, foothills, and mountains and development of public access to those lands throughout the district.

Districts and authorities may take by grant, appropriation, purchase, gift, condemnation, or lease and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights of real and personal property within or without their boundaries, necessary to the full exercise of their powers. While older districts have condemnation powers (e.g. Midpeninsula Regional Open Space District and East Bay Regional Parks District), recently formed open space districts and authorities do not have the power of eminent domain (e.g. Santa Clara County Open Space Authority and Sonoma County Open Space District). The latter can acquire land only from willing sellers.

## Steps Involved in Forming an Open Space District

The steps to form an open space district generally are as follows:

1. Establish a committee to formulate the district, including a description of the exterior boundaries of the district. A district may include contiguous territory in one or more counties.
2. Draft the petition requesting the creation and maintenance of a district and describing its exterior boundaries. The petition may consist of separate "instruments," all of which together constitute one petition. Each "instrument" should contain the affidavit of the person who circulated it, certifying that each signature is the true signature of the person whose name it purports to be. Every elector signing the petition should write his address opposite his signature.
3. Collect signatures from at least 5,000 electors residing in the territory proposed to be included in the district.
4. Present the signed petition to the board of supervisors of the county containing the largest area within the proposed district.
5. The clerk of the board of supervisors of the county having the largest area within the proposed district, must check and verify the signatures to the petition and certify the result of the examination to the board of supervisors. Where the petition contains names of electors residing in a county other than the one having the largest area within the proposed district, and does not contain the requisite number of signatures, a duplicate original of the petition must be filed with the board of supervisors, the signatures verified by the clerk, and transmitted to the originating county.
6. If the petition has been properly signed, the county or counties must hold a hearing to address the question of whether the territory described within the boundaries of the county would benefit and should be included in the district. At the conclusion of the hearing, the board of supervisors shall pass a resolution either approving the petition in whole or in part or denying it. If the petition is approved, the board shall call an election to determine whether the district shall be created and established and for the purpose of electing the first board of directors. Before calling the election, the board of supervisors must divide the proposed district into five or seven wards or subdistricts with an approximately equal number of electors in each. The resolution calling for the election may provide a single ballot measure or separate ballot measures on the question of formation, election of a board of directors, establishment of an appropriations limit authorized by Section 4 of Article XIII B of the California Constitution (See Attachment 4), the authority to tax, and the authority to sell bonds, or any combination of those questions. The board of supervisors calling the election shall make all provisions for holding the election throughout the entire proposed district. The cost of the election shall be born by the district, unless the measure fails, in which case the county shall pay for the election.
7. The regional district shall be formed if the majority of voters voting on the proposition vote in favor of the formation of the district.

8. Once in place, the district board shall appoint a general manager, and adopt policies and other procedures necessary for the operation of the district.

All elections and nominations of candidates for directors subsequent to the first shall be held and conducted in accordance with the general election laws of the State.

Note: The Local Agency Formation Commission involvement is limited to the consolidation of districts or the reorganization of two or more districts and may be involved in annexations of territory once the district is formed (e.g. Each annexation of territory to the Midpeninsula Regional Open Space District must be approved by LAFCO).

### **Steps Involved in Forming an Open Space Authority**

The steps to form an open space authority generally include the following:

1. Meet with advocates in the region to discuss the possibility of forming an open space authority. Key issues for discussion should include: a) the advantages and disadvantages of forming an open space authority as opposed to relying on exiting organizations or forming an open space district; b) the mission of the authority; c) authority boundaries; and d) other basic organizational issues.
2. Meet with potential legislators to solicit support and refine the concept. Identify a legislator or legislators to sponsor the bill.
3. Form a committee to draft the proposed legislation.
4. Organize a lobbying effort in support of the bill.

### **Funding Options Available to Open Space Districts and Authorities**

Open space districts and authorities are government entities, which gives them the authority to impose taxes and sell bonds. The most likely funding options for open space districts include the following:

- **Special Taxes:** Open space districts and authorities have the authority to impose special taxes. In exercising that authority, a district may establish a zone or zones and a rate of tax for each zone, which is to be applied uniformly to all taxpayers within the zone. All revenue from a tax levied in a zone shall be expended in connection with land and facilities that are located in that zone, including a reasonable amount allocated for general administrative expenses of the district.
- **Bonds:** A district may incur indebtedness not to exceed 5 percent of the assessed valuation of the real and personal property situated in the district or in any zone of benefit established by the district for the purpose of levying a tax.

Other possible funding sources include mitigation fees (levied by a local agency), collaboration with non-profit land preservation organizations, and matching funds from federal and state agencies. In some cases, open space districts may receive grant funding from private foundations. For example, the Midpeninsula Regional Open



Space District received a grant from the David and Lucile Packard Foundation toward its annexation of the San Mateo Coast.

## **Examples of Open Space Districts and Authorities**

- The Sonoma County Open Space District was formed in 1990 under Section 5500 et seq. of the Public Resources Code. See Attachment 3. Its financing comes from a contract with the Sonoma County Open Space Authority, which levies a 0.25 percent sales tax for agricultural land preservation and open space protection. The District's boundaries are the same as those of the County, and within those boundaries the District protects land through easement or fee acquisition. County voters approved both a measure forming the District and a measure levying the sales tax, which provides approximately \$13 million annually.
- The Santa Clara County Open-Space Authority was formed in 1992 as a special act of the State Legislature. It was created under Public Resources Code Section 35100 et seq. (See Attachment 5) in order to preserve open space and develop a greenbelt. Its direction was dictated the following year by an advisory vote of voters within Authority boundaries, which is the portion of Santa Clara County that is not in the Midpeninsula Regional Open Space District. Because it was formed as a special act, it is not an open space district, but it operates in a similar fashion by acquiring land in fee or easements. The Authority's Board of Directors voted to create an assessment district in 1994 with an annual assessment of \$12 and annual funding of about \$3.6 million. The Authority is currently seeking to increase its assessment by \$20 per parcel through a Proposition 218 benefit assessment.
- The Midpeninsula Regional Open Space District was formed by voter initiative in 1972 for the northwest portion of Santa Clara County. It was expanded by the voters in 1976 to include southern San Mateo County and annexed a small portion of Santa Cruz County in 1992. In general, the district purchases land with high open space value, but it also purchases land or easements to extend the Bay Area Ridge Trail.

## **Possible Advantages**

The possible advantages of forming an open space district or authority to implement the Cambria Forest Management Plan include:

- An open space district or authority can be tailored to meet local needs and develop local support.
- As government agencies, open space districts and authorities can sell bonds and assess taxes.
- Open space districts and authorities can develop management expertise on their own lands that would be applicable to private lands.

## Possible Disadvantages

The possible disadvantages of forming an open space district or authority to implement the Cambria Forest Management Plan include:

- The process of forming an open space district or authority is relatively complicated and therefore can be both costly and lengthy.
- There could be overlap with the mission of San Luis Obispo County Parks and Open Space (SLOCPOS). Although SLOCPOS does not currently have the funding to carry out major open space purchases, other county parks and open space departments have changed direction and added open space as a focus. For example, the Santa Clara County Parks department has recently initiated development of a countywide strategic plan. As part of this effort, they are reevaluating their mission and developing a plan that will encompass all open space conservation activities in the county.
- Open space districts and authorities do not usually focus on management of private land.

## Evaluation of Open Space Districts by Key Elements

Key element	Evaluation of Open Space Districts and Authorities
Public education	Not usually a major activity, but well within their mandates.
“Landowner-Friendly” Outreach	Because they are locally-based and have technical expertise, open space districts and authorities can be strong in landowner outreach. However, as government entities, they can have difficulty engaging with some property owners
Management activity on private lands	Administering management programs on private lands would be a highly specialized feature of an open space district (an atypical feature). In general, districts are occupied with management of their own lands and easements.
Adequate staffing	Open space districts and authorities typically have a small staff, but a public funding mechanism could support additional technical staff.
Adequate funding	If a district or authority is successful in assessing taxes or issuing bonds, they can have sufficient funds to carry out a management program.
Broad-based leadership	Districts and authorities are locally based and can include local landowners and managers on their board of directors to increase their base of support.
Non-duplicative	An open space district or authority could overlap with the activities of County Parks and Open Space.

# Community Services District

## What is a Community Services District?

Under State Government Code section 61100 et seq. (See Attachment 6), Community Services Districts (CSDs) 'may be formed to provide water, sewer or garbage services, fire protection, public recreation, street lighting, mosquito abatement, police services, library services, street improvements, conversion of overhead electric and communication facilities to underground locations, ambulance services, airport facilities, and transportation services.' A district may consist of unincorporated territory in one or more counties. CSDs are found throughout the state, and oversee any combination of the activities mentioned above.

CSDs can be further authorized to provide additional services through the passage of special legislation. For example, the Jurupa CSD, a so-called "Super CSD," is authorized to adopt the additional purpose of installing or planting and maintaining landscaping through proceedings pursuant to the Landscaping and Lighting Act of 1972. See Government Code Section 61601.21 (See Attachment 7). However, this method requires specific legislation. Typical CSDs do not have such authority. Government Code Section 61600 et. seq. See Attachment 8.

## Steps Involved in Forming a Community Services District

CSDs can be formed two ways, as outlined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001. Government Code Section 61100 et. seq. (see Attachment 6). First, they can be formed by petition signed by 10 percent of the registered voters residing in the district; or second by "Resolution of Application" adopted by the legislative body of any county or city that contains territory proposed to be included in the district. The petition for formation of a CSD must contain a description of the boundaries, methods by which the district will be financed, the proposed name of the district, the detailed reasons for its formation, the "chief petitioners," the number of members of the board of directors and method of their selection, and the purpose and powers of the district. Government Code Section 61101. See Attachment 6.

Specific additional steps to form a CSD include:

- File the petition of Resolution with the applicable local agency formation commission (LAFCO). Government Code Section 61104. See Attachment 6.
- LAFCO hearings to determine whether the formation is consistent with its adopted plans and policies and to establish terms and conditions on the CSD. Government Code Section 56825 et. seq. See Attachment 9.

- Once LAFCO approves the formation of the CSD, if the proposal has been signed by not less than 80% of the registered voters residing within the area to be included in the district, the board of supervisors or the city council may dispense with the election, adopt the resolution required by Government Code Section 61117, and designate the members of the board of directors pursuant to Government Code Section 61120 et. seq. See Attachment 10.
- If on the other hand, the proposal has not been signed by at least 80% of the registered voters residing within the area to be included within the district, then a majority vote is required for the formation of the CSD. An election on the formation of the CSD can also be accompanied by a proposal for the establishment of a special tax. However, if the election is done in this fashion, a two-thirds vote is required. Once the requisite votes are cast, the board of supervisors or the city council will declare by resolution that the CSD is duly organized. Government Code Section 61117. See Attachment 11.

## **Funding Options Available to a Community Services District**

As is mentioned above, CSDs can use the election in which they are formed to request a special tax be dedicated to them. In addition, they can:

- request funding through a separate election,
- issue bonds (Government Code Section 61650 et. seq., Attachment 12), and
- levy assessments or an ad valorem tax for improvement districts formed with CSD boundaries. Government Code Sections 61712-3. Attachment 13.

## **Example of a Community Services District**

The Cambria Community Services District (CCSD) provides “water, wastewater, waste disposal, fire, rescue and emergency medical, street lighting, parks, transit, and Cambria Veteran's Memorial Building administration.” This broad mandate is typical of community services districts.

## **Possible Advantages**

The possible advantages of forming a CSD to implement the Cambria Forest Management Plan include:

- CSDs are locally based and use local funding.
- Because the CCSD already exists, it could potentially provide services more quickly than a new organization, which would have to go through a formation process. However, changing the CCSD's charter could take a period of time similar to that for forming a new organization.

- The existing CCSD currently has a staff and office space, which would assist it in supporting a new staff member assigned to implement the CFMP.

## **Possible Disadvantages**

The possible disadvantages of forming a CSD to implement the Cambria Forest Management Plan include:

- The broad array of services offered by typical CSDs makes it difficult for them to specialize in any one service.
- The CCSD would have to expand its purpose and powers to include management of the Monterey Pine Forest.
- A new service such as forest management is very different from the CCSD's current activities, so it would require significant investment in training, and equipment for a new staff member.
- Without an organization specifically focused on Monterey Pine management, there may not be sufficient public visibility to promote the private participation that will be necessary for success.



## Evaluation of Community Services Districts by Key Elements

Key element	Evaluation of Community Services District
Public education	Well within the mandate of a CSD.
“Landowner-Friendly” Outreach	Landowner receptivity to CSD management activities would be strongly linked to who is on the board and the focus of those activities.
Management activity on private lands	Administering management programs on private lands is more in keeping with the activities of a service district. However, the service district would have to specifically assume this responsibility in its purposes and powers.
Adequate staffing	A CSD could provide ongoing administrative support.
Adequate funding	A CSD has funding sources available to it, which should be sufficient to implement the CFMP.
Broad-based leadership	CSDs are locally-based and provide many other services with which community members are familiar. Again, this depends upon the composition of the board of directors.
Non-duplicative	If the existing CCSD takes on forest management, it could potentially duplicate consulting forestry provided by the County and Greenspace, but neither of these is comprehensive or governed by a plan. <sup>4</sup>

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<sup>4</sup> In order for the existing CCSD to expand its mandate to implement the CFMP, it would have to specify pine forest management in its purposes and powers. It appears that this may be possible, but a legal opinion would need to be sought. There are likely many pros and cons to relying on the existing CCSD to implement the CFMP. Only a local group such as the Committee can evaluate this option.

# Resource Conservation Districts

## What is a Resource Conservation District?

A Resource Conservation District (RCD) is a locally governed public, non-profit agency. RCDs can acquire lands, but they are typically more focused on outreach to private landowners to promote conservation activities on their land. While RCDs were originally intended to focus on soil conservation in agricultural lands, they can also work on broader resource conservation efforts such as watershed management and forests. RCDs can include land both within cities and in unincorporated areas. They are managed by a local, volunteer board, which can determine any direction for the RCD so long as it is compatible with conservation, including soil conservation, watershed improvement, ecological restoration and forestry projects. The Natural Resources Conservation Service, a service of the U.S. Department of Agriculture provides technical assistance to RCDs that request assistance through a memorandum of understanding.

Activities typical to a Resource Conservation District include:

- Outreach to private landowners to promote conservation activities on their lands.
- Education to landowners and broader communities concerning resource conservation.
- Acquisition of lands to promote resource conservation.
- Some RCDs are involved in Coordinated Resource Management Planning (CRMP), in which they act as the lead agency to develop and implement a standardized methodology for addressing resource issues (primarily watershed management).

## Steps Involved in Forming a Resource Conservation District

The basic steps to form an RCD include:

1. File a petition signed by at least 10% of registered voters with the local agency formation commission (LAFCO) or adopt a resolution of the Board of Supervisors and file it with the LAFCO. Resource Code Section 9161 et. seq. See Attachment 14.
2. Obtain approval from the LAFCO.
3. If more than 80% of the voters of the proposed district sign a petition requesting its formation, no election is required. Resource Code Section 9181 et. seq. See Attachment 15.
4. If fewer than 80% of the voters sign a petition, an election must be held. A majority approval from the voters results in formation, which must be formally approved by the County board of supervisors.

## **Funding Options Available to a Resource Conservation District**

As public non-profit agencies (not 501.c.3, but with non-profit status), RCDs do not have any funding directly associated with them, but they are eligible for funding from a variety of outside sources. These include:

- Private grants.
- Donations, including land, in-kind services, and monetary donations.
- Government grants and contracts for services.
- Local assessments to fund RCD activities (California Resources Code Sections 9501-9513. See Attachment 17).

Most districts are funded through grants, but a few that were formed before tax reforms receive limited funds through county property tax revenues.

## **Examples of Resource Conservation Districts**

There are two RCDs in San Luis Obispo County, both of which are primarily focused on watershed activities. However, both have at least a small forestry component. They operate under relatively low annual budgets of between \$100,000 and \$200,000.

- The Coastal San Luis Resource Conservation District is active in San Luis Obispo County to the south and east of the Cambria area. It has purchased land both along the coast and inland. It also conducts programs to promote habitat restoration and agricultural practices that support natural resource values. The Coastal San Luis RCD is entirely grant-supported through entities such as the Coastal Conservancy, State Water Resources Control Board, Regional Water Quality Control Board, Department of Fish and Game, Packard Foundation, and cost-sharing with the Morro Bay estuary program.
- The Upper Salinas-Las Tablas Resource Conservation District works in the Cambria area. Its efforts in Cambria are currently focused on producing an erosion control and drainage master plan for the Lodge Hill area. This may have a small forestry component. The Upper Salinas-Las Tablas RCD also gets grant funding, primarily through the State Water Resources Control Board, Regional Water Quality Control Board, Department of Fish and Game, Packard Foundation, and San Luis Obispo County.

## **Possible Advantages**

The possible advantages of forming an RCD to implement the Cambria Forest Management Plan include:

- The voluntary conservation activities of a resource conservation district can be very effective, particularly in an area with extensive private ownerships.
- The Upper Salinas-Las Tablas Resource Conservation District already exists and is active in the Cambria area.

## **Possible Disadvantages**

The possible disadvantages of forming an RCD to implement the Cambria Forest Management Plan include:

- RCDs have no legal authority to require landowners to comply with their efforts. Like land trusts and other non-profit organizations, RCDs can implement only voluntary measures by willing landowners
- RCDs have not had great success in developing stable funding sources through taxation, in part because they frequently have boundaries that exclude urban population areas.
- RCDs are locally controlled and therefore respond to local priorities, which may not always result in a focus on forestry projects. Specifically, in San Luis Obispo County, agriculture and particularly viticulture are their primary focus of activities, which detract from the Monterey Pine forest as an issue.
- It may be politically difficult to influence the board of the RCD to include management of the Monterey Pine forest.
- The relatively low budgets of RCDs could make ongoing implementation of an intensive management plan difficult.

# Non-Profit Advocacy Group

## What is an Advocacy Group?

Without directly acting to purchase land or hold easements, advocacy groups provide visibility, outreach, and educational support for conservation activities. They can be formally incorporated as a non-profit by becoming a 501c3 organization with a board of directors or exist informally as a project of an existing local or national group. Advocacy groups can be very effective in advocating conservation to responsible public agencies and municipalities, providing education for concerned citizens, and acting as a liaison between different concerned groups.

