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A New Law for a New Mission: Senate Bill 515 and the "Fire Protection District Law of 1987"

Senate Committee on Local Government

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CALIFORNIA LEGISLATURE
SENATE COMMITTEE
ON
LOCAL GOVERNMENT
SENATOR MARIAN BERGESON, CHAIRMAN

Summary Report

A NEW LAW FOR A NEW MISSION
Senate Bill 515 and the
“Fire Protection District Law of 1987”



October 1987

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A NEW LAW FOR A NEW MISSION

Senate Bill 515 and the "Fire Protection District Law of 1987"



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A NEW LAW FOR A NEW MISSION

California's fire districts are getting a new law. Beginning January 1, 1988, the "**Fire Protection District Law of 1987**" will govern the nearly 600 special districts with fire departments, including the 429 fire protection districts. Created by Senate Bill 515 and authored by Senator Marian Bergeson, the 1987 Law is the first complete revision of the state statutes in more than 25 years. Starting in October 1985, the Senate Local Government Committee and its **Advisory Group on Fire District Law Revision** prepared a thoroughly rewritten new statute to replace the current law. This report reviews that two-year effort, chronicles the Advisory Group's work, follows the bill's progress through the Legislature, and summarizes the key statutory changes. To help legislators, local officials, and reviewers understand those changes, the majority of the report consists of specific comments on each section of the new law.

Legislative interest. The fiscal health of fire districts has been a concern of the Legislature since the voters passed Proposition 13 in 1978. The first local government "bail-out" bill gave preference to local fire agencies. When the Legislature gave local agencies new alternative revenue sources in 1980 and 1981, fire districts were among the first to benefit. In November 1982, the Senate Local Government Committee held an interim study hearing on these issues in Salinas. The results of that day-long meeting are found in its report Fire District Financing.

Concerned that the Legislature was repeatedly amending the fire district statutes, the Senate Local Government Committee held another interim study hearing in Fresno on October 30, 1985 to review the status of the law. Nearly a score of witnesses testified to the need for the Legislature to rewrite the Fire Protection District Law of 1961.

The testimony at the Fresno hearing identified five major issues:

- The mission of fire districts has changed, the law hasn't.
- Clear state policy is needed to guide fire districts.
- The composition of fire districts' boards is unclear.
- Fire districts' fiscal powers are outdated after Prop. 13.
- References to boundary laws are obsolete.

Following the hearing, the Committee published Fire District Law and Financing, which summarized the testimony and reprinted the written material submitted by the witnesses.

The Advisory Group. Senator Milton Marks, who was then the Committee Chairman, responded to the results of the Fresno hearing by creating an 18-member "Advisory Group on Fire District Law Revision." He assigned one of the Committee's consultants, Peter Detwiler, to staff the Advisory Group.

To ensure that the new Advisory Group would represent the different interests of district board members, management, and labor, Senator Marks invited four statewide associations of fire officials to each name three members:

- California State Firemen's Association
- California Fire Chiefs Association
- Federated Fire Fighters of California
- Fire Districts Association of California

In addition to these 12 members, Senator Marks also invited six other groups to appoint participants. Three of the groups represent landowners and taxpayers who receive services from fire districts; three represent other types of local agencies:

- California Association of LAFCOs
- California Association of Realtors
- California Farm Bureau Federation
- California Taxpayers Association
- County Supervisors Association of California
- League of California Cities

Appendix A lists the names of those who served.

When Senator Marian Bergeson became Chairman of the Senate Local Government Committee in February 1986, she agreed on the importance of fire district law project. The Advisory Group continued its work under her sponsorship. The Group's initial effort culminated when Senator Bergeson introduced its recommendations as **Preprint Senate Bill 1** on December 15, 1986.

Following a period of comment on the preprint bill, Senator Bergeson introduced **Senate Bill 515** on February 23, 1987. After making six sets of amendments, the Legislature passed SB 515 in mid-September. Governor George Deukmejian signed Senator Bergeson's bill into law as Chapter 1013 of the Statutes of 1987. The new statute takes effect January 1, 1988.

SEVEN MEETINGS AND SIX DRAFTS

Starting in December 1985, the Advisory Group met with the Committee's consultant to prepare a thorough revision of the 1961 Law. The Group held seven meetings and prepared six drafts of a

revised law. All meetings were held in the State Capitol and were open to the public. Three members of the Advisory Group attended all seven meetings:

- Chief Fred Batchelor, Mid-Valley Fire Protection District.
- Chief Bob Heald, Carmel Valley Fire Protection District.
- Karen Hall, Sacramento Local Agency Formation Commission.

In addition, Chief John Englund of the Los Angeles County Consolidated Fire Protection District either attended or had an alternate attend all seven meetings.

Usually, a dozen or more observers also attended and contributed to the discussions. Among the more regular attendees were: Chief Jerry Bowles (Capitola FPD), Ned Derby (Lincoln Rural FPD), Chief Murray Galt (Empire FPD), Chief David Lake (American River FPD), Ray Miraglia and Mike George (Contra Costa County), Chief Russ Richards (Stanislaus County), and Ginger Root (Eastside Rural FPD).