The Cambria Forest Committee could be the basis for such an advocacy group, particularly because it has already taken the step of apply for formal 501c3 status. The group could focus initially on educating the public about the management conclusions in the Cambria Forest Management Plan.

Another possible model for an advocacy group would be to function as a 'council.' This would be an umbrella organization to coordinate the activities of member groups. A 'council' role would be facilitated by the fact that the forest committee directorship is comprised of representatives of 15 entities ranging from not-for-profit land trusts (Greenspace and The Nature Conservancy) to local government agencies (CCSD Board, County Planning, etc.) to state agencies (California Department of Forestry, Fish and Game, etc.). Individual members represent the public as well, and there are more agencies and individuals in the committee. Many of the member organizations undertake activities directly related to management of the Cambria pine forest and could work together to foster more coordinated management of the resource. An example of a 'council' is the recently formed Silicon Valley Conservation Council, which operates as an umbrella organization of not-for-profit land trusts, government agencies, and business representatives to coordinate funding for open space purchases and support land conservation activities.

## Steps Involved in Forming an Advocacy Group

The steps to form an advocacy group are similar to forming a land trust. They include:

1. Developing community support by contacting interested parties, possibly holding a public meeting, and learning about the ways in which advocacy groups can act.
2. Forming a steering committee to see the organization through formation stages.
3. Choosing a diverse board with a good mix of skills.
4. Incorporating as a non-profit organization and applying for tax exempt status.
5. Developing a mission, a plan of action, and a fundraising strategy.



6. Beginning to fundraise, developing a volunteer base and staff, and developing outreach and education projects.

Again, it is important to ensure that a new advocacy group has a unique mission that is not duplicated by another organization. The group should also focus on developing an effective strategy for reaching the individuals and organizations it hopes to influence.

## **Funding Options Available to an Advocacy Group**

As non-profit organizations, advocacy groups are eligible for a wide variety of funding sources. These include:

- Private grants
- Donations
- Fundraising events
- Sales of products
- Memberships
- Government grants and contracts for services

## **Existing/ Example Advocacy Groups**

### **Monterey Pine Forest Watch**

In the early 1990s, Monterey Pine Forest Watch formed to advocate for the protection of the Monterey Pine Forest on the Monterey Peninsula. Initially, the group was affiliated with the California Native Plant Society, but in the past year it has become a separate, 501c3 organization with a small core group of volunteers. They have a variety of projects completed and in progress. In addition, they monitor development projects that could impact the Monterey Pine forest on an ongoing basis. Their activities have included:

- Sponsoring symposiums on various aspects of Monterey Pines.
- Petitioning to list the Monterey Pine as a threatened species under the California Endangered Species Act.
- Working with various park districts to develop a Monterey Pine Preserve around Jack's Peak State Park. Putting together a proposal to develop a Pine Preserve report to understand the logistics and help kick-start the process.
- Participating in the Statewide Pitch Canker Task Force.
- Participating in the Monterey County General Plan update and the Carmel Land Use Plan update.
- Creating an alternative development plan for the land owned by the Pebble Beach Company, which it has largely chosen to implement after changing hands from Sumitomo Bank to a group including Clint Eastwood.

At this point, they have not purchased land, although they are attempting to coordinate the creation of the Monterey Pine Preserve. However, they work closely with other organizations that do secure land, including the Big Sur Land Trust and several local and state-wide open space and park districts.

The Natural Areas Association presented Monterey Pine Forest Watch with an award this year for their effective advocacy work.

### **Monterey Pine Ecology Cooperative (Coop)**

The Coop was started in 2000, with funding from the Packard Foundation. Its founder, Deborah Rogers, was inspired by the conservation groups she saw working to help Monterey Pines throughout the state, but she also saw that they could use more coordination and better scientific information. She has been bringing together people working in the three areas where Monterey Pines are found in the state and has provided an educational forum. They have had approximately five meetings this year, in which scientists who have done work relevant to Monterey Pine forests have presented information relevant to those working in the forests. The participants were particularly interested in removal of non-native species from Monterey Pine Forests, so the Coop organized an all-day workshop on the subject. The Coop has provided a forum for activists to exchange ideas about management of the Monterey Pine forests and to coordinate their activities.

### **California Oak Foundation (COF)**

The California Oak Foundation could provide a model for the Cambria Forest Committee. It focuses similarly on a relatively rare and threatened ecosystem type that is important and recognizable throughout the state.

COF conducts a variety of programs aimed at promoting the preservation of the state's oak woodlands and rural landscapes. Their activities include:

- Working with landowners, ranchers, farmers, developers, conservation organizations, estate planners, and others to conserve oak woodlands.
- Educating children about oak woodlands through outreach and programs for classrooms.
- Providing technical assistance to community members interested in local oak conservation issues.
- Advocating for responsible planning at the state, regional, and local levels.
- Conducting ongoing public information programs.

California Oak Foundation web site: <http://www.californiaoaks.org/index.html>

## Possible Advantages

The possible advantages of forming an advocacy group to implement the Cambria Forest Management Plan include:<sup>5</sup>

- Building support for the protection of Monterey Pine forests.
- Assessing the condition of Monterey Pines on properties throughout the Cambria area.
- Providing technical assistance to landowners who have pines on their property.
- Developing an educational curriculum for local schools focused on Monterey Pines.
- Providing information and tours for community members interested in Monterey Pines.
- Coordinating with the state-wide efforts of the Monterey Pine Ecology Cooperative and the local efforts of Monterey Pine Forest Watch on the Monterey Peninsula.

## Possible Disadvantages

The possible disadvantages of forming an advocacy group to implement the Cambria Forest Management Plan include:

- Because there are many conservation groups currently active in Cambria, the possibility of duplicating existing efforts is real. The land trusts and other organizations currently working in Cambria might be able to provide the services of an advocacy group without forming a new entity or expanding the role of the Cambria Forest Committee to include more comprehensive advocacy activities.

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<sup>5</sup> Formalizing the existing Forest Committee as an advocacy group also has advantages and disadvantages. One advantage is that as a 'council,' the Committee could coordinate the Forest Plan implementation activities of its 'member' entities. Two disadvantages are that as an advocacy group the Forest Committee may have difficulty building the capacity to manage forest lands that are held by other individuals or organizations. In addition, the Committee could not acquire land if it chose to limit its role to advocacy. This limited role could correspondingly limit its fundraising activities.

## Evaluation of Non-Profit Advocacy Groups by Key Elements

Key element	Evaluation of Non-Profit Advocacy Groups
Public education	A major component of their work.
“Landowner-Friendly” Outreach	Landowner receptivity to the non-profit group is strongly linked to who is on the board and the focus of the group’s activities.
Management activity on private lands	Administering management programs on private lands could be consistent with the activities of a non-profit advocacy group.
Adequate staffing	Finding adequate funding can be a drain on staff time. Many non-profit advocacy groups have very small staffs because it is difficult to find sufficient ongoing funding to support them.
Adequate funding	Non-profits typically have difficulty finding sufficient funding to conduct their activities. However, it is well within the mandate of many advocacy groups to provide training to local volunteers, who could provide some of the management services for free.
Broad-based leadership	Depending on the composition of the specific group, a non-profit advocacy group can be composed of a strong cross-section of the community.
Non-duplicative	Greenspace is currently providing some forestry services for Cambria residents, but there appears to be room for more coordinated efforts to supplement their activities.

## Other Existing Statewide or Regional Land Conservation Organizations Active in Cambria



### Statewide

This section describes some of the other state, regional, and local organizations that have (1) potentially related missions to the Cambria Forest Committee and (2) could partner with the Committee in future activities as it implements the Cambria Forest Management Plan.

#### University of California Natural Reserve System

In early 2001, the University of California acquired, through a six-year use agreement donated by the landowner, the Kenneth S. Norris Rancho Marino Reserve. The Reserve encompasses more than 500 acres of both land and water. Much of the land area is Monterey Pine forest. The Reserve is closed to the public, but will be studied by University of California and other researchers to examine its genetic diversity and manage the Pine Pitch Canker disease.

#### California State Parks

The state parks system has ten properties in San Luis Obispo County, most along the coastline. The closest park to Cambria is San Simeon. State Parks activities in the region may increase as a result of the potential sale of the Hearst property, adjacent to the Hearst San Simeon State Historic Museum (Hearst Castle).

## **California Coastal Conservancy**

The Coastal Conservancy works to improve access to the coastline, protect coastal resources, including agriculture, and resolve coastal land use conflicts, and purchase or hold environmentally valuable coastal lands. It has an annual budget of \$40 million and is active all along the California coastline. It has a strong presence on the San Luis Obispo County coast, with three programs underway in Cambria at this time. As a state conservancy it is flexible in its approach to conservation, coordinating representatives of government, citizens, and the private sector involved in protecting the California coast.

## **Regional/Local**

### **San Luis Obispo County Parks and Open Space**

The Parks District can purchase land for a variety of uses, including open space and recreation. They currently own small properties along the coastline throughout the county. They do not have plans to purchase open space lands with Monterey Pines in the foreseeable future, instead focusing on sites for active recreation. However, with greater funding, it is within their mission to protect Monterey Pines. An advocacy group, land trust, or other local group could actively support the expansion of the mission of County Parks and Open Space.

## Funding Techniques



There are several different categories of funding available to conservation organizations. Table 1 below provides a summary of funding sources, including:

- Local/Regional funding
- State funding
- Federal funding
- Private funding

### Regional/Local Funding

Local funding options available to public agencies for acquisition, management and improvement of open space lands include:

- Assessment Districts
- Taxes and Bonds
- Lease-Purchasing and Certificates of Compliance
- Mitigation Fees

**Table 1. Summary of Funding Options.**

Type of Entity	Funding Options Available
Land Trust (private)	Private foundation grant funding Membership fees Donations Event and product sales Mitigation fees—imposed by local governments State funding sources: <ul style="list-style-type: none"> <li>▪ NCCP implementation</li> <li>▪ WCB Land Acquisition</li> <li>▪ California Riparian Habitat Program</li> <li>▪ Coastal Conservancy Grants</li> </ul>
State Conservancy (state agency)	State appropriations: <ul style="list-style-type: none"> <li>▪ NCCP implementation</li> <li>▪ WCB Land Acquisition</li> <li>▪ California Riparian Habitat Program</li> <li>▪ Coastal Conservancy Grants</li> </ul> Bond issue Special taxes Lease-purchase and Certificates of Compliance Mitigation fees—imposed by local governments
Open Space Districts and Authorities	Bond issue Special taxes Benefit Assessments (Proposition 218) Mitigation fees—imposed by local governments Coastal Conservancy Grants
Community Services Districts	Special taxes and assessments Bond issue
Resource Conservation Districts	Private and public grant funding In-kind services from public agencies
Non-Profit Advocacy	Private grant funding Coastal Conservancy Planning Grants Membership fees and donations Event and product sales

**Assessments**

A special assessment, sometimes called a “benefit assessment,” is a charge generally levied upon parcels of real property to pay for benefits the parcels receive from local improvements. In contrast to a tax, the nature of an assessment requires that it be levied in proportion to the special benefit to real property derived from the proceeds of the assessment.



The steps to enact a special assessment under the Landscape and Lighting Act of 1972, pursuant to the rules established under Proposition 218, include (see Attachment 17):<sup>6</sup>

- Identify the property subject to the assessment.
- Apportion the benefit by determining the proportionate benefit derived by each parcel in the assessment district. This benefit is an individual parcel's share of the cost of the improvement or maintenance to be financed by the assessment.
- Segregate out a general benefit to be paid from another source of funds.
- Prepare an engineers report.
- Mail notice of the proposed assessment.
- Mailed ballot protest. Under Proposition 218, this is a mailed ballot on which the property owner can indicate support or opposition to the assessment.
- Determine majority protest. Only those ballots returned at the close of the 45-day period prior to the hearing are counted.
- Conduct the public hearing.

The Legislature, through the enactment of the Proposition 218 Omnibus Implementation Act, Government Code Sections 53750 et. seq., clarified some of the procedural requirements for assessments. See Attachment 18.

Under Proposition 218, special benefits are defined as "a particular and distinct benefit over and above general benefits conferred on real property located in the district or the public at large. General enhancement of property value does not constitute a 'special benefit.'" A special benefit district can be formed by receiving approval from a majority of the affected landowners through a mailed ballot. The votes are weighted according to each property owner's financial obligation. Proposition 218 assessments to raise funds for parks and open space acquisition and maintenance have been successful in several California communities including those in the following table:

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<sup>6</sup> While there are numerous assessment laws which provide for maintenance, the Landscaping and Lighting Act of 1972 is considered to be the most appropriate type of assessment for funding the management of the pine forest.

**Table 2. Proposition 218 Benefit Assessments**

Agency	Use	Parcels	Percent Approval	Amount per Home	Annual Revenue
City of Vacaville (9 Measures)	Parks & Rec. Park	30,000	76.3%	\$12 to \$335	\$ 1,325,000.00
Elk Grove CSD (4 Measures)	Maintenance	31,000	85.3%	\$27 to \$179	\$ 4,665,000.00
Rancho Simi Rec. & Park District	Parks & Open Space	50,000	58.9%	\$24.00	\$ 1,139,000.00
San Joaquin County Parks	Park Maintenance	1,300	85.4%	\$16.80	\$ 23,000.00
City of Moorpark	Maintenance	10,000	71.5%	\$39.00	\$ 447,000.00
Mission Oaks Rec. & Park District	Maintenance	17,000	61.9%	\$27.00	\$ 586,000.00
Fair Oaks Rec. & Park District	Parks & Rec.	12,000	58.1%	\$24.00	\$ 292,000.00
Fulton-El Camino RPD	Parks & Rec.	7,000	61.0%	\$12.00	\$ 148,000.00
Pleasant Valley Rec. & Park District	Parks & Rec.	23,000	58.8%	\$27.00	\$ 664,000.00
Conejo Recreation & Park District	Parks & Open Space	46,000	64.2%	\$25.00	\$ 1,200,000.00
Santa Clara County Open Space Auth.	Open Space Rec.	320,000	pending	\$20.00	\$ 8,000,000.00
City of Palmdale	Facilities	39,000	pending	TBD	\$ 1,400,000.00
Placer County - Granite Bay	Parks & Rec.	7,000	pending	\$59.00	TBD
<b>Total</b>					<b>\$ 19,889,000.00</b>

**Taxes and Bonds**

A tax is a monetary imposition of a governmental legislative body on persons or property subject to the jurisdiction of the governmental body, for the purpose of raising revenue to support its activities. A tax is equal in its burden and uniform in its operation. It may be levied on either property or persons. Because Proposition 218 affects taxes, as well as certain types of fees, assessments and charges, it is important to understand the distinctions among these revenue devices.

Proposition 218 defines a “general tax” as any tax imposed for general government purposes. Proposition 218 defines a “special tax” as any tax imposed for specific purposes including taxes imposed for specific purposes and placed into a general fund.

An evaluation of the potential for public financing of open space preservation should begin by calculating the size of the tax base, both for sales tax and for property tax, in order to gain a sense of the magnitude of tax levies or bond issues that are supportable

in the region. Any "special tax" (whether sales- or property-based) that is earmarked for a given use must be approved by 2/3 of the voters in an election.

- **Sales Tax:** A sales tax could be limited to a set number of years. Sales taxes can be split between a number of needs (e.g. open space and libraries). The Sonoma County Agriculture and Open Space District relies on sales taxes to generate the majority of its income.
- **General obligation bonds:** Cities and counties can issue these to purchase property, including open space. They are supported by property taxes. As with any bond issue, the advantage of this mechanism is that the revenue is available for spending or disbursement more or less immediately, which can be an important consideration if desirable land is under imminent threat of development.
- **Property tax:** An annual revenue stream through direct property taxation is possible. These can be weighted (a percent of assessed value) or a flat tax. The former has its advantages of fairness; it taxes every parcel owner at the same rate (e.g. one-ten thousandth of assessed value). The latter has the advantage of being easy to understand, which might make it more attractive to the public. Either of these taxes can be levied for a finite period of time. It is also possible to exclude commercial and/or industrial property from the tax, on the grounds that they do not benefit from open space conservation, or to tax different types of parcels (e.g. single family homes vs. farms) differently. The Midpeninsula Regional Open Space District relies on property taxes for the majority of its income.

## **Lease-purchasing and Certificates of Compliance**

Lease financing is an alternative to voter-approved general obligation bond debt. Leasing enables public entities to finance capital assets over a period of years. In this case, a city or county finds a bank, leasing company, or non-profit organization willing to purchase land it wishes to conserve and then leases it back from that entity. The city or county pays the principal and interest for the property and over time owns the property outright.

In Certificate of Participation (COP) structured lease financing, the public agency leases property. The COPs are sold to investors much as bonds are. They represent an undivided proportionate interest of the owners of the COPs in the lease payments to be made by the public agency under the lease.

## **Mitigation Fees**

Fees can be imposed by municipalities as a condition of development, so long as the amount of the fee is related to the specific project. The exception to this rule is that development agreements and other negotiated agreements do not need to establish any relationship between the fee and the entitlement. Fees may be charged for the conversion of specific types of land (habitat, open space, agriculture) to urbanized uses. The funds can be used either for immediate purchase of land, conservation easements, or placed into a fund for later use. Examples of mitigation fees include:

- **City of Livermore:** The City requires new development within the South Livermore Valley Specific Plan to permanently protect agricultural land at a ratio of one acre protected to each acre developed, plus one additional acre dedicated for each unit developed. An in-lieu fee equivalent to the mitigation requirement can be paid to South Livermore Valley Agricultural Land Trust.
- **City of Davis and County of Yolo:** These entities require that for each acre of farmland developed, an acre of prime farmland must be permanently protected.

Mitigation fees can also be imposed as a requirement of Habitat Conservation Plans (HCPs) and Natural Communities Conservation Plans (NCCPs).

## **State Funding**

The following is a summary of some of the State Funding programs available for resource land acquisition and management. These funding sources are highly competitive and typically require that the conservation organization has: (1) a management plan or conceptual area plan (CAP) approved by the Department of Fish and Game; (2) support from a state agency (e.g. DFG or State Parks); and (3) in some cases, legislative support. Eligibility for and access to funds depends on the agency involved. Key agencies include: State Parks, Wildlife Conservation Board, Coastal Conservancy, Resources Agency, Department of Water Resources, and Department of Conservation.

There are three basic types of funding available from the state. 1) legislative “earmarks” through the budget process (typical for State Parks acquisition); 2) programmatic “pots” of funding appropriated to a particular agency (typical for Wildlife Conservation Board); and 3) funding appropriated to an agency to administer as grant funds (e.g. Tax Credit Program).

## **State Bond Measures**

In March of 2000, the voters approved Propositions 12 and 13 to fund land and water conservation. Similarly, in March of 2002, the voters will have the opportunity to vote on another bond measure that would pay for similar conservation projects.

### **Proposition 12 (Parks)**

Proposition 12 provides funding for state and local parks, protection of wildlife habitat, and coastal resources. Much of the funding available from this bond has already been allocated, and those programs that remain are largely for urban use. However, there are some funds remaining in the following areas:

### *Riparian and Riverine Habitat Program*

Funds acquisition, development, and improvement of recreational areas, open space, parks, and trails close to rivers and streams. This is a \$10 million competitive grant program. Proposals are due in February 2002.

State Parks web site: <http://www.parks.ca.gov/>

### *Opportunity Funds and Oak Woodlands Funds*

These funds provide discretionary money to State Parks to fund projects not "earmarked" in the budget process.

### **Proposition 13 (Watersheds)**

Proposition 13 is intended to provide safe and reliable sources of water, increase natural flood protection, improve the quality of rivers, creeks, streams, and coastal areas, and protect and restore fisheries and wildlife habitat. There are funds available under a wide variety of programs, but much of the funding has already been appropriated.

The State Water Resources Control Board administers the water quality programs funded by this bond measure.

### **California Clean Water, Clean Air, Coastal Protection and Safe Neighborhood Parks Bond Act of 2002**

This bond will be on the March ballot in 2002. If passed, it would provide \$2.6 billion for state and local parks, state conservancies, air and water conservation, urban forestry, and agricultural land.

### **Ongoing State Programs (Funded from the State General Fund and Bonds)**

There are a number of programs run by departments within the California Resources Agency. They are listed under their department name, but at the end of this section other programs sponsored by the Resources Agency are listed.

#### **California Coastal Commission**

##### *Grant Programs*

The Coastal Commission issues grants and develops partnership for planning, restoration, and acquisition of resource-rich coastal areas. Non-profit organizations and local governments are eligible for such grants or partnerships.

## **Caltrans**

### *Conservation Lands Program*

Through Caltrans, the program uses federal Transportation Enhancement funds for scenic acquisitions along state or local transportation corridors where these lands also have significant habitat conservation value and can be combined with adjacent habitat mitigation bank lands acquired to mitigate impacts from construction of transportation improvements. A match of 11.5% is required. All of the currently appropriated funds have been spent, but the program could be funded again with the next federal transportation bill.

Caltrans web page: <http://www.dot.ca.gov/hq/TransEnhAct/consvlts.htm>

## **Department of Fish and Game**

### *Natural Communities Conservation Planning (NCCP) Grants*

The Department of Fish and Game offer grants to public and non-profit entities for planning (NCCP Planning Grants) and for implementation of approved or soon to be approved NCCPs, with a total of \$1.6 million available.

Department of Fish and Game web site: <http://www.dfg.ca.gov/nccp/grants.html>

## **Department of Forestry**

### *Forestry Incentives Program (FIP) and California Forest Improvement Program (CFIP)*

FIP provides funds for forest ecosystems damaged by natural disasters such as fire, flood, drought, or disease. CFIP provides support for watershed projects and forestry on private lands. Both programs are for the use of private forest landowners.

California Forest Stewardship Program web site:

<http://ceres.ca.gov/foreststeward/index.html>

### *Forest Legacy Program*

The program is run by the Department of Forestry using federal funds and state matching. It is designed to purchase development rights and conservation easements on environmentally important forests in California that are threatened with non-forest use. The federal government will pay up to 75% of the costs, with local or state government paying the remainder.

CDF web site:

<http://www.fire.ca.gov/ResourceManagement/ForestLegacyProgram.asp>

## **Department of Parks and Recreation**

### *Recreational Trails Fund*

The program is administered at the state level and provides funds for both motorized and non-motorized recreational trails (acquisition and improvements). The California Fund was expected to be approximately \$3.5 million in 2000-2003. It requires matching funds.

Department of Parks and Recreation:

<http://cal-parks.ca.gov/pages/1008/files/rtpguide.pdf>

### *Habitat Conservation Fund*

Created under the California Wildlife Protection Act of 1990, this program provides grant funds for the acquisition and restoration of wildlife habitat. DPR receives \$2,000,000 annually and awards grants up to \$250,000. Funding is available for wetlands, riparian, and upland habitat with a focus on threatened and endangered species, deer and mountain lions, and anadromous fish. Non-profits are not eligible to apply directly for these funds, but must partner with a local public agency. A 1:1 local match is required.

## **Wildlife Conservation Board**

The Wildlife Conservation Board (WCB) is a separate and independent Board within the Department of Fish and Game with the authority and funding to carry out an acquisition and development program for wildlife conservation. Conceptual Area Plans (CAPs) are prerequisites to State funding requiring Wildlife Conservation Board approval. A few of the funds available from WCB include the following:

### *Oak Woodlands Conservation Act*

The Oak Woodlands Conservation Act provides between \$5 and 8 million for protection of oak woodlands. Funding requires a CAP or oak woodland management plan and support from the Department of Fish and Game.

### *Wildlife Conservation Board Land Acquisition Program*

The WCB can purchase lands or grant funds to other government entities or nonprofit organizations to acquire property. The Department of Fish and Game evaluates potential sites and recommends priorities for proposed acquisitions.

### ***California Riparian Habitat Conservation Program***

The program's mission is to develop coordinated conservation efforts aimed at protecting and restoring the state's riparian ecosystems. Grants are available for restoration and enhancement projects, including land acquisition. Non-profit organizations, federal, state, and local agencies, resource conservation districts, and other special districts are all eligible to apply for the funds. Matching funds are required, and the grantee must demonstrate an ability to maintain any land that is acquired.

Wildlife Conservation Board web site: <http://www.dfg.ca.gov/wcb/>

### **Other Resources Agency Programs**

#### ***Environmental Enhancement and Mitigation Program***

Any federal, state, or local agency or non-profit entity can apply for these funds. \$10 million per year are allocated to mitigate the environmental impacts of new or improved public transportation facilities. Projects may be designed to mitigate for carbon emissions, purchase resource lands, or develop roadside recreation. They must be associated with a transportation project, and matching funds are encouraged.

Resources Agency web site: <http://resources.ca.gov/eem/eem2001.pdf>

### **Special Appropriations by the State Legislature**

State Conservancies or other agencies are eligible for funding through the legislative budget process. For example, the state conservancies receive annual operating funds from the legislature but can receive additional funds for land acquisition.



## Federal Funding

### **Army Corps of Engineers**

The U.S. Army Corps of Engineers provides planning and other types of grants for watershed-related efforts.

### **Department of Agriculture**

#### *Wetlands Reserve Program*

Landowners can choose to restore wetlands on marginal cropland. The U.S. Department of Agriculture pays some or all of the cost of restoration depending on the length of time the landowner chooses to protect it under a conservation easement. Department of Agriculture web site: <http://www.ftw.nrcs.usda.gov/pl566/WRP.html>

### **Department of Transportation**

#### *Transportation Enhancement Funds (TEA-21)*

Provides funds for landscaping, scenic beautification, bike and pedestrian facilities, mitigation of water pollution from highway runoff, etc.

Department of Transportation web site:  
<http://www.fhwa.dot.gov/tea21/factsheets/te.htm>

#### *National Scenic Byways Program*

Along designated scenic byways, projects that enhance the byways are eligible for funds. These funds can be combined with Transportation Enhancement funds.

National Scenic Byways web site:  
<http://www.enhancements.org/connections/vol4no4.pdf>

### **Fish and Wildlife Service**

#### *Funding associated with Habitat Conservation Plans (HCPs)*

- Endangered Species Act Landowner Incentive Program. This provides financial assistance and incentives to private property owners who are willing to conserve listed species, as well as species that are proposed for listing.
- Habitat Conservation Plan Grants. Support planning for HCPs and may provide funding for mitigation associated with HCP implementation.

- HCP Land Acquisition Grants. Support purchase of land designated under approved HCPs.

Fish and Wildlife Service web site: <http://endangered.fws.gov/>

### *North American Wetlands Conservation Act*

Standard Grants Program. Provides grants to private or public organizations or individuals for protecting, restoring, or enhancing critical wetlands habitat.

Small Grants Program. For similar purposes to the Standard Grants, under less complex circumstances.

Fish and Wildlife Service web site: <http://northamerican.fws.gov/NAWCA/grants.htm>

### *Federal Aid in Wildlife Restoration (Pittman - Robertson Program)*

This program provides 75% matching funds to states only for restoration of wildlife habitat, wildlife management, and facilities for hunting.

Fish and Wildlife Service web site: <http://fa.r9.fws.gov/wr/fawr.html>

## **Forest Service, Fish and Wildlife Service, National Park Service, and Bureau of Land Management**

### *Land and Water Conservation Fund*

Funds from offshore oil and gas drilling receipts are available for conservation purposes. They are primarily for the use of the federal government, but states receive matching funds for local park projects. Although the money has historically been underappropriated, in 2000 Congress guaranteed that \$12 billion would be appropriated for the subsequent five years. States appropriate their share of the funds based on a statewide plan they are required to prepare. Funds can go to local municipalities if the municipality has matching funds and a project that meets the needs outlined by the state plan.

Americans for Our Heritage and Recreation web site: <http://www.ahrinfo.org/>

## **Private Funding Sources**

### **Foundation Grants**

#### *California State Parks Foundation*

Provides grants to California State Parks for land acquisition and other programs within the parks.

California State Parks Foundation web site: <http://www.calparks.org/index.htm>

### ***National Parks Foundation***

Provides Grants to National Parks for programs within the parks, through 'seed money' and 'challenge grants.'

National Parks Foundation web site: <http://www.nationalparks.org/npf/index.html>

### ***Private foundations***

Private foundations have been a good source of funding for conservation activities. For example, the David and Lucile Packard Foundation's Conserving California Landscapes Initiative (CCLI) is a five-year, \$175 million initiative concentrating on three focus areas in the state: the Central Coast, the Central Valley, and the Sierra Nevada. CCLI makes grants and loans to organizations active in these three areas for:

- Conservation transactions
- Land use transactions that shape urban development
- Cooperation among different branches of government
- Planning for conservation
- Capacity-building
- Restoration and stewardship of resources

Packard Foundation web site: <http://www.packard.org/>

The William and Flora Hewlett Foundation and the James Irvine Foundation are currently restructuring their environmental grant programs. Both foundations have provided grants for land conservation efforts in California

### **Products/Services**

Non-profit organizations can sell products related to their mission, which may also improve their visibility. In addition, they can provide services, such as working under contract for other groups or agencies, in exchange for funding or other services.

### **Fundraising Events**

Events held by and for any type of nonprofit organization can be a good way to build visibility, educate the public, and develop a stronger financial base.

### **Donations**

For many non-profit organizations, donations are of great importance both in gaining funds and showing that they have a base of popular support. Both the state and federal government encourage charitable giving. Specifically, they recognize the importance of donations of land and funding and provide tax incentives to encourage individuals to do so.

## **Tax Incentives**

### ***Natural Heritage Preservation Tax Credit***

In 2000, the state enacted legislation that allows private landowners to donate land or water rights to state or local agencies or nonprofit organizations for land conservation. In exchange, the landowner receives a tax credit, which is a reduction of their tax liability by 55% of the value of the land donated. \$100 million in tax credits are available under this program, which is scheduled to last until 2005. It is administered by the Wildlife Conservation Board.

Planning and Conservation League web site: <http://www.pcl.org/LEG/taxcredits.html>

### ***Federal Tax Credits for bargain sale or gift***

When land or conservation easements are donated to conservation organizations, the owner can deduct fair market value for land donation or the difference in value for easements when calculating their income taxes. If a landowner sells land to a conservation organization for less than fair market value, the difference between the bargain price and the fair market value price can be deducted.

## Sources

California Resources Agency, 1416 Ninth Street, Suite 1311, Sacramento, CA 95814, July 13, 2000. State Conservancies: An Overview of their History and Function with Recommendations to Make them More Effective.

California Code. Relevant Statutes.

Governor's Office of Planning and Research. 1400 Tenth Street, Sacramento, California 95814, 1997. Putting Action into the Open Space Element: Techniques for Preserving Open Space and Farmland.

Nolo Press. The California Nonprofit Corporation Kit, Second Edition.

The Land Trust Alliance, 1990. Starting a Land Trust, A Guide to Forming a Land Conservation Organization

The Trust for Public Land, 1991. Land Trust Handbook, A Guide for Board Members.

**First Annual Draft Monterey Pine Forest Management Budget****Staff (Forest Manager)**

Salary, benefits	\$75,000
Phone	\$3,000
Computer	\$1,000
Training	\$4,000
Travel	\$2,000

**Equipment**

Pine seedlings (5 gal)	
300@\$30/each	\$9,000
Mulch	\$5,000
Supplies	\$5,000
Vehicle	\$30,000

**Consulting Fees**

Tree crews	\$25,000
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**Administration**

Office rent	\$8,000
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<b>Total:</b>	<b>\$167,000</b>
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Senate Bill No. 1625

CHAPTER 428

An act to add and repeal Division 22.7 (commencing with Section 32550) of the Public Resources Code, relating to the Baldwin Hills Conservancy.

[Approved by Governor September 12, 2000. Filed with Secretary of State September 13, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1625, Murray. Baldwin Hills Conservancy.

Existing law authorizes various conservancies to acquire, manage direct the management of, and conserve public lands in the state.

This bill would, until January 1, 2008, establish the Baldwin Hills Conservancy to acquire and direct the management of public lands within the Baldwin Hills area of Los Angeles County, as defined, and would prescribe the management, powers, and duties of the conservancy.

The bill would require the Legislative Analyst, not later than December 31, 2006, to review the effectiveness of the conservancy in acquiring and developing open-space land and recreational opportunities in the Baldwin Hills area, and to submit to the Legislature a report on specified matters concerning the conservancy.

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

SECTION 1. Division 22.7 (commencing with Section 32550) is added to the Public Resources Code, to read:

DIVISION 22.7. BALDWIN HILLS CONSERVANCY ACT

CHAPTER 1. GENERAL PROVISIONS

32550. This division shall be known, and may be cited, as the Baldwin Hills Conservancy Act.

32551. The Legislature hereby finds and declares all of the following:

(a) The Baldwin Hills area within the County of Los Angeles and the cities of Los Angeles and Culver City constitutes an area with unique and important cultural, scientific, educational, recreational, and scenic resources, and includes land with the highest elevation in the Los Angeles Basin.



(b) The state recognized the importance of, and the need for, recreational venues in this area by purchasing and establishing the Kenneth Hahn State Recreation Area in 1983, which is under the jurisdiction of the Department of Parks and Recreation. The County of Los Angeles operates the state recreation area pursuant to a contract with the Department of Parks and Recreation.

(c) In recognition of the evolving community needs in the Baldwin Hills area, in 1999 the Legislature directed the review and revision of the master plan for the existing state recreation area as well as the acquisition of other lands in the Baldwin Hills.

(d) As one of the last remaining urban open spaces in Los Angeles County, the Baldwin Hills area should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations.

(e) The Baldwin Hills Conservancy should be created to develop and coordinate an integrated program of resources stewardship so that the Baldwin Hills area is managed for its optimum recreational and natural resource values based upon the needs and desires of the surrounding community.

#### CHAPTER 2. DEFINITIONS

32553. As used in this division, the following terms have the following meaning:

(a) "Baldwin Hills area" means the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, the surrounding property bordered on the south by Slausen Avenue, and on the east by La Brea Avenue, and including a spur of land extending from Stocker Avenue to an area between La Brea Avenue and Crenshaw Boulevard, and including Ballona Creek and adjacent property within one-quarter mile of Ballona Creek on either side, from the Santa Monica Freeway (Interstate 10) to the Marina Freeway (Interstate 90).

(b) "Board" means the governing board of the Baldwin Hills Conservancy.

(c) "Conservancy" means the Baldwin Hills Conservancy.

(d) "Fund" means the Baldwin Hills Conservancy Fund created pursuant to subdivision (b) of Section 32574.

(e) "Nonprofit organization" means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(f) "Territory" means the land in the Baldwin Hills area that is under the jurisdiction of the conservancy.

#### CHAPTER 3. CONSERVANCY

32555. There is in the Resources Agency, the Baldwin Hills Conservancy, which is created for the following purposes:



(a) To acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open-space, wildlife habitat restoration and protection, and lands for educational uses within the area.

(b) To acquire open-space lands within the territory of the conservancy.

(c) To provide for the public's enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of lands and resources in the area.

32556. (a) The board shall consist of nine voting members and six nonvoting members.

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

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

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

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

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

(5) Three members of the public appointed by the Governor who are residents of Los Angeles County selected from a list of prominent members of the community who shall represent the diversity of the surrounding community.

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

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

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

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

(3) The Executive Officer of the State Lands Commission, or his or her designee.

(4) An appointee of the Governor with experience in developing contaminated sites, commonly referred to as "brownfields."

(5) The Executive Director of the Santa Monica Mountains Conservancy, or his or her designee.

(6) The Director of the Culver City Department of Parks and Recreation.

(d) A quorum shall consist of five voting members of the board, and any action of the board affecting any matter before the board shall be decided by a majority vote of the voting members present, a quorum being present. However, the affirmative vote of at least four of the voting members of the board shall be required for the transaction of any business of the board.

32557. (a) The voting members of the board shall serve for two-year terms. Any vacancy on the board shall be filled within 60 days from its occurrence by the appointing authority.