The Advisory Group met for the first time on **December 11, 1985**, and 14 members or alternates attended. The Group discussed the problems facing fire districts, reviewing the topics raised earlier in the year in Fresno. The members then reviewed the 1961 Law, commenting on specific provisions which they thought were outdated, unclear, or moot. The Committee's staff had prepared a set of "working notes" on the 1961 Law which helped the Advisory Group comment on how they wanted to handle each topic. The Group asked the Committee's staff to prepare a first draft of a new statute.

When 10 members of the Advisory Group met for the second time on **March 6, 1986**, they were welcomed by Senator Marian Bergeson, the new Chairman of the Local Government Committee. The Group had before it a "First Draft" (dated January 31, 1986) which included chapters on general provisions, area, formation, general powers and duties, and finance. The Group's review was aided by tables which traced the sources of the new sections and the disposition of current statutes. Reviewing the draft sections in detail, the Advisory Group directed the Committee's staff to prepare revisions in time for its next meeting.

The third meeting was held **May 22** when 10 members attended. The Advisory Group had a "Second Draft" (dated April 25) before it. This draft contained new chapters on boards of directors and elections. Again, the Group worked through the draft sections, discussing the wording and suggesting changes.

At the fourth meeting on **June 19**, nine members of the Group continued to work on the Second Draft. There was considerable

discussion over the procedures for preparing and adopting fire districts' budgets and over their basic powers.

By the time nine members of the Advisory Group held their fifth meeting on **July 31**, they had a "Third Draft" (dated July 1) in front of them. This draft contained the changes which the Group had requested as well as a new chapter on alternative revenues. Unlike the four previous meetings, this meeting lasted all day.

The "Fourth Draft" (dated August 27) was the topic of the Advisory Group's sixth meeting on **September 10**. Eight members attended this all-day session. The Fourth Draft filled in the last three missing chapters on general obligation bonds, special service zones, and employee relations.

The seventh and last meeting of the Advisory Group was on **October 9**. With seven members in attendance, the Group reviewed the "Fifth Draft" (dated September 22). Additional changes and requests came up as members reconsidered earlier decisions. The Advisory Group then directed the Committee's staff to include these changes in a final version to be submitted to the Legislative Counsel for formal drafting.

The staff submitted the "Sixth Draft" (dated October 20) to the Legislative Counsel. Several meetings between Paul Antilla, deputy legislative counsel, and the Committee's consultant led to two additional types of changes in the Advisory Group's work. First, they noticed that the draft did not spell out the procedures for conducting an election on the formation of a new district; a new article was added to the formation chapter. They also identified several sections in existing law which required adjustment to fit the new fire district law. These changes were essentially technical in nature.

On **December 15**, a year after the project began, Senator Bergeson introduced the Advisory Group's recommendations as **Preprint Senate Bill 1**.

THROUGH THE LEGISLATIVE PROCESS

Senator Bergeson sent copies of her Preprint Senate Bill 1 and an earlier version of this report to the Advisory Group and other interested parties. She and the Committee's consultant presented the results of the project to the Fire Districts Association of California's January 30, 1987 meeting in La Mirada. While Senator Bergeson invited local agencies and interest groups to send in written comments on her bill, she received but two letters.

Los Angeles County Fire Chief John Englund wrote to Senator Bergeson, enclosing his staff's detailed review the preprint bill. Irvin Taplin, lobbyist for several contractors' groups, requested amendments to the provisions on contracting procedures. In response to these specific requests and other items which were raised less formally, Senator Bergeson requested Legislative Counsel to redraft her bill for introduction. On February 23, 1987, the Senator introduced **Senate Bill 515**.

How the bills differ. Preprint Senate Bill 1 and Senate Bill 515 differed in six particular ways:

- SB 515 simplified the language regulating district directors' terms of office in newly formed districts. The change merely inserted a cross-reference to the existing procedures of the Uniform District Election Law. This change appeared in §13843 (b).

- SB 515 limited the number of meetings for which district directors may be compensated to four, as in the 1961 Law. The preprint bill had allowed for an unlimited number of compensated meetings. Senator Bergeson specifically requested this change which appeared at §13857.

- Concerns raised by the Construction Industry Force Account Council convinced Senator Bergeson to shift the provisions relating to contracts out of the proposed 1987 Law and place them in the Public Contract Code. This language had been in Preprint SB 1 as §13865 and §13866, but in SB 515 it became Public Contract Code §§20811-20813. This change also triggered the renumbering of sections in Chapter 5 of the new Law.

- SB 515 simplified the procedures to consolidate fire districts' elections with statewide general elections with a cross-reference to the existing provisions of the Elections Code. This change appeared at §13886 (b).

- Prompted by Los Angeles County, Senator Bergeson specifically requested changes in the employee relations provisions. SB 515 removed the possibility that binding arbitration could be adopted by a local voter initiative. These changes appeared in §§13961-13965.