(b) No person shall continue as a member of the board if that person ceases to hold the office that qualifies that person for board membership. Upon the occurrence of that event, that person's membership on the board shall automatically terminate.

32558. The chairperson and vice-chairperson of the board shall be selected by a majority of the voting members of the board for one-year terms.

32559. The conservancy may employ an executive officer and other staff to perform those functions that cannot be provided by volunteers.

32560. All meetings of the board shall be subject to the requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

32561. All members shall receive reimbursement for actual, necessary, and reasonable expenses. Any member of the board who is not a full-time public employee shall be compensated at a rate not to exceed one hundred dollars (\$100) per regular meeting, not to exceed 12 regular meetings a year. Any member of the board may waive compensation.

32562. The conservancy shall obtain and maintain adequate liability insurance or its equivalent for acts or omissions of the conservancy's agents, employees, volunteers, and servants.

#### CHAPTER 4. POWERS AND DUTIES

32565. The jurisdiction of the conservancy includes those lands or other areas that are donated to, or otherwise acquired by, or are operated by the conservancy, that are located in the Baldwin Hills area.

32565.5. The conservancy shall do all of the following:

(a) Develop and coordinate an integrated program of resource stewardship so that the entire Baldwin Hills area is managed for optimum recreational and natural resource values based upon the needs and desires of the surrounding community.

(b) Establish policies and priorities within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(c) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills area.

(d) Approve conservancy funded projects that advance the policies and proprieties set forth in this division.



(e) Enter into a memorandum of understanding with the Department of Parks and Recreation that would require the conservancy and the department to cooperate in the sharing of technical assistance, data, and information.

(f) Upon submission to the Legislature of the master plan required to be prepared pursuant to subdivisions (b) and (c) of Section 1 of Chapter 752 of the Statutes of 1999 by the Secretary of the Resources Agency and the Director of Parks and Recreation, the conservancy shall, by May 1, 2002, approve the master plan, and prioritize and implement both of the following in accordance with the master plan and with the master plan recommendations:

(1) The acquisition of additional recreational and open space and a plan for the management of lands under the jurisdiction of the conservancy, including additional or upgraded facilities and parks that may be necessary or desirable.

(2) The planned conveyance of lands acquired and restored, or lands acquired, restored, and developed, to the Department of Parks and Recreation or to any other public agency once the acquisition and improvements have been finalized. Any such transfer shall be subject to the approval of the Secretary of the Resources Agency. The secretary may require all lands and facilities subject to transfer to be repaired, replaced, or rehabilitated to a fully operable condition, prior to the transfer occurring.

(g) Review and approve any operating agreement or amendments to an existing operating agreement between the Department of Parks and Recreation and any local operating agency, including the County of Los Angeles, for the Kenneth Hahn State Recreation Area. Any proposed operating agreement or an amendment to an agreement shall be submitted to the conservancy at least 90 days prior to the proposed effective date of the agreement and shall not become effective unless the conservancy certifies, in writing, its approval of the proposed agreement.

32566. The conservancy may direct the management, operation, administration, and maintenance of the lands and facilities it acquires in accordance with the purposes set forth in Section 32555. The conservancy may adopt regulations governing the use by the public of conservancy lands and facilities and may provide for the enforcement of those regulations.

32567. The conservancy shall determine acquisition priorities and may acquire real property or any interest in real property within the Baldwin Hills area from willing sellers and at fair market value or on other mutually acceptable terms, upon a finding that the acquisition is consistent with the purposes of the conservancy. The conservancy may acquire the property itself, or may coordinate the acquisition with other public agencies with appropriate responsibility and available funding or land to exchange. The overall objectives of the land acquisition program shall be to assist in

accomplishing land transactions that are mutually beneficial to the landowners and the conservancy, and that meet the conservancy's purposes. Neither the conservancy nor the State Board of Public Works shall exercise the power of eminent domain for the purposes of this division. The conservancy shall have the first right of refusal to acquire public lands suitable for park and open space within the conservancy's territory, and may accept private or public lands offered for recreational trails or private lands offered in satisfaction of delinquent taxes owed on land located within the territory of the conservancy.

32568. The conservancy may undertake site improvement projects; regulate public access; revegetate and otherwise rehabilitate degraded areas, in consultation with other public agencies with appropriate jurisdiction and expertise; upgrade deteriorating facilities; and construct new facilities as needed for outdoor recreation, nature appreciation and interpretation, and natural resource protection. These projects shall be directed by the conservancy and undertaken by other public agencies, with the conservancy providing overall coordination through setting priorities for projects and assuring uniformity of approach.

32569. (a) The conservancy may award grants to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this division.

(b) Grants to nonprofit organizations for the acquisition of real property or interests in real property shall be subject to all of the following conditions:

(1) The conservancy may acquire property at fair market value and consistent with the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that the acquisition price of lands acquired from public agencies shall be based on the public agencies' cost to acquire the land.

(2) The conservancy shall approve the terms under which the interest in land is acquired.

(3) The interest in land acquired pursuant to a grant from the conservancy may not be used as security for any debt incurred by the nonprofit organization unless the conservancy approves the transaction.

(4) The transfer of land acquired pursuant to a grant shall be subject to the approval of the conservancy and the execution of an agreement between the conservancy and the transferee sufficient to protect the interests of the conservancy.

(5) The conservancy shall have a right of entry and power of termination in and over all interests in real property acquired with state funds, which may be exercised if any essential term or condition of the grant is violated.

(6) If the existence of the nonprofit organization is terminated for any reason, title to all interest in real property acquired with state funds shall immediately vest in the conservancy, except that, prior to that termination, another public agency or nonprofit organization may receive title to all or a portion of that interest in real property, by recording its acceptance of title, together with the conservancy's approval, in writing.

(c) Any deed or other instrument of conveyance whereby real property is acquired by a nonprofit organization pursuant to this section shall be recorded and shall set forth the executory interest or right of entry on the part of the conservancy.

32570. (a) Notwithstanding any other provision of law, the conservancy may lease, rent, sell, exchange, or otherwise transfer any real property or interest therein or option acquired under this division to a local public agency, state agency, federal agency, nonprofit organization, individual, or other entity for management purposes pursuant to terms and conditions approved by the conservancy. The conservancy may request the Director of General Services to undertake these actions on its behalf.

(b) The conservancy may initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, or other entities and may enter into any other agreements authorized by state or federal law.

(c) The conservancy shall approve changes to the current agreement for the operation of the Kenneth Hahn State Recreation Area that may be proposed for adoption by the Department of Parks and Recreation.

32571. Local public agencies may enter into an agreement to transfer responsibility for the management of the land located within the Baldwin Hills area to the conservancy. Local public agencies shall retain exclusive authority over all zoning or land use regulations within their jurisdiction.

32572. The conservancy shall restrict access on acquired lands that are unsuitable for parks and open-space use by entering into temporary agreements with other state or local public agencies for the protection of public health and safety, resource management and protection, and security.

32573. The conservancy shall do all of the following:

(a) Establish policies and priorities regarding the territory within the Baldwin Hills area, and conduct any necessary planning activities in accordance with the purposes set forth in Section 32555.

(b) Give priority to related projects that create expanded opportunities that provide recreation, aesthetic improvement, and wildlife habitat in the Baldwin Hills area.

(c) Approve conservancy-funded projects that advance the policies and priorities set forth in this division.

(d) Review the master plan required pursuant to subdivisions (b) and (c) of Section 1 of Chapter 752 of the Statutes of 1999 and implement prioritization for the acquisition and operation of additional recreational and open-space needs, including additional or upgraded facilities and parks that may be necessary or desirable.

32574. (a) The conservancy may fix and collect fees for the use of any land owned or controlled, or for any service provided, by the conservancy. No fee shall exceed the cost of maintaining and operating the land or of providing the service for which the fee is charged.

(b) The fee revenue and all other revenue received pursuant to this division shall be deposited in the Baldwin Hills Conservancy Fund, which is hereby created in the State Treasury. The money in the fund shall be expended by the conservancy, upon appropriation by the Legislature, for the purposes of this division.

(c) Nothing in this act changes the Kenneth Hahn State Recreation Area's status to receive funds as part of the state parks system.

32574.5. The conservancy shall coordinate its actions with state and local public safety agencies.

32575. The conservancy shall administer any funds appropriated to it and any revenue generated by public agencies for the Baldwin Hills area and contributed to the conservancy, and may expend those funds for capital improvements, land acquisition, or support of the conservancy's operations. Subject to Section 11005 of the Government Code, the conservancy may also accept any revenue, money, grants, goods, or services contributed to the conservancy by any public agency, private entity, or person, and, upon receipt, may expend any such revenue, money, or grants for capital improvements, land acquisitions, or support of the conservancy's operations.

32576. The conservancy may recruit and coordinate volunteers and experts to assist with conservancy projects and the maintenance of conservancy lands.

32577. The conservancy shall coordinate its actions with state and local public safety agencies.

32578. The conservancy shall have, and may exercise, all rights and powers, expressed or implied, necessary to carry out the purposes of this division, except as otherwise provided.

32579. The conservancy may sue and be sued.

32580. This division shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. Not later than December 31, 2006, the Legislative Analyst shall review the effectiveness and progress of the Baldwin Hills Conservancy established pursuant to Division 22.7 (commencing with Section 32550) of the Public Resources Code in acquiring and

developing open-space land and recreational opportunities in the Baldwin Hills area, as defined in subdivision (a) of Section 32553 of the Public Resources Code. The Legislative Analyst shall, not later than December 31, 2006, submit to the Legislature a report evaluating whether the termination date for the conservancy should be extended to meet the goals of Division 22.7 (commencing with Section 32550) of the Public Resources Code, and whether the land under the jurisdiction of the conservancy should be transferred to the control of the Department of Parks and Recreation for inclusion in the state park system.

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## Attachment 3

5506.3. (a) (1) The Legislature hereby finds and declares that the population of San Diego County continues to grow at an increasing rate, and already the county is far behind other urban areas in the state in providing adequate park, recreational, and open-space facilities for its residents. Formation of a regional district with boundaries coterminous with those of San Diego County is critical to help address the growing and unmet park and recreational needs in San Diego County.

(2) Proceedings for the formation of a regional park and open-space district or a regional open-space district with boundaries coterminous with those of San Diego County may be initiated by resolution of the Board of Supervisors of the County of San Diego after a hearing noticed in accordance with Section 6064 of the Government Code, in lieu of the petition and proceedings related to the petition specified in this article.

(b) As used in this section and Sections 5538.3 and 5539.3:

(1) "Regional district" means a district formed pursuant to this section that contains all of the territory within San Diego County, including all incorporated cities.

(2) "Capital outlay project" means the acquisition or improvement of real property, but, for purposes of subdivision (c) includes the servicing of bonds issued pursuant to Section 5539.3.

(c) The resolution specified in subdivision (a) shall do all of the following:

(1) Name the proposed regional district and state the reasons for forming it.

(2) Specify that the Board of Supervisors of the County of San Diego shall act, ex officio, as the governing body of the regional district. The provisions of this article pertaining to district directors do not apply, and all powers and authority of the regional district shall be vested in the board of supervisors in its capacity as the governing body of the regional district.

(3) Describe the territory to be included in the regional district.

(4) Describe the methods by which the regional district will be financed.

(5) (A) Specify that all revenue generated by the regional district, including the proceeds from the issuance of any bonds, shall be allocated among all affected public agencies within the territory of the district, for expenditure consistent with the purposes of this article, to adequately address the needs specified in subdivision (a) of Section 5539.3.

(B) For the purposes of this paragraph, "all affected public agencies" means the County of San Diego, all incorporated cities within the county, and any joint powers authority or agency established for the purpose of acquiring land for park, recreational, open-space, and conservation purposes.

(6) (A) Call and give notice of an election to be held in the proposed regional district for the purpose of determining whether the regional district shall be formed.

(B) Notwithstanding Section 5518, the County Counsel of the County of San Diego shall prepare the language in the ballot label. The proposition shall specify the matters set forth in the resolution, except for subparagraph (A). The analysis and review of the measure shall be carried out pursuant to Section 9160 of the Elections Code.

(7) State that, in the first 20 years after the date that an assessment is levied pursuant to Section 5539.3, a minimum of 80 percent of all proceeds of assessments levied by the regional district shall be used for capital outlay projects.

(8) Include an expenditure plan consisting of a list of capital outlay projects, including acquisition areas, and a general



description of proposed outlays for operation and maintenance, to be funded, over a 20-year period from the date on which the assessment is first levied, with proceeds of assessments levied by the regional district.

(9) State the proposed rate and method of apportionment to be used in levying annual assessments for all categories of property.

(10) Include any other matters determined to be necessary by the board of supervisors.

(d) (1) The formation of the regional district is not subject to Section 5517.1 or to the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

(2) The regional district shall be formed if a majority of voters voting on the proposition vote in favor of formation of the regional district.

(e) (1) No proceeds from any bonds issued pursuant to Section 5539.3 shall be expended for operation and maintenance. Bond proceeds may be expended to pay all costs incidental to the preparation and issuance of the bonds.

(2) The regional district may use the proceeds from the levy of assessments for the operation and maintenance of capital outlay projects.

(f) The San Diego Association of Governments, serving as the Regional Planning and Growth Management Review Board, should review the expenditure plan for consistency with the open-space element of the Regional Growth Management Strategy.

5506.4. (a) Proceedings for the formation of a district with boundaries coterminous with those of Napa County may be initiated by resolution of the Board of Supervisors of Napa County adopted after a hearing noticed in accordance with Section 5511, in lieu of a petition.

(b) The resolution shall do all of the following:

(1) Name the proposed district and state the reasons for forming it.

(2) Specify that the proposed district shall be governed by a board of five directors who shall be elected in accordance with this article and that no member of the board of supervisors shall be a director.

(3) State that the territory of the proposed district shall include all of the territory within Napa County, including incorporated cities.

(4) Specify the boundaries of the five wards or subdistricts drawn pursuant to Section 5515.

(5) Specify that the district shall not have, and may not exercise, the power of eminent domain pursuant to Section 5542 or any other provision of law.

(6) Describe the methods by which the proposed district will be financed.

(7) Call an election pursuant to Section 5514.

(8) Include any other matters necessary to the formation of the proposed district.

5506.5. (a) If the exterior boundaries of a proposed district are coterminous with the exterior boundaries of the County of Marin or the County of Sonoma, proceedings for formation of that district may, in lieu of a petition, be initiated by resolution of the board of supervisors of the county.

(b) The resolution may specify that the board of supervisors shall

act, ex officio, as the governing body for a district formed in Marin County. For a district formed in Sonoma County, the board of supervisors shall act, ex officio, as the governing body of the district. In those cases, the provisions of this article pertaining to the election of district directors shall not apply and all powers and authority of the district shall be vested in the board of supervisors of the county in its capacity as the governing body of the district.

(c) The resolution adopted by the Board of Supervisors of the County of Sonoma shall do all of the following:

- (1) Name the district, and state the reasons for forming it.
- (2) Describe the methods by which the district will be financed.
- (3) Call, and give notice of, an election to be held in the proposed district for the purpose of determining whether the district shall be created and established. The formation of the district is not subject to the Cortese-Knox Local Government Reorganization Act of 1985 Division 3 (commencing with Section 56000) of Title 5 of the Government Code).
- (4) Include any other matters necessary to the formation of the district.

5506.6. The governing body of a district formed pursuant to Section 5506.5 may, by resolution, change the legal name of the district to the "Marin County Open Space District" or the "Sonoma County Agricultural Preservation and Open Space District," as appropriate.

5506.7. (a) Proceedings for the formation of a district in Riverside County may be initiated by resolution of the Board of Supervisors of the County of Riverside, in lieu of a petition.

(b) The resolution shall do all of the following:

- (1) Name the district and state the reasons for forming it.
- (2) Specify that the board of supervisors shall act, ex officio, as the governing body of the district. The provisions of this article pertaining to the election of district directors do not apply, and all powers and authority of the district shall be vested in the board of supervisors in its capacity as the governing body of the district.

(3) Describe the territory to be included in the district. Notwithstanding Section 5502, the territory of the district shall consist of at least all unincorporated areas of the county lying west of a north-south line passing through Chiriaco Summit. However, if requested by resolution of the governing body of any city, that city may be included in the district and the description shall reflect its inclusion.

(4) Describe the methods by which the district will be financed.

(5) Call and give notice of an election to be held in the proposed district for the purpose of determining whether the district shall be created and established. The election shall be consolidated with a statewide election or any election conducted throughout Riverside County.

5506.8. (a) Proceedings for the formation of a regional park and open-space or regional open-space district in San Bernardino County may be initiated by resolution of the Board of Supervisors of the County of San Bernardino adopted after a hearing noticed in accordance with Section 6062a of the Government Code, in lieu of the petition and related proceedings specified in this article.

(b) The resolution shall do all of the following:

(1) Name the regional district and state the reasons for forming it.

(2) Specify that the board of supervisors shall act, ex officio, as the governing body of the regional district. The provisions of this article pertaining to district directors do not apply, and all powers and authority of the regional district shall be vested in the board of supervisors in its capacity as the governing body of the regional district.

(3) Describe the territory to be included in the proposed regional district. Notwithstanding Section 5502, the territory of the regional district need not be contiguous, need not include any city in the county, and need not consist of all unincorporated areas of San Bernardino County. No city or recreation and park district shall be included in the regional district unless requested by resolution of the governing body of the city or recreation and park district desiring to be included in the regional district.

(4) Describe the methods by which the district will be financed.

(5) Call and give notice of an election to be held in the proposed regional district for the purpose of determining whether the proposed regional district shall be created and established. As used in this subdivision, "proposed regional district" includes the territory of any city or recreation and park district whose requesting resolution was adopted before the date of the hearing required by subdivision (a). Any city or recreation and park district that adopted a requesting resolution shall become a part of the regional district if a majority of the electors of the proposed regional district vote in favor of creating and establishing the regional district.

5506.9. (a) Proceedings for the formation of a regional park and open-space or regional open-space district with boundaries coterminous with those of Los Angeles County may be initiated by resolution of the Board of Supervisors of the County of Los Angeles adopted after a hearing noticed in accordance with Section 6064 of the Government Code, in lieu of the petition and proceedings related to the petition as specified in this article.

(b) For purposes of this section and Sections 5538.9 and 5539.9, "the regional district" means a district that contains all of the territory within Los Angeles County, including all incorporated cities.

(c) The resolution described in subdivision (a) shall do all of the following:

(1) Name the regional district and state the reasons for forming it.

(2) Specify that the Board of Supervisors of the County of Los Angeles shall act, ex officio, as the governing body of the regional district. The provisions of this article pertaining to district directors do not apply, and all powers and authority of the regional district shall be vested in the board of supervisors in its capacity as the governing body of the regional district.

(3) Describe the territory to be included in the proposed regional district.

(4) Describe the methods by which the district will be financed.

(5) Specify that all revenue generated by the regional district, including the proceeds from the issuance of any bonds, shall be allocated among all affected public agencies within the district, for expenditure consistent with the purposes of this article, to adequately address the needs defined in Section 5539.9. For the purposes of this section, "all affected public agencies" means the County of Los Angeles, all incorporated cities within the county, and any regional state agency established for the purpose of acquiring

land for park, recreation, open-space, and conservation purposes.

(6) Call and give notice of an election to be held in the proposed regional district for the purpose of determining whether the proposed regional district shall be created and established.

(7) State that, in each of the first 20 years after the date an assessment is levied pursuant to subdivision (c) of Section 5539.9, a minimum of 80 percent of all proceeds of assessments levied by the regional district shall be used for capital outlay projects, including, but not limited to, acquisition and improvement of real property. For purposes of this subdivision, capital outlay projects include the servicing of bonds issued pursuant to Section 5539.9.

(8) Include an expenditure plan consisting of a list of capital outlay projects including acquisition areas and a general description of proposed outlays for operations and maintenance to be funded over a 20-year period of time from the date on which the assessment is first levied with proceeds of assessments levied by the regional district.

(9) State the proposed rate and method of apportionment to be used in levying annual assessments for all categories of property.

(10) Include any other matters determined to be necessary by the board of supervisors.

(d) The regional district shall be created and established if a majority of voters voting on the proposition vote in favor of creating the district.

(e) No proceeds from any bonds issued pursuant to Section 5539.9 shall be used for any operations, maintenance, or servicing purposes, except that bond proceeds may be used to pay all costs incidental to the preparation and issuance of the bonds.

(f) Any funds generated by the district and used for maintenance and servicing shall be used only to maintain and service capital outlay projects funded pursuant to this section. Funds provided for maintenance and servicing shall be used to supplement existing levels of service and not to fund existing levels of service.

(g) Assessments shall be levied not longer than the last maturity date of any bonds issued pursuant to Section 5539.9 and shall be levied not longer than 30 years from the date on which the assessment is first levied.

5506.10. (a) (1) The Legislature hereby finds and declares that the population of Sacramento County continues to grow at an increasing rate, and already the county is far behind in providing adequate park, recreational, and open-space facilities for its residents. Formation of a regional district with boundaries coterminous with those of Sacramento County is critical to help address the growing and unmet park and recreational needs in Sacramento County.

(2) Proceedings for the formation of a regional park and open-space district or a regional open-space district with boundaries coterminous with those of Sacramento County may be initiated by resolution of the Board of Supervisors of the County of Sacramento after a hearing noticed in accordance with Section 6064 of the Government Code, in lieu of the petition and proceedings related to the petition specified in this article.

(b) As used in this section:

(1) "Regional district" means a district formed pursuant to this section that contains all of the territory within Sacramento County, including all incorporated cities.

(2) "Capital outlay project" means the acquisition or improvement of real property, but, for purposes of subdivision (c) includes the servicing of bonds issued pursuant to Section 5539.10.

(3) "Maintenance" means both of the following:

(A) Those purposes listed in Section 22531 of the Streets and Highways Code.

(B) Security for park, recreational, and open-space lands and improvements, including, but not limited to, park rangers and park security personnel.

(c) The resolution specified in subdivision (a) shall do all of the following:

(1) Name the proposed regional district and state the reasons for forming it.

(2) Specify that the Board of Supervisors of the County of Sacramento shall act, ex officio, as the governing body of the regional district. The provisions of this article pertaining to district directors do not apply, and all powers and authority of the regional district shall be vested in the board of supervisors in its capacity as the governing body of the regional district.

(3) Describe the territory to be included in the regional district.

(4) Describe the methods by which the regional district will be financed.

(5) (A) Specify that all revenue generated by the regional district, including the proceeds from the issuance of any bonds, shall be allocated among all affected public agencies within the territory of the district, for expenditure consistent with the purposes of this article, to adequately address the needs specified in subdivision (a) of Section 5539.10.

(B) For the purposes of this paragraph, "all affected public agencies" means the County of Sacramento, all incorporated cities within the county, and any park district or county service area established for the purpose of acquiring, improving, and managing land or improvements for park, recreational, open-space, or conservation purposes which is included within the territory of the district.

(6) (A) Call and give notice of an election to be held in the proposed regional district for the purpose of determining whether the regional district shall be formed.

(B) Notwithstanding Section 5518, the County Counsel of the County of Sacramento shall prepare the language in the ballot label. The proposition shall specify the matters set forth in the resolution, except for subparagraph (A). The analysis and review of the measure shall be carried out pursuant to Section 9160 of the Elections Code.

(7) State that in the first 20 years after the date that an assessment is levied pursuant to Section 5539.10, a minimum of 75 percent of all proceeds of assessments levied by the regional district shall be used for capital outlay projects on a nonannualized basis.

(8) Include an expenditure plan consisting of a list of capital outlay projects, including acquisition areas, and a general description of proposed outlays for operation and maintenance to be funded, over a 20-year period from the date on which the assessment is first levied, with proceeds of assessments levied by the regional district. No funds shall be allocated for capital outlay projects or for the operation and maintenance of any lands or facilities that are not located within the boundaries of the regional district.

(9) State the proposed rate and method of apportionment to be used in levying annual assessments for all categories of property.

(10) Include any other matters determined to be necessary or desirable by the board of supervisors.

(d) (1) The formation of the regional district is not subject to Section 5517.1 or to the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

(2) The regional district shall be formed if a majority of voters voting on the proposition vote in favor of formation of the regional district.

(e) (1) No proceeds from any bonds issued pursuant to Section 5539.10 shall be expended for operation and maintenance. Bond proceeds may be expended to pay all costs incidental to the preparation and issuance of the bonds.

(2) The regional district may use the proceeds from the levy of assessments for the operation and maintenance of capital outlay projects and any lands acquired and improvements made to park, recreational, and open-space lands of the regional district.

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CALIFORNIA CONSTITUTION

ARTICLE 13B GOVERNMENT SPENDING LIMITATION

SEC. 4. The appropriations limit imposed on any new or existing entity of government by this Article may be established or changed by the electors of such entity, subject to and in conformity with constitutional and statutory voting requirements. The duration of any such change shall be as determined by said electors, but shall in no event exceed four years from the most recent vote of said electors creating or continuing such change.

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CALIFORNIA CODES  
PUBLIC RESOURCES CODE  
SECTION 35100-35107

35100. This division shall be known and may be cited as the Santa Clara County Open-Space Authority Act.

35101. The Legislature hereby finds and declares all of the following:

(a) In Santa Clara County, open-space preservation and creation of a greenbelt are immediate high priorities needed to counter the continuing and serious conversion of these lands to urban uses, to preserve the quality of life in the county, and to encourage agricultural activities.

(b) In order to deal in an expeditious manner with the current serious loss of these properties, the county needs to develop and implement a local funding program involving properties occupied for urban purposes which give rise to the need for open-space preservation that goes significantly beyond current existing funding which is not adequate to resolve these losses.

(c) It is in the public interest to create the Santa Clara County Open-Space Authority so that local open-space preservation and greenbelting decisions can be implemented in a timely manner to provide for the acquisition and maintenance of these properties.

(d) All persons owning developed parcels enjoy the privilege of using, and benefit from, the availability of open space.

35102. "Agricultural activity" has the same meaning as "agricultural activity, operation, or facility, or appurtenances thereof" as defined in subdivision (e) of Section 3482.5 of the Civil Code.

35103. "Authority" means the Santa Clara County Open-Space Authority created pursuant to this division in the County of Santa Clara.

35104. "Board of supervisors" means the Santa Clara County Board of Supervisors.

35105. "County" means the County of Santa Clara.

35106. "Governing board" means the governing body of the authority.



35107. "Interim governing board" means the body created pursuant to Section 35122.

## GOVERNMENT CODE

### SECTION 61100-61107.1

61100. (a) A new district may be formed pursuant to this part.

(b) A proposal to form a district may be made by a petition of registered voters or by the adoption of a resolution of application.

61100.5. (a) Notwithstanding Section 61100 and 61103, qualified voters within the Bass Lake area of Madera County may form a district pursuant to this part. The petition for formation shall be signed by at least 10 percent of the qualified voters within the proposed district. Every qualified voter, or his or her legal representative, may vote on the formation of the district and on all other matters concerning the district if formed, but shall be entitled to cast only one vote. Every qualified voter may vote either in person or by a person duly appointed as his or her proxy. The appointment of a proxy shall be as provided in Section 35005 of the Water Code. Elections shall be conducted pursuant to Article 1 (commencing with Section 35106) of Chapter 2 of Part 4 of Division 13 of the Water Code. For the purposes of this section, a qualified voter shall be (1) a voter who is a resident of the district, and (2) every owner of real property within the district who is not a resident of the district.

(b) The last equalized county assessment roll shall be conclusive evidence of ownership of the real property. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of the land shall designate in writing which one of the owners shall be deemed the owner of the land for purposes of qualifying as a voter.

(c) The legal representative of a corporation or estate owning real property may vote on behalf of the corporation or estate. Before a legal representative votes at a district election, he or she shall present to the precinct board a certified copy of his or her authority which shall be kept and filed with the returns of the election. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(1) Is appointed under the laws of the state.

(2) Is entitled to the possession of the estate's real property.

(3) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he or she seeks to exercise.

(d) Notwithstanding Section 61200, every qualified voter shall be eligible to be a member of the board of directors of a community services district formed in the Bass Lake area of Madera County.

(e) Any community services district formed in the Bass Lake area of Madera County may exercise all the powers of a community services district pursuant to Section 61600, except for the powers in subdivisions (a), (h), (i), (l), (n), and (o) of Section 61600.

(f) In all other respects a community services district formed after a petition pursuant to this section shall be governed by the provisions of this part.

61100.6. (a) Notwithstanding Sections 61100 and 61103, qualified voters within the Lake San Marcos area of San Diego County may form a district pursuant of this part for the purpose of contracting for security services to protect and safeguard life and property. The petition for formation shall be signed by at least 10 percent of the qualified voters within the proposed district. Notwithstanding Section 61107, once the chief petitioners have filed a sufficient petition, the local agency formation commission shall notify the board of supervisors which shall take the actions required pursuant to Section 61110. Every qualified voter may vote on the formation of the district and on all matters concerning the district, if formed, but shall be entitled to cast only one vote. For the purposes of this section, a qualified voter shall be (1) a voter who is a resident of the district, and (2) every owner of real property within the district who is not a resident of the district.

(b) The last equalized county assessment roll shall be conclusive evidence of ownership of the real property. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of the land shall designate in writing which one of the owners shall be deemed the owner of the land for purposes of qualifying as a voter.

(c) The legal representative of a corporation or estate owning real property may vote on behalf of the corporation or estate. Before a legal representative votes at a district election, he or she shall present to the precinct board a certified copy of his or her authority which shall be kept and filed with the returns of the election.

As used in this section, "legal representative" means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

- (1) Is appointed under the laws of the state.
- (2) Is entitled to the possession of the estate's real property.
- (3) Is authorized by the appointing court to exercise the particular right, privilege, or immunity that he or she seeks to exercise.

(d) Notwithstanding Section 61200, every qualified voter shall be eligible to be a member of the board of directors of a community services district formed for the purpose of security services in the Lake San Marcos area in San Diego County.

(e) Any community services district formed for the purpose of security services in the Lake San Marcos area in San Diego County may exercise the powers of a community services district pursuant to only subdivision (h) of Section 61600.

(f) Any community services district formed for the purpose of security services in the Lake San Marcos area in San Diego County shall be formed in a combined election pursuant to subdivision (c) of Section 61116.

(g) In all other respects, a community services district formed after a petition pursuant to this section shall be governed by the provisions of this part.

61101. A proposal to form a new district may be made by petition which shall do all of the following:

- (a) State that the proposal is made and request that proceedings be taken for the formation pursuant to this part.
- (b) Set forth a description of the boundaries of the territory to be included in the district.
- (c) Set forth the methods by which the district will be financed.
- (d) State the reasons for forming the district.
- (e) Propose a name for the district.

(f) Designate no more than three persons as chief petitioners, setting forth their names and mailing addresses.

(g) State whether the formation is consistent with the sphere of influence of any affected city or affected district.

(h) Specify the number of members, either three or five, of the initial board of directors and the method of their selection, as provided by Chapter 3 (commencing with Section 61120).

61102. (a) Before circulating any petition, the chief petitioners shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district. The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by at least one, but not more than three, chief petitioners and shall be in substantially the following form:

"Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition proposing to form the \_\_\_\_\_ (name of the district). The reasons for the proposal are: \_\_\_\_\_."

(c) Within five days after the date of publication, the chief petitioners shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required pursuant to subdivision (c), the petition may be circulated for signatures.

61103. The petition shall be signed by not less than 10 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission pursuant to subdivision (f) of Section 56375. Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition.

61104. A petition may consist of a single instrument or separate counterparts. The chief petitioner or petitioners shall file the petition, including all counterparts, with the executive officer of the local agency formation commission of the principal county within six months of the date on which the chief petitioner or petitioners filed the affidavit with the executive officer pursuant to subdivision (c) of Section 61102.

61105. (a) Within 30 days after the date of filing a petition, the executive officer of the local agency formation commission shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the

requisite number of signers.

(b) If the certificate of the executive officer shows the petition to be insufficient, the executive officer shall immediately give notice by certified mail of the insufficiency to the chief petitioners. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the chief petitioners may file with the executive officer a supplemental petition bearing additional signatures.

(c) Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his or her examination.

(d) The executive officer shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination. The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners.

61106. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district. Except for the provisions regarding signers and signatures, a resolution of application shall contain all of the matters specified for a petition in Section 61101. Before submitting a resolution of application, the legislative body shall conduct a public hearing on the resolution.

(b) Notice of the hearing shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the county or city.

(c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.

(d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

61107. Once the chief petitioners have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Chapter 5 (commencing with Section 56825) of Part 3 of Division 3 of Title 5.

61107.1. Nothing in Section 61121.1, 61601.26, 61601.27, 61613.2, 61613.3, 61613.5, 61621.4, 61621.10, or 61742.1 shall affect the San Joaquin County local agency formation commission's exercise of authority under Section 61107.

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61601.21. Notwithstanding Sections 61600 and 61601, whenever the Board of Directors of the Jurupa Community Services District determines, by resolution, that it is feasible, economically sound, and in the public interest for the district to exercise its powers for the purpose of installing or planting and maintaining landscaping within public street rights-of-way or easements within the district, the board may adopt that additional purpose by resolution, and thereafter the powers of the district may be exercised for that purpose. The district shall, for the purpose of installing or planting and maintaining landscaping, be authorized to provide for and accomplish that purpose through proceedings pursuant to the Landscaping and Lighting Act of 1972 (Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code).

## GOVERNMENT CODE

### SECTION 61600-61602

61600. A district formed under this law may exercise the powers granted for any of the following purposes designated in the petition for formation of the district and for any other of the following purposes that the district shall adopt:

- (a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.
- (b) The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.
- (c) The collection or disposal of garbage or refuse matter.
- (d) Protection against fire.
- (e) Public recreation including, but not limited to, aquatic parks and recreational harbors, equestrian trails, playgrounds, golf courses, swimming pools, or recreational buildings.
- (f) Street lighting.
- (g) Mosquito abatement.
- (h) The equipment and maintenance of a police department, other police protection, or other security services to protect and safeguard life and property.
- (i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.
- (j) The constructing, opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.
- (l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility," as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of the conversion in accordance with Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation, and maintenance of the facilities. Nothing in this section gives a district formed under this law the power to install, own, or operate the facilities that are described in this subdivision.
- (m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.
- (n) To provide and maintain public airports and landing places for aerial traffic.
- (o) To provide transportation services.
- (p) To abate graffiti.
- (q) To construct, maintain, and operate flood protection works and facilities, subject to the following conditions:
  - (1) The planning, design, construction, maintenance, and operation of flood protection works and facilities, or substantially similar

works or facilities, is not within the authority of another public agency, except that a public agency and the district are not precluded from entering into agreements for the district to provide those services.

(2) The governing body of the city or county in which the services specified in paragraph (1) are to be provided by the district has consented to the district providing those services.

61600.5. Community services districts may acquire property from a county pursuant to Section 25365.5, borrow or otherwise accept funds from other agencies for the purpose of constructing the facilities referred to therein, and dispose of such property and utilize the proceeds therefrom as provided in Section 25365.5.

In addition, the district may enter into such agreement with the county or other agency as it deems necessary for the purpose of carrying out the provisions of this section.

61601. Whenever the board determines by resolution that it is feasible, economically sound, and in the public interest for the district to exercise its powers for any of the purposes specified in Section 61600 which are not designated in the petition for formation of the district, the board may call a special district election and submit to the voters of the district, or submit to them at the next general district election, the question of whether the district should adopt the additional purpose or purposes. If a majority of the voters voting on the proposition vote in favor of the adoption of the additional purpose or purposes, then the district may exercise those powers. The district may divest itself of the power to carry on any purpose in the same manner.

61601.1. (a) "Abatement," for the purposes of this section, includes the removal and prevention of graffiti, antigraffiti education, and restitution to any property owner for any injury or damage caused by the removal of graffiti from the property.

(b) A district that is authorized to abate graffiti may:

(1) Remove or contract for the removal of graffiti from any public or private property within its boundaries.

(2) Indemnify or compensate any property owner for any injury or damage caused by the removal of graffiti from property.

(3) Undertake a civil action to abate graffiti as a nuisance pursuant to Section 731 of the Code of Civil Procedure.

(4) Use the services of persons ordered to perform those services by a municipal, superior, or juvenile court.

(5) Use the phrase "Graffiti Abatement District" in the name of the district.

(6) Operate specifically designated telephone "hot lines" for the purpose of receiving reports of unlawful application of graffiti on public or private property.

(7) Operate a program of financial reward, not to exceed one thousand dollars (\$1,000), for information leading to the arrest and conviction of any person who unlawfully applies graffiti to any public or private property.



## GOVERNMENT CODE

### SECTION 56825-56857

56825. The commission shall have the powers and duties set forth in Part 2 (commencing with Section 56300) and the additional powers and duties specified in this chapter.

56826. A reorganization or a plan of reorganization shall provide for one or more changes of organization of any type for each of the subject districts and may provide for the formation of one or more new districts pursuant to the principal act or acts designated in the reorganization or plan of reorganization and Section 56100.

56827. (a) Except as provided in subdivision (b), upon the presentation of any petition or applications making a proposal for a reorganization, the commission may take proceedings pursuant to Part 3 (commencing with Section 56650) without referring the proposal to a reorganization committee, as provided in this part.

(b) The commission may refer to a reorganization committee any incorporation proposal that includes, or may be modified to include, any of the following changes of organization affecting an independent special district: consolidation, dissolution, formation, merger, or establishment of a subsidiary district.

56828. Before any proposal for reorganization is referred to any reorganization committee, the commission may provide for a public hearing on the question of whether the proposal should be disapproved or referred to a reorganization committee and set a time and place for that hearing.

56829. The executive officer shall give notice of that hearing by publication, as provided in Sections 56153 and 56154, and by posting, as provided in Sections 56158 and 56159.

56830. The executive officer shall also give mailed notice of any hearing, as provided in Sections 56155 to 56157, inclusive, by mailing notice of hearing to all of the following persons and entities:

(a) Each affected city and affected district.

(b) The chief petitioners, if any.

(c) Each person who has filed a written request for special notice with the executive officer.

56831. The hearing shall be held by the commission on the date and at the time and place specified in the notice. After the conclusion of the hearing, the commission shall adopt a resolution doing either of the following:

- (a) Disapproving the proposal of reorganization.
- (b) Ordering the proposal referred to a reorganization committee for study, report, and recommendation.

56832. The commission may accept contributions from any source for the purpose of paying the expenses of a reorganization committee in the conduct of its study, report, and recommendation. Any affected county, affected city, or affected district may make contributions for that purpose. The commission and any affected county, affected city, or affected district may make any of its facilities available for the use of a reorganization committee and may authorize any of its officers and employees to furnish advice, assistance, or services to the committee.

56833. Any resolution adopted by the commission ordering a proposal of reorganization referred to a reorganization committee shall do all of the following:

- (a) Describe the proposed reorganization and designate the subject districts (the description and designation may be by reference to the proposal).
- (b) Specify the maximum number of members, not to exceed three, to represent each subject district on the committee.
- (c) Fix a time and place for the first meeting of the reorganization committee.
- (d) Designate a date, not less than 60 days from the date of the first meeting of the committee, for the completion and submission to the commission of the report and recommendation of the committee.

56834. From time to time during the course of study upon a proposed plan of reorganization, the commission may do any of the following:

- (a) Extend the time for completion and submission of the report and recommendation of a reorganization committee.
- (b) Change the scope of the study by the addition or deletion of territory or subject districts, except that the authority granted to a commission under this subdivision shall not apply to a change of organization or reorganization as described in subdivision (a) of Section 56853.
- (c) Authorize the committee to develop, study, report, and make recommendations upon alternative plans of reorganization.

56835. At least 15 days before the date of the first meeting of a reorganization committee, the executive officer shall mail a copy of the resolution adopted by the commission to each subject district designated in the resolution.

56836. Any person, including, but not limited to, a member of the legislative body of a subject district and an officer or employee of the district, may be appointed as a member to represent the district upon a reorganization committee.

56837. (a) The legislative body of each affected district shall

appoint one or more members, not to exceed the maximum number specified by the commission, to represent the district on the reorganization committee. That legislative body may remove and replace any member previously appointed by it, and may fill any vacancy in its membership upon the committee.

(b) In the case of a reorganization committee created pursuant to subdivision (b) of Section 56827, the county board of supervisors shall appoint one or more members, not to exceed the maximum number specified by the commission, to represent the county on the reorganization committee. The county board of supervisors may appoint any person, including, but not limited to, an officer or employee of the county to represent the county on the reorganization committee. The county board of supervisors may remove and replace any member previously appointed by it, and may fill any vacancy in its membership on the committee.

(c) In the case of a reorganization committee created pursuant to subdivision (b) of Section 56827, the commission shall appoint one or more members to represent the general public on the reorganization committee. The number of members appointed to represent the general public shall not exceed the maximum number specified by the commission to represent the county or each subject district. A member appointed pursuant to this subdivision shall not be an officer or employee of any local agency. The commission may remove and replace any member previously appointed by it, and may fill any vacancy in its membership on the committee.

56838. The clerk of a subject district shall give immediate notice to the executive officer of all appointments and removals made by the legislative body to a reorganization committee.

56839. At any time after the date fixed for the first meeting of a reorganization committee or during the course of the study by the committee, if the legislative body of any subject district, after written request by the executive officer, does not appoint any members to the committee, those members may be appointed by the commission.

56840. If, during the course of study upon a proposed plan of reorganization, the commission authorizes a change in the scope of the study, the membership of the reorganization committee shall be immediately changed to exclude representatives of each district or city for which a change of organization is no longer proposed and to include representatives of each district or city for which a new change of organization is proposed.

56841. Subject to any standards and procedures adopted by regulation by the commission, a reorganization committee shall provide for the selection of a presiding officer and secretary either of whom may but are not required to be members of the committee, adopt the standards and procedures which it deems advisable, fix the time and place for meetings of the committee, and determine the manner and method to be followed by the committee in its study, report, and recommendation.

56842. A quorum shall be deemed to be present at a meeting of a reorganization committee if members representing one-half or more of the subject districts are present. Each subject district shall be entitled to one vote at any reorganization committee meeting, which vote shall be determined by a majority of the members of the district present at the meeting.

56843. If a reorganization committee does not complete and submit its report and recommendation before the date specified by the commission or, prior to that date, if members of the committee representing one-half or more of the subject districts report to the commission that the committee is unable to agree upon the report and recommendation, the commission may either order the discharge of the committee, or appoint additional members to the committee, not to exceed the maximum number authorized for a single subject district, to represent the public and order the committee, as so enlarged, to continue its study.

56844. If the commission orders the discharge of a reorganization committee, the commission may make a study, report, and recommendation upon a plan of reorganization in the place of the reorganization committee.

56845. If the commission appoints additional members to the reorganization committee to represent the public and orders the reorganization committee, as so enlarged, to continue its study, the additional members shall have all of the rights and powers of members representing a single subject district, including participation in all studies, reports, and recommendations, attendance at all meetings, and the casting of a single vote on behalf of all of the additional members on any matter before the committee.

56846. Every officer of any affected county, affected city, or affected district shall make available to a reorganization committee any records, reports, maps, data, or other documents which in any way affect or pertain to the committee's study, report, and recommendation and shall confer with the committee concerning the problems and affairs of that county, city, or district.

56847. Upon completion of the study of a reorganization committee, the committee shall prepare and submit to the commission a report and recommendation containing all of the following:

(a) A brief summary of the nature and extent of the study of the committee.

(b) A full and complete description of the plan of reorganization and any alternative plans of reorganization which were studied by the committee.

(c) The recommendation of the committee for the approval or disapproval of all or any part of the plan of reorganization and of any alternative plans of reorganization.

56848. Approval by a reorganization committee of the report and recommendation shall require the affirmative vote of more than one-half of the subject districts represented on the reorganization committee.

56849. The reorganization committee shall file the original of its report and recommendation with the executive officer and a copy of the report and recommendation with the clerk of each subject district. Upon filing that report and recommendation with the executive officer, the reorganization committee shall be terminated. However, the commission may cause the committee to be reconvened at any time for the sole purpose of correcting or clarifying any error, omission, or uncertainty appearing in the report and recommendation, as determined by the commission.

56853. (a) If a majority of the members of each of the legislative bodies of two or more local agencies adopt substantially similar resolutions of application making proposals either for the consolidation of districts or for the reorganization of all or any part of the districts into a single local agency, the commission shall approve, or conditionally approve, the proposal. The commission shall order the consolidation or reorganization without an election, except as otherwise provided in subdivision (b) of Section 57081.

(b) Except as provided in subdivision (d), a commission may order any material change in the provisions or the terms and conditions of the consolidation or reorganization, as set forth in the proposals of the local agencies. The commission shall direct the executive officer to give each subject agency mailed notice of any change prior to ordering a change. The commission shall not, without the written consent of all subject agencies, take any further action on the consolidation or reorganization for 30 days following that mailing. Upon written demand by any subject agency, filed with the executive officer during that 30-day period, the commission shall make determinations upon the proposals only after notice and hearing on the proposals. If no written demand is filed, the commission may make those determinations without notice and hearing. The application of any provision of this subdivision may be waived by consent of all of the subject agencies.

(c) Where the commission has initiated a change of organization or reorganization affecting more than one special district, the commission may utilize and is encouraged to utilize a reorganization committee to review the proposal.

(d) The commission shall not order a material change in the provisions of a consolidation or reorganization, as set forth in the proposals of the local agencies pursuant to subdivision (a), that would add or delete districts without the written consent of the applicant local agencies.

56854. (a) Notwithstanding Sections 57077 and 57107, the commission shall order (1) the consolidation of districts, (2) dissolution, (3) merger, or (4) the establishment of a subsidiary district, or (5) a reorganization that includes any of these changes of organization without an election, except that an election shall be held in each affected city or district if there are written protests as follows:

(1) Where the proposal was not initiated by the commission, and where an affected city or district has not objected by resolution to the proposal, a written protest has been submitted that meets the

requirements specified in subdivisions (b) and (c) of Section 57081.

(2) Where the proposal was not initiated by the commission, and where an affected city or district has objected by resolution to the proposal, a written protest has been submitted that meets the requirements specified in paragraphs (1) and (2) of subdivision (a) and subdivision (b) of Section 57114.

(3) Where the proposal was initiated by the commission, and regardless of whether an affected city or district has objected to the proposal by resolution, a written protest has been submitted that meets the requirements of Section 57113.

(b) Notwithstanding subdivision (a), the commission shall not order a merger or establishment of a subsidiary district without the consent of the affected city.

(c) This section shall not apply to any proposal for a change of organization or reorganization that is submitted to the commission before January 1, 2003, where the Goleta Sanitary District or the Goleta West Sanitary District is an affected district. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the following special circumstances:

The voters of the Goleta Sanitary District previously voted against a proposed consolidation with the Goleta West Sanitary District by a margin of two to one. More recently, a reorganization proposal was submitted to the commission in Santa Barbara County that would have combined the Goleta Sanitary District and the Goleta West Sanitary District under circumstances where no opportunity for confirmation by the Goleta Sanitary District voters would be available. In light of the issues that were raised in connection with these earlier consolidation and reorganization proposals, a five-year moratorium on the application of Section 56854 to proposals affecting the Goleta Sanitary District or the Goleta West Sanitary District is necessary to ensure an opportunity for voter confirmation.

56855. (a) This section shall apply to any proposal which contains the annexation of territory to a fire protection district which is organized pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code, and the affected territory is or is proposed to be all or part of a city which is within the fire protection district.

(b) Prior to the adoption by the local agency formation commission of a resolution making determinations, the district may request and the commission shall impose, as a term and condition, a requirement that the legislative body of the city shall enter into a contract with the district. The contract shall require:

(1) That the affected territory shall remain part of the district for a period of at least 10 years.

(2) That the city shall pay the cost of services provided by the district. This payment shall be in amounts and on terms specified in the contract.

(3) Any other conditions to which the city and the district mutually agree.

56856. (a) The commission shall not approve or conditionally approve a change of organization or reorganization that would result in the annexation to a special district of territory that is within a farmland security zone created pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Division 1 if that special

district provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads, unless the facilities or services benefit land uses that are allowed under the farmland security zone contract and the landowner consents to the change of organization or reorganization.

(b) This section shall not apply during the three-year period preceding the termination of a farmland security zone contract under Article 7 (commencing with Section 51296) of Chapter 7 of Division 1.

56857. (a) Upon receipt by the commission of a proposed change of organization or reorganization that includes the annexation or territory to any district, if the proposal is not filed by the district to which annexation of territory is proposed, the commission shall place the proposal on the agenda for the next commission meeting for information purposes only and shall transmit a copy of the proposal to any district to which an annexation of territory is requested.

(b) No later than 60 days after the date that the proposal is on the commission's meeting agenda in accordance with subdivision (a), any district to which annexation of territory is proposed may adopt and transmit to the commission a resolution requesting termination of the proceedings.

(c) If any district to which annexation of territory is proposed has adopted and transmitted to the commission a resolution requesting termination of proceedings within the time period prescribed by this section, then the commission shall terminate the proceedings upon receipt of the resolution from the district.

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## GOVERNMENT CODE

### SECTION 61120-61125

61120. The initial board of directors of a district formed on or after January 1, 1990, shall be determined pursuant to this chapter.

61121. In the case of a district which contains only unincorporated territory in a single county, the district board may be elected or may be appointed by the county board of supervisors which may appoint itself as the district board.

61121.1. The initial Board of Directors of the Mountain House Community Services District shall be the Board of Supervisors of San Joaquin County.

61122. In the case of a district which contains only unincorporated territory in more than one county, the district board may be elected or may be appointed by the boards of supervisors of the counties in which the district is located. If the district board is appointed by the boards of supervisors, they shall appoint directors according to the proportionate share of population of that portion of each county within the district, provided that each board of supervisors shall appoint at least one director.

61123. In the case of a district which contains unincorporated territory and the territory of one or more cities:

(a) The district board may be elected or appointed by the county board of supervisors and the city councils in which the district is located. If the district board is to be appointed, the board of supervisors and the city council or councils shall appoint directors according to the proportionate share of population that portion of the county and each city within the district, provided that the board of supervisors and each city council shall appoint at least one director. The board of supervisors or city council may appoint one or more of its own members to the district board.

(b) Notwithstanding subdivision (a), the county board of supervisors may appoint itself as the district board, if the city council of each of the cities consents by resolution.

61124. In the case of a district which includes only incorporated territory within a single city, the district board may be elected or appointed by the city council which may appoint itself as the district board.

61125. In the case of a district which includes only incorporated territory in more than one city, the district board may be elected or appointed by the city councils in which the district is located. If the district board is appointed, the city councils shall appoint



directors according to the proportionate share of population of that portion of each city within the district. However, each city council shall appoint at least one director. The city council may appoint one or more of its own members to the district board.

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## GOVERNMENT CODE

### SECTION 61110-61119

61110. (a) If the local agency formation commission approves the formation of a district, with or without amendment, wholly, partially, or conditionally, the executive officer shall mail a copy of the resolution of the commission's determinations to the board of supervisors of each county within which territory of the proposed district lies. Within 35 days following the adoption of the commission's resolution, the board of supervisors shall call and give notice of the election to be held in the proposed district. If the proposed district lies in more than one county, the board of supervisors shall call and give notice of the election to be held in the territory of the proposed district which lies in that county.

(b) The election shall be held on the next regular or special election date not less than 113 nor more than 150 days after the date the board of supervisors calls and gives notice of the election.

(c) Notice of the election shall be published pursuant to Section 6061 in a newspaper of general circulation circulated within the territory of the proposed district which lies in the county.

61111. (a) Notwithstanding Section 61110, if the board of supervisors of the principal county finds that the petition filed with the executive officer of the local agency formation commission pursuant to Section 61104 has been signed by not less than 80 percent of the registered voters residing within the area to be included within the district, the board may dispense with an election, adopt the resolution required pursuant to Section 61117, and designate the members of the board of directors pursuant to Chapter 3 (commencing with Section 61120).

(b) Notwithstanding Section 61110, if the local agency formation commission approves a consolidation or reorganization pursuant to Section 56839 that results in the formation of a district without an election, the commission may designate the members of the board of directors from the membership of the board of directors of any of the consolidated or reorganized districts pursuant to subdivision (k) of Section 56844. The terms of office of the directors shall be determined pursuant to Section 10505 of the Elections Code.

61112. Within five days after the district formation election has been called, the board of supervisors of each county within which territory of the proposed district lies shall transmit by registered mail a written notification of the election call to the executive officer of the local agency formation commission of the principal county. The written notice shall include the name and a description of the proposed district and may be in the form of a certified copy of the resolution adopted by the board of supervisors calling the district formation election.

The executive officer of the local agency formation commission shall submit an impartial analysis of the proposed district formation to the officials in charge of conducting the district formation election, pursuant to Section 56859.

61113. (a) The chief petitioners, the agency filing the resolution, or any member or members of the board of supervisors authorized by the board, any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of these voters and associations of citizens, may file with the elections official of the principal county a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length. Based on the time reasonably necessary to prepare and print the text of the proposition, analysis, arguments, and sample ballots and to permit the 10-day public examination period as provided in Section 9190 of the Elections Code for the particular election, the elections official of the principal county shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters pursuant to Section 61114. Notice of the date fixed shall be published by the elections official pursuant to Section 6061. Arguments may be changed until and including the date fixed by the elections official.

(b) If more than one argument for or more than one argument against the proposed district formation is filed with the elections official within the time prescribed, the elections official shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the elections official shall give preference and priority, in the order named, to the arguments of the following:

(1) Chief petitioners or the agency filing the resolution.

(2) The board of supervisors or any member or members of the board authorized by the board.

(3) Individual voters or bona fide associations of citizens or a combination of these voters and associations.

(c) When the elections official of the principal county has selected the arguments for and against the measure which will be printed and distributed to the voters, he or she shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the elections official of the principal county not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) \_\_\_\_\_" or "Rebuttal to Argument Against Measure (or Proposition) \_\_\_\_\_," the blank spaces being filled in only with the letter or number, if any, that designates the measure. Words used in the title shall not be counted when determining the length of any rebuttal argument.

61114. The elections officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question at least 10 days prior to the date of the election. The ballot pamphlet is "official matter" within the meaning of Section 13303 of the Elections Code. Section 9190 of the Elections Code shall apply to the materials required to be contained in the ballot pamphlet.

The ballot pamphlet shall contain the following, in the order prescribed:

- (a) The complete text of the proposition.
- (b) The impartial analysis of the proposition submitted by the executive officer of the local agency formation commission.
- (c) The argument for the proposed district formation.
- (d) The rebuttal to the argument in favor of the proposed district formation.
- (e) The argument against the proposed district formation.
- (f) The rebuttal to the argument against the proposed district formation.

61115. The notice of the election published pursuant to subdivision (c) of Section 61110 shall contain all of the following:

- (a) The date of the election.
- (b) The name of the proposed district.
- (c) The purposes for which the district is to be formed.
- (d) A statement that the first directors will be elected at that election or will be appointed, as the case may be, if the district is formed.
- (e) A description of the boundaries of the proposed district.

61116. (a) Except as otherwise provided in this chapter, the formation election and the election of members of the district board, if any, shall be held and conducted in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

(b) If less than a majority of the votes cast at the election is in favor of forming the district, the board of supervisors of the principal county shall declare the proceedings terminated.

(c) Notwithstanding subdivision (b), the formation election may be combined with a proposal for the adoption by the voters of a special tax and presented to the voters as a single ballot proposition. If both proposals are presented as a single ballot proposition, the proposed district shall not be formed and the special tax shall not take effect unless the proposition is approved by two-thirds of the voters voting upon the proposition. If less than two-thirds of the votes cast at the election is in favor of forming the district, the board of supervisors shall declare the proceedings terminated.

61117. If the majority of the votes cast at the election is in favor of forming the district or if, pursuant to subdivision (c) of Section 61116, two-thirds of the votes cast at the election is in favor of forming the district, the board or boards of supervisors shall by resolution entered on its minutes declare the district duly organized under this division, giving the name of the district, and the purposes for which it is formed, and describing its boundaries. If the district lies in more than one county, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution to the clerk of the board of supervisors of each of the other counties in which the district lies.

61118. Immediately after adoption of a resolution pursuant to

Section 61117, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution along with a remittance to cover the fees required by Section 54902.5 to the executive officer of the local agency formation commission. The executive officer shall complete the proceedings pursuant to Chapter 8 (commencing with Section 57200) of Part 4.

61119. (a) No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of any district.

(b) The validity of the formation and organization of a district shall not be contested in any proceeding commenced more than 60 days after the date that the formation of the district is complete.

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## GOVERNMENT CODE SECTION 61650-61687

61650. Whenever the board deems it necessary for the district to incur a bonded indebtedness, it shall by resolution set forth all of the following:

- (a) A declaration of the necessity for the indebtedness.
- (b) The purpose for which the proposed debt is to be incurred.
- (c) The amount of the proposed debt.
- (d) The time and place for a hearing by the board on the

questions:

(1) Will the whole or a portion of the district be benefited by the accomplishment of the purpose?

(2) If only a portion of the district will be benefited, what portion will be so benefited?

61651. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6066 in a newspaper of general circulation circulated within the district.

61652. The copy of the resolution published or posted shall be accompanied by a notice subscribed by the secretary that:

(a) The hearing referred to in the resolution will be had at the time and place specified in the resolution.

(b) At that time and place any person interested, including all persons owning property in the district, will be heard upon the questions stated in the resolution.

61653. At the time and place fixed for the hearing on the resolution declaring the necessity for incurring the bonded indebtedness, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing.

61654. At the hearing any person interested, including persons owning property within the district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

61655. At the conclusion of the hearing, the board shall by resolution determine whether the whole or part of the district will be benefited by the accomplishment of the purpose stated in the resolution.

61656. If the board determines that the whole of the district will not be benefited, the resolution shall also describe the portion of

the district which will be benefited, in a manner sufficient for identification, which portion of the district described in the resolution shall thereupon constitute and be known as "Improvement District No. \_\_\_\_ of \_\_\_\_ District."

61657. After the formation of an improvement district within a district pursuant to this article, all proceedings for the purpose of a bond election within the improvement district and for the purpose of taxation for the payment of the bonds and interest shall be limited, and apply only to the improvement district.

61658. The determination of the board that the whole of the district will be benefited by the bond issue or that only a described portion of the district will be benefited by the bond issue is final and conclusive.

61659. After the board has made its determination pursuant to Section 61655, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described as it is described in the resolution of the board made pursuant to Section 61655.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(f) The annual rate of interest to be paid, which rate shall not exceed 10 percent, payable annually or semiannually, or in part annually and in part semiannually.

(g) The proposition to be submitted to the voters.

(h) The date of the special district election (which may be consolidated with a general district election) at which such proposition shall be submitted to the voters; the hours between which the polls shall be open; the boundaries of voting precincts within the district or portion thereof benefited by incurring the bonded indebtedness; the location of polling places; and the names of the officers selected to conduct such election in each precinct, who shall consist of one judge, one inspector, and two clerks.

61659.1. In determining the amount of debt to be incurred, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees,

costs of the bond election and of the issuance of said bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

61660. The resolution provided for in Section 61659 shall constitute the notice of such special bond election and such resolution shall be published pursuant to Section 6066 in a newspaper of general circulation circulating within the district.

61661. The board shall provide for holding the election in the same manner as provided by law in respect to district elections so far as applicable, except as otherwise provided in this chapter.

61663. Every elector residing within the area designated in the resolution adopted pursuant to Section 61659, but no others, may vote on the proposition to authorize the bonds. If the area does not include the entire district a separate ballot shall be prepared for the vote upon such proposition and only the voters entitled thereto shall be given such ballots.

61670. Notwithstanding any other provision of this division, a majority vote shall be sufficient to authorize the issuance of revenue bonds, and a two-thirds vote shall be required only for the issuance of general obligation bonds.

61670.1. Notwithstanding any other provision of law, any bonds issued pursuant to this division may bear interest as determined by the board in its discretion, but not to exceed 10 percent per year.

61671. If more than two-thirds of the votes cast at the election are in favor of incurring the indebtedness, the board may, by resolution, at the time or times it deems proper, provide for the following:

- (a) The form of the bonds.
- (b) The execution of the bonds.
- (c) The issuance of any part of the bonds.

61671.1. The bonds shall be signed by the president and countersigned by the secretary and the coupons shall be signed by the secretary. All signatures except that of the secretary on the bonds may be printed, lithographed or engraved. If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office. All bonds shall be payable at the office



of the county treasurer, who is the depository of the district pursuant to Section 61730.

61671.2. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

61672. The district may sell the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale pursuant to Section 6061, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

61673. Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

All bonds issued by any district payable from taxes are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

Whenever the board of directors of a district declares by resolution that it deems it desirable that any bonds issued or to be issued by the district should be certified by the State Treasurer as provided in this section, the board of directors shall file a certified copy of the resolution with the State Treasurer and the bonds described in said resolution shall then be subject to investigation and certification by the State Treasurer pursuant to the Districts Securities Law (Chapter 1 (commencing with Section 20000), Division 10, Water Code). If in the opinion of the State Treasurer the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the State Treasurer shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

61674. The board may, by resolution, do the following:

(a) Submit to the voters a measure to issue new bonds to refund any or all of the district bonds outstanding.

(b) Submit to the voters of any improvement district of the district a measure to issue new bonds to refund any improvement

district bonds outstanding.

61675. The measure may be voted on at any district election or a special election may be called for the purpose.

61676. The procedure upon the election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, except that:

(a) No hearing need be held upon the question whether the bond issue will benefit the entire district or only a portion thereof.

(b) The vote of a majority of the voters voting upon the measure is sufficient to authorize the issue of refunding bonds.

61677. The refunding bonds may be issued and sold in the manner and form prescribed for an original issue of bonds.

61678. Refunding bonds may, if the holders of bonds of an original issue and the board so agree, be exchanged for original bonds.

61679. The face value of refunding bonds exchanged for original bonds shall not exceed the face value of the original bonds.

61680. The board may raise money by rates or taxes to pay principal and interest of the refunding bonds in the same manner as prescribed for payment of bonds of an original issue.

61681. Any bonds issued by the district may be made callable by resolution of the board adopted at or prior to the time of issuing the bonds.

61682. When bonds are made callable, a statement to that effect shall be set forth on the face of the bond.

61683. Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in such amounts and manner and at such prices as the board may prescribe in the resolution provided for in Section 61681.

61684. Notice designating the bonds called for redemption shall be published pursuant to Section 6063 in a newspaper of general circulation circulated in the county in which the office of the

district is situated.

61685. The first publication of the redemption notice shall be not less than 30 nor more than 90 days prior to the date fixed for redemption.

61686. If on the date fixed for redemption the district has provided funds available for payment of the principal and interest of the bonds called, interest on them ceases.

61687. None of the provisions of this Chapter 4 shall apply to any proceedings for the authorization, issue or sale of revenue bonds by a district pursuant to Section 61613.1.

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61712. (a) Assessments in an improvement district in a district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts, and in conformance with the requirements of Section 53753.

(b) New or increased assessments shall be made pursuant to Section 53753.

61713. As an alternative to levying an assessment in an improvement district as provided in Section 61712, the district board may levy an ad valorem tax within the improvement district pursuant to the provisions of Part 6 (commencing with Section 61750), Division 3, Title 6.

## PUBLIC RESOURCES CODE

### SECTION 9161-9168

9161. (a) A new district may be formed pursuant to this chapter.

(b) A proposal to form a district may be made by a petition of registered voters or by the adoption of a resolution of application.

9162. A proposal to form a new district may be made by petition which shall do all of the following:

(a) State that the proposal is made and request that proceedings be taken for the formation pursuant to this chapter.

(b) Set forth a description of the boundaries of the territory to be included in the district.

(c) Set forth the methods by which the district will be financed.

(d) State the reasons for forming the district.

(e) Propose a name for the district.

(f) Designate not more than three persons as chief petitioners, setting forth their names and mailing addresses.

(g) State whether the formation is consistent with the sphere of influence of any affected city or affected district.

(h) Specify the number of members, whether five, seven, or nine, of the initial board of directors and the method of their selection, as provided by Article 4 (commencing with Section 9201).

9163. (a) Before circulating any petition, the chief petitioners shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by at least one, but not more than three, chief petitioners and shall be in substantially the following form:

#### "Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition proposing to form the \_\_\_\_\_ (name of the district). The reasons for the proposal are: \_\_\_\_\_."

(c) Within five days after the date of publication, the chief petitioners shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required pursuant to subdivision (c), the

petition may be circulated for signatures.

9164. The petition shall be signed by not less than 10 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission pursuant to subdivision (h) of Section 56375 of the Government Code. Sections 100 and 104 of the Elections Code shall govern the signing of the petition and its format.

9165. A petition may consist of a single instrument or separate counterparts. The chief petitioner or petitioners shall file the petition, including all counterparts, with the executive officer of the local agency formation commission of the principal county within six months of the date on which the chief petitioner or petitioners filed the affidavit with the executive officer pursuant to subdivision (c) of Section 9163.

9166. (a) Within 30 days after the date of filing a petition, the executive officer of the local agency formation commission shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(b) If the certificate of the executive officer shows the petition to be insufficient, the executive officer shall immediately give notice by certified mail of the insufficiency to the chief petitioners. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the chief petitioners may file with the executive officer a supplemental petition bearing additional signatures.

(c) Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his or her examination.

(d) The executive officer shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination. The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners.

9167. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district. Except for the provisions regarding signers and signatures, a resolution of application shall contain all of the matters specified for a petition in Section 9162. Before submitting a resolution of application, the legislative body shall conduct a public hearing on the resolution.

(b) Notice of the hearing shall be published pursuant to Section

6061 of the Government Code in one or more newspapers of general circulation within the county or city.

(c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.

(d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

9168. Once the chief petitioners have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Chapter 5 (commencing with Section 56825) of Part 3 of Division 3 of Title 5 of the Government Code.

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## PUBLIC RESOURCES CODE

### SECTION 9181-9190

9181. (a) If the local agency formation commission approves the formation of a district, with or without amendment, wholly, partially, or conditionally, the executive officer shall mail a copy of the resolution of the commission's determinations to the board of supervisors of each county within which territory of the proposed district lies. Within 35 days following the adoption of the commission's resolution, the board of supervisors shall call and give notice of the election to be held in the proposed district. If the proposed district lies in more than one county, the board of supervisors shall call and give notice of the election to be held in the territory of the proposed district which lies in that county.

(b) The election shall be held on the next regular or special election date not less than 113 nor more than 150 days after the date the board of supervisors calls and gives notice of the election.

(c) Notice of the election shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation circulated within the territory of the proposed district which lies in the county.

9182. (a) Notwithstanding Section 9181, if the board of supervisors of the principal county finds that the petition filed with the executive officer of the local agency formation commission pursuant to Section 9165 has been signed by not less than 80 percent of the registered voters residing within the area to be included within the district, the board may dispense with an election, adopt the resolution required pursuant to Section 9188, and designate the members of the board of directors pursuant to Article 4 (commencing with Section 9201).

(b) Notwithstanding Section 9181, if the local agency formation commission approves a consolidation or reorganization pursuant to Section 56839 of the Government Code which results in the formation of a district without an election, the commission may designate the members of the board of directors from the membership of the board of directors of any of the consolidated or reorganized districts pursuant to subdivision (k) of Section 56844 of the Government Code. The terms of office of the directors shall be determined pursuant to Section 10505 of the Elections Code.

9183. (a) Within five days after the district formation election has been called, the board of supervisors of each county within which territory of the proposed district lies shall transmit by registered mail a written notification of the election call to the executive officer of the local agency formation commission of the principal county. The written notice shall include the name and a description of the proposed district and may be in the form of a certified copy of the resolution adopted by the board of supervisors calling the district formation election.

(b) The executive officer of the local agency formation commission shall submit an impartial analysis of the proposed district



formation to the officials in charge of conducting the district formation election, pursuant to Section 56859 of the Government Code.

9184. (a) (1) The chief petitioners, the agency filing the resolution, or any member or members of the board of supervisors authorized by the board, any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of these voters and associations of citizens, may file with the elections official of the principal county a written argument for or a written argument against the proposed district formation.

(2) Arguments shall not exceed 300 words in length. Based on the time reasonably necessary to prepare and print the text of the proposition, analysis, arguments, and sample ballots and to permit the 10-day public examination period as provided in Section 9190 of the Elections Code for the particular election, the elections official of the principal county shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters, pursuant to Section 9185. Notice of the date fixed shall be published by the elections official pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the elections official.

(b) If more than one argument for or more than one argument against the proposed district formation is filed with the elections official within the time prescribed, the elections official shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the elections official shall give preference and priority in the order named to the arguments of the following:

(1) Chief petitioners, or the agency filing the resolution.

(2) The board of supervisors, or any member or members of the board authorized by the board.

(3) Individual voters, or bona fide associations of citizens or a combination of these voters and associations.

(c) When the elections official of the principal county has selected the arguments for and against the measure which will be printed and distributed to the voters, he or she shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the elections official of the principal county not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut, and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) \_\_\_\_" or "Rebuttal to Argument Against Measure (or Proposition) \_\_\_\_\_," the blank spaces being filled in only with the letter or number, if any, designating the measure. Words used in the title shall not be counted when determining the length of any rebuttal argument.

9185. (a) The elections officials in charge of conducting the

election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question at least 10 days prior to the date of the election. The ballot pamphlet is "official matter" within the meaning of Section 13303 of the Elections Code. Section 9190 of the Elections Code shall apply to the materials required to be contained in the ballot pamphlet.

(b) The ballot pamphlet shall contain the following, in the order prescribed:

- (1) The complete text of the proposition.
- (2) The impartial analysis of the proposition, submitted by the executive officer of the local agency formation commission.
- (3) The argument for the proposed district formation.
- (4) The rebuttal to the argument in favor of the proposed district formation.
- (5) The argument against the proposed district formation.
- (6) The rebuttal to the argument against the proposed district formation.

9186. The notice of the election published pursuant to subdivision (c) of Section 9181 shall contain all of the following:

- (a) The date of the election.
- (b) The name of the proposed district.
- (c) The purposes for which the district is to be formed.
- (d) A statement that the first directors will be elected at that election or will be appointed, as the case may be, if the district is formed.
- (e) A description of the boundaries of the proposed district.

9187. (a) Except as otherwise provided in this division, the formation election and the election of members of the district board shall be held and conducted in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

(b) If less than a majority of the votes cast at the election is in favor of forming the district, the board of supervisors of the principal county shall declare the proceedings terminated.

9188. If the majority of the votes cast at the election is in favor of forming the district, the board or boards of supervisors shall by resolution entered on its minutes declare the district duly organized under this division, giving the name of the district, and the purposes for which it is formed, and describing its boundaries. If the district lies in more than one county, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution to the clerk of the board of supervisors of each of the other counties in which the district lies.

9189. Immediately after adoption of a resolution pursuant to

Section 9188, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution along with a remittance to cover the fees required by Section 54902.5 of the Government Code to the executive officer of the local agency formation commission. The executive officer shall complete the proceedings pursuant to Chapter 8 (commencing with Section 57200) of Part 4 of Division 3 of Title 5 of the Government Code.

9190. (a) No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of any district.

(b) The validity of the formation and organization of a district shall not be contested in any proceeding commenced more than 60 days after the date that the formation of the district is complete.

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## PUBLIC RESOURCES CODE

### SECTION 9501-9513

9501. The directors shall, on or before January 1 of the calendar year during which an assessment is to be levied for the first time, notify the State Board of Equalization as provided in Revenue and Taxation Code Sections 756 and 759 and, annually on or before August 1st, furnish the county auditor and the board of supervisors an estimate in writing of the amount of money necessary to be raised by assessment for the purposes of the district for the next ensuing fiscal year.

9502. If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county. The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county.

9503. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys.

9504. Assessments levied pursuant to this article shall be known as regular assessments.

9505. The regular assessment in any one year shall not exceed two cents (\$0.02) on each one hundred dollars (\$100) of assessed valuation of the land, exclusive of improvements, trees, and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights, standing trees, or timber are involved.

The cost to the assessor, if any, of recomputing assessed valuations in accordance with this section shall be paid by the district requesting an assessment levy pursuant to this article.

9506. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements, trees, and mineral rights, within the county and within

the district to be known as the " \_\_\_\_\_ (name of district) Resource Conservation District assessment," sufficient to raise the amount reported to them in the estimate of the directors.

9507. The rate, as determined by the board, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. On or before September 1st of each year the board shall fix the rate, composed of the number of cents or fraction thereof for each one hundred dollars (\$100) of assessed valuation of land exclusive of improvements and mineral rights, such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

9508. If the board fails to levy the assessment the auditor of the county shall do so, providing the directors have requested the assessment.

9509. The assessment shall be computed and entered on the assessment roll by the auditor.

9510. The provisions of law relating to the levy and collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

9511. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the treasurer of the principal county all money belonging to the district and in their possession.

9512. If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a soil conservation district, or a portion thereof is located may, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required. This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

9513. A district may impose 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. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

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CALIFORNIA CONSTITUTION  
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SECTION 1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIIIIC shall be construed to:

- (a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.
- (b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.
- (c) Affect existing laws relating to the imposition of timber yield taxes.

CALIFORNIA CONSTITUTION  
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 2. Definitions. As used in this article:

- (a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIIIC.
- (b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."
- (c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.
- (d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.
- (e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.
- (f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.
- (g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.
- (h) "Property-related service" means a public service having a direct relationship to property ownership.
- (i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute "special benefit."

CALIFORNIA CONSTITUTION  
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited. (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

#### CALIFORNIA CONSTITUTION

#### ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 4. Procedures and Requirements for All Assessments. (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once



completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e).

CALIFORNIA CONSTITUTION  
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 5. Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter

approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4.

CALIFORNIA CONSTITUTION  
ARTICLE 13D (ASSESSMENT AND PROPERTY-RELATED FEE REFORM)

SEC. 6. Property Related Fees and Charges. (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action

contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.

## GOVERNMENT CODE

### SECTION 53750-53754

53750. For purposes of Article XIIIIC and Article XIIID of the California Constitution and this article:

(a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIIIIC of the California Constitution.

(b) "Assessment" means any levy or charge by an agency upon real property that is based upon the special benefit conferred upon the real property by a public improvement or service, that is imposed to pay the capital cost of the public improvement, the maintenance and operation expenses of the public improvement, or the cost of the service being provided. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment," and "special assessment tax."

(c) "District" means an area that is determined by an agency to contain all of the parcels that will receive a special benefit from a proposed public improvement or service.

(d) "Drainage system" means any system of public improvements that is intended to provide for erosion control, landslide abatement, or for other types of water drainage.

(e) "Extended," when applied to an existing tax or fee or charge, means a decision by an agency to extend the stated effective period for the tax or fee or charge, including, but not limited to, amendment or removal of a sunset provision or expiration date.

(f) "Flood control" means any system of public improvements that is intended to protect property from overflow by water.

(g) "Identified parcel" means a parcel of real property that an agency has identified as having a special benefit conferred upon it and upon which a proposed assessment is to be imposed, or a parcel of real property upon which a proposed property-related fee or charge is proposed to be imposed.

(h) (1) "Increased," when applied to a tax, assessment, or property-related fee or charge, means a decision by an agency that does either of the following:

(A) Increases any applicable rate used to calculate the tax, assessment, fee or charge.

(B) Revises the methodology by which the tax, assessment, fee or charge is calculated, if that revision results in an increased amount being levied on any person or parcel.

(2) A tax, fee, or charge is not deemed to be "increased" by an agency action that does either or both of the following:

(A) Adjusts the amount of a tax or fee or charge in accordance with a schedule of adjustments, including a clearly defined formula for inflation adjustment that was adopted by the agency prior to November 6, 1996.

(B) Implements or collects a previously approved tax, or fee or charge, so long as the rate is not increased beyond the level previously approved by the agency, and the methodology previously approved by the agency is not revised so as to result in an increase in the amount being levied on any person or parcel.

(3) A tax, assessment, fee or charge is not deemed to be "increased" in the case in which the actual payments from a person or property are higher than would have resulted when the agency approved the tax, assessment, or fee or charge, if those higher payments are attributable to events other than an increased rate or

revised methodology, such as a change in the density, intensity, or nature of the use of land.

(i) "Notice by mail" means any notice required by Article XIIIIC or XIIIID of the California Constitution that is accomplished through a mailing, postage prepaid, deposited in the United States Postal Service and is deemed given when so deposited. Notice by mail may be included in any other mailing to the record owner that otherwise complies with Article XIIIIC or XIIIID of the California Constitution and this article, including, but not limited to, the mailing of a bill for the collection of an assessment or a property-related fee or charge.

(j) "Record owner" means the owner of a parcel whose name and address appears on the last equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the agency.

(k) "Registered professional engineer" means an engineer registered pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(l) "Vector control" means any system of public improvements or services that is intended to provide for the surveillance and control of vectors as defined in subdivision (f) of Section 2200 of the Health and Safety Code and a pest as defined in Division 4 (commencing with Section 5001) and Division 5 (commencing with Section 9101) of the Food and Agricultural Code.

(m) "Water" means any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water.

53753. (a) The notice, protest, and hearing requirements imposed by this section supersede any statutory provisions applicable to the levy of a new or increased assessment that is in existence on the effective date of this section, whether or not that provision is in conflict with this article. Any agency that complies with the notice, protest, and hearing requirements of this section shall not be required to comply with any other statutory notice, protest, and hearing requirements that would otherwise be applicable to the levy of a new or increased assessment, with the exception of Division 4.5 (commencing with Section 3100) of the Streets and Highways Code. If the requirements of that division apply to the levy of a new or increased assessment, the levying agency shall comply with the notice, protest, and hearing requirements imposed by this section as well as with the requirements of that division.

(b) Prior to levying a new or increased assessment, or an existing assessment that is subject to the procedures and approval process set forth in Section 4 of Article XIIIID of the California Constitution, an agency shall give notice by mail to the record owner of each identified parcel. Each notice shall include the total amount of the proposed assessment chargeable to the entire district, the amount chargeable to the record owner's parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, and the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures for the completion, return, and tabulation of the assessment ballots required pursuant to subdivision (c),

including a statement that the assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property. An agency shall give notice by mail at least 45 days prior to the date of the public hearing upon the proposed assessment.

(c) Each notice given pursuant to subdivision (b) shall contain an assessment ballot that includes the agency's address for receipt of the form and a place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment. Each assessment ballot shall be in a form that conceals its contents once it is sealed by the person submitting the assessment ballot. Each assessment ballot shall be signed and either mailed or otherwise delivered to the address indicated on the assessment ballot. Regardless of the method of delivery, all assessment ballots shall be received at the address indicated, or the site of the public testimony, in order to be included in the tabulation of a majority protest pursuant to subdivision (e). Assessment ballots shall remain sealed until the tabulation of ballots pursuant to subdivision (e) commences, provided that an assessment ballot may be submitted, or changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed assessment at the hearing required pursuant to subdivision (d). An agency may provide an envelope for the return of the assessment ballot, provided that if the return envelope is opened by the agency prior to the tabulation of ballots pursuant to subdivision (e), the enclosed assessment ballot shall remain sealed as provided in this section.

(d) At the time, date, and place stated in the notice mailed pursuant to subdivision (b), the agency shall conduct a public hearing upon the proposed assessment. At the public hearing, the agency shall consider all objections or protests, if any, to the proposed assessment. At the public hearing, any interested person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time.

(e) (1) At the conclusion of the public hearing conducted pursuant to subdivision (d), an impartial person designated by the agency who does not have a vested interest in the outcome of the proposed assessment shall tabulate the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. In a city, the impartial person may include, but is not limited to, the clerk of the agency. The impartial person may use technological methods of tabulating the assessment ballots, including, but not limited to, punchcard or optically readable (bar-coded) assessment ballots. During and after the tabulation, the assessment ballots shall be treated as disclosable public records, as defined in Section 6252, and equally available for inspection by the proponents and the opponents of the proposed assessment.

In the event that more than one of the record owners of an identified parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the identified parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the agency by documentation provided by those record owners.

(2) A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor,

weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

(3) If there is a majority protest against the imposition of a new assessment, or the extension of an existing assessment, or an increase in an existing assessment, the agency shall not impose, extend, or increase the assessment.

(4) The majority protest proceedings described in this subdivision shall not constitute an election or voting for purposes of Article II of the California Constitution or of the California Elections Code.

53753.5. (a) If an agency has complied with the notice, protest, and hearing requirements of Section 53753, or if an agency is not required to comply with those requirements because the assessment is exempt from the procedures and approval process set forth in Section 4 of Article XIIIID of the California Constitution, then those requirements shall not apply in subsequent fiscal years unless the assessment methodology is changed to increase the assessment, or the amount of that assessment is proposed to exceed an assessment formula or range of assessments adopted by an agency in accordance with Article XIIIID of the California Constitution or Section 53753.

(b) Notwithstanding subdivision (a), the following assessments existing on the effective date of Article XIIIID of the California Constitution shall be exempt from the procedures and approval process set forth in Section 4 of that article:

(1) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems, or vector control.

(2) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed.

(3) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(4) Any assessment that previously received majority voter approval from the voters voting in an election on the issue of the assessment.

Any subsequent increases in an assessment listed in paragraph (1), (2), or (4) shall be subject to the procedures and approval process set forth in Section 4 of Article XIIIID of the California Constitution.

(c) For purposes of this section, the following words and phrases shall have the following meanings:

(1) "Assessments existing on the effective date of Article XIIIID of the California Constitution" means assessments levied by the legislative body of the agency on or before November 6, 1996.

(2) "Procedures and approval process set forth in Section 4 of Article XIIIID" means all of the requirements set forth in Section 4 of Article XIIIID of the California Constitution, including, but not limited to, the requirement to separate general and special benefits and the requirement to assess parcels that are owned or used by an agency, the State of California, or the United States of America.

53754. (a) The legislative body collecting assessment installments to secure bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) shall designate an office, department, or bureau of the local agency that shall be responsible for annually preparing the current tax roll of assessment installment obligations by assessor's parcel number on property within the assessment district. The designated office, department, or bureau shall be the same office, department, or bureau that prepares the "NOTICE OF SPECIAL TAX" required by Section 53340.2. If notice is required under both this section and Section 53340.2, the notices shall, to the extent feasible, be combined into a single notice document. The designated office, department, or bureau shall establish procedures to promptly respond to inquiries concerning installments on the current tax roll.

Neither the designated office, department, or bureau, nor the legislative body, shall be liable if any estimate of assessment installments on the current tax roll is inaccurate, nor for any failure of any seller to request a Notice of Special Assessment or to provide the notice to a buyer.

(b) For purposes of enabling sellers of real property subject to the levy of assessments to satisfy the notice requirements of subdivision (b) of Section 1102.6 of the Civil Code, the designated office, department, or bureau shall furnish a Notice of Assessment to any individual requesting the notice or any owner of property subject to an assessment levied by the local agency within five working days of receiving a request for such notice. The local agency may charge a reasonable fee for this service not to exceed ten dollars (\$10).

(c) The notice shall contain the heading "NOTICE OF SPECIAL ASSESSMENT" in type no smaller than 8-point type, and shall be in substantially the following form. The form may be modified as needed to clearly and accurately present the required information or to consolidate information about two or more assessment districts that collect installments of assessments with respect to the lot, parcel, or unit. The notice shall be completed by the designated office, department, or bureau except for the signatures and date of signing:

NOTICE OF SPECIAL ASSESSMENT  
ASSESSMENT DISTRICT NO. \_\_\_\_\_ OF  
(CITY) (COUNTY) (SPECIAL DISTRICT), CALIFORNIA  
TO: THE PROSPECTIVE PURCHASER OF THE REAL PROPERTY KNOWN AS:  
Assessor's Parcel Number: \_\_\_\_\_  
Street Address: \_\_\_\_\_

THIS IS A NOTIFICATION TO YOU PRIOR TO YOUR PURCHASING THIS PROPERTY.

This property is within the above-named assessment district. The assessment district has issued bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to property within the assessment district. The bonds will be repaid from annual assessment installments on property within the assessment district.

This property is subject to annual assessment installments of the assessment district that will appear on your property tax bills, but which are in addition to the regular property taxes and any other charges and levies that will be listed on the property tax bill. If you fail to pay assessment installments when due each year, the property may be foreclosed upon and sold.

The annual assessment installment against this property as shown on



the most recent tax bill for the \_\_\_\_-\_\_\_\_ tax year is \_\_\_\_ dollars (\$\_\_\_\_). Assessment installments will be collected each year until the assessment bonds are repaid. The public facilities that are being paid for by the money received from the sale of bonds that are being repaid by the assessments, are:

(LIST)

These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. YOU SHOULD TAKE THIS ASSESSMENT AND THE BENEFITS FROM THE PUBLIC FACILITIES FOR WHICH IT PAYS INTO ACCOUNT IN DECIDING WHETHER TO BUY THIS PROPERTY.

YOU MAY OBTAIN A COPY OF THE RESOLUTION CONFIRMING ASSESSMENTS THAT SPECIFIES MORE PRECISELY HOW THE ASSESSMENTS ARE APPORTIONED AMONG PROPERTIES IN THE ASSESSMENT DISTRICT FROM THE \_\_\_\_ (name of jurisdiction) BY CALLING \_\_\_\_ (telephone number). THERE MAY BE A CHARGE FOR THIS DOCUMENT NOT TO EXCEED THE ESTIMATED REASONABLE COST OF PROVIDING THE DOCUMENT.

I (WE) ACKNOWLEDGE THAT I (WE) HAVE RECEIVED A COPY OF THIS NOTICE. I (WE) UNDERSTAND THAT I (WE) MAY TERMINATE THE CONTRACT TO PURCHASE OR DEPOSIT RECEIPT AFTER RECEIVING THIS NOTICE FROM THE OWNER OR AGENT SELLING THE PROPERTY. THE CONTRACT MAY BE TERMINATED WITHIN THREE DAYS IF THE NOTICE WAS RECEIVED IN PERSON OR WITHIN FIVE DAYS AFTER IT WAS DEPOSITED IN THE MAIL BY GIVING WRITTEN NOTICE OF THAT TERMINATION TO THE OWNER OR AGENT SELLING THE PROPERTY.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Buyer

\_\_\_\_\_  
Buyer

# CAMBRIA FOREST COMMITTEE DIRECTORS

Name	Affiliation	email	Business	Home	FAX
Pat Bouldin*		<a href="mailto:pbouldin@earthlink.net">pbouldin@earthlink.net</a>	805-927-7303		
Karen Brooks**	SLO APCD	<a href="mailto:kbrooks@co.slo.ca.us">kbrooks@co.slo.ca.us</a>	805-781-5912	805-239-1969	805-781-1002
Alan Fields*	Cambria Fire Safe Council	<a href="mailto:fieldsfam@thegrid.net">fieldsfam@thegrid.net</a>		805-927-1353	
Ilan Funke-Bilu**	CCSD Board	<a href="mailto:ifbilu@aol.com">ifbilu@aol.com</a>	805-541-3777		541-5063
Bill Hanna*		<a href="mailto:hanabill@tcsn.net">hanabill@tcsn.net</a>	805-927-5351	805-927-5351	805-927-5351
Rick Hawley*	Greenspace-Cam. Land Trust	<a href="mailto:rick@greenspacecambria.com">rick@greenspacecambria.com</a>	805-927-2866	805-927-4964	
Debbie Hillyard**	CA Dept. Fish & Game	<a href="mailto:dhillyar@dfg2.ca.gov">dhillyar@dfg2.ca.gov</a>	805-772-4318	805-772-7569	
David Krause*	CA Native Plant Society	<a href="mailto:dkincambria@aol.com">dkincambria@aol.com</a>	805-237-3348	805-927-5182	
Richard Little**	Cty Dept. of Agriculture	<a href="mailto:rlittle@co.slo.ca.us">rlittle@co.slo.ca.us</a>	805-237-3090		805-237-3088
Richard Macedo**	Cty Board of Supervisors	<a href="mailto:macedo@co.slo.ca.us">macedo@co.slo.ca.us</a>	805-781-4338		805-781-1350
Nancy McKarney*	Cambria Chamber/Commerce	<a href="mailto:nmckarney@mckarney.com">nmckarney@mckarney.com</a>	805-927-0491		805-927-2847
Tim O'Keefe**	Cal Poly State University	<a href="mailto:tokeefe@calpoly.edu">tokeefe@calpoly.edu</a>	805-756-2021	805-466-8781	805-756-1402
Ben Parker**	CA Dept. Forestry	<a href="mailto:ben_parker@fire.ca.gov">ben_parker@fire.ca.gov</a>	805-543-4244		805-543-4248
Galen Rathbun*		<a href="mailto:grathbun@calacademy.org">grathbun@calacademy.org</a>	805-927-3059	805-927-3059	805-927-3059
Laurin Neumann*	The Nature Conservancy	<a href="mailto:lneumann@tnc.org">lneumann@tnc.org</a>	805-544-1767		
Al Schade*	Cambria Cemetery	<a href="mailto:ngumw@thegrid.net">ngumw@thegrid.net</a>	805-927-8303		805-927-9955
Mel Schwimmer*	Cambria Design Committee	<a href="mailto:barnel@thegrid.net">barnel@thegrid.net</a>		805-927-0615	
Rob Trask*	SWAP	<a href="mailto:rtrask@inreach.net">rtrask@inreach.net</a>		805-927-5520	
Vern Kalshan**	CCSD PROS Commission	<a href="mailto:vernkalschan@earthlink.net">vernkalschan@earthlink.net</a>		805-927-1222	
Don Villeneuve**	CCSD Board	<a href="mailto:camb2899@earthlink.net">camb2899@earthlink.net</a>	805-927-6235	805-927-2470	
Eric Wier**	Co. Dept. of Planning	<a href="mailto:ewier@slo.co.ca.us">ewier@slo.co.ca.us</a>	805-781-5029		805-788-2413
Bill Warren*				805-927-4519	
*	PG&E		905-595-6305		

\* Public Member

\*\* Agency Member