- In addition, SB 515 contained several minor grammatical, numbering, and clarifying changes. For example, in §13822 SB 515 uses the simpler verb "proceed" instead of the more awkward phrase "take proceedings" used in Preprint SB 1.

The Group's last look. The Advisory Group met again on February 27, 1987 to review the first version of Senate Bill 515

and to consider requests for amendments to the new bill. Now that the project had evolved from a drafting exercise to a real piece of legislation, attendance at the meeting improved. Thirteen of the 18 members of the Advisory Group attended the February session.

An issue that was to continue to be controversial surfaced immediately. Representatives of Contra Costa and Los Angeles counties opposed §13848 in SB 515 which would allow a 25% voter initiative petition to trigger an election on the conversion of a dependent fire district to independent status. Several alternatives came up during the discussion, but the Advisory Group could not reach a consensus.

The California Building Industry Association's lobbyist, Don Collin, then indicated his group's opposition to §13861 (h) which appeared to allow fire districts to adopt building codes which are more stringent than those of the underlying city or county. The staff agreed to obtain a written opinion from Legislative Counsel on this point. Then, referring to his "most unpleasant experience" with school districts' developer fees, CBIA's Collin said he would oppose the fee power in §13916 if it extended to mitigation fees. There was general agreement within the Advisory Group that the section only affected fees for services and should be clarified.

A general discussion of the contracting provisions in SB 515 indicated the need for additional amendments. Particularly, the Advisory Group agreed to insert into SB 515 a section from the 1961 Law which allowed fire districts to clear weeds. The Group also discussed how fire districts could issue citations under the proposed new law. The panel then agreed to four other improvements to SB 515 which it treated as minor changes. More specifically, it recommended:

- The repeal of Government Code §56848 which would be rendered obsolete by §13812 of the new Law.

- Language which would allow pending reorganizations to be completed under the 1961 Law even after its repeal by SB 515.

- Specific recognition in SB 515 that district directors were already eligible for fringe benefits at local option.

- To add language to SB 515 which had been inadvertently omitted, clarifying which agencies are responsible for election costs.

Six sets of amendments. As SB 515 traveled through the legislative process, Senator Bergeson amended her bill six times.

The first set of amendments, dated **April 6**, reflect the discussions and comments from the Advisory Group's final formal meeting. These amendments also included several other clarifications, corrections, and cross-references. They did not represent any major policy changes from the Advisory Group's recommendations.

The **April 20** amendments, however, contain a significant policy shift. At the request of the California Building Industry Association, Senator Bergeson obtain a opinion from the Legislative Counsel regarding the ability of fire districts to adopt their own building codes. This formal written opinion concluded that §13861 (h) of the earlier versions of SB 515 "would increase the existing authority of fire protection districts" (Opinion #7483, April 3, 1987). The Senator agreed to limit fire districts' powers to those provided under the 1961 Law and, accordingly, amended that subdivision out of her bill.

The Senate Local Government Committee heard SB 515 on April 22 and amended the bill still further. At the urging of Contra Costa County, the Committee added a "grandfather clause" to Senator Bergeson's measure. This third set of amendments, printed on **April 28**, provides that "the number and method of selection" of existing districts' boards of directors shall continue to be governed by the 1961 Law as if it had not been repealed by SB 515. This key political shift appeared in §13803. With this change, the Committee passed SB 515 by a vote of 5-0.

When the Senate Appropriations Committee reviewed SB 515, it passed the bill by a vote of 6-0 on May 18. Senator Bergeson then presented her bill on the Senate Floor on June 4. The full Senate passed SB 515 on a 37-0 vote. Yet the Contra Costa County controversy continued to simmer.

The fourth set of amendments on **June 16** prepared the bill for its hearing before the Assembly Local Government Committee. By modifying Contra Costa's April 28 amendments, the June 16 changes limited the grandfather clause to just the 50 existing districts governed by county boards of supervisors. Without these amendments, the grandfather clause would have applied to all 429 existing fire districts not just to the dependent districts.

In the meantime, an unexpected issue arose. Concerned that public agencies might be gaining a competitive edge, private ambulance companies challenged fire districts' ability to provide ambulance services outside the state's emergency medical services statutes. Industry lobbyists contended that all ambulance operators, public and private, had to comply with the state law. To settle the issue, Senator Bergeson requested an oral opinion of the Legislative Counsel. On June 29, Deputy Legislative Counsel Paul Antilla answered "yes" to the following question:

"Where an EMS (emergency medical services) agency has created an exclusive operating area, does Health and Safety Code §1797.224 require a fire protection district to participate in a competitive process to select a provider if the district decides to provide ambulance services pursuant to Health and Safety Code §13853?"

Antilla confirmed his response in writing on August 7, in Opinion #21245. In response, Senator Bergeson agreed to amend SB 515 so that the authorization to provide ambulance services acknowledged the emergency medical services statute. The amendment added a qualifying phrase to §13862 (e), regarding ambulance services. Significantly, it did not change §13862 (c), regarding "emergency medical services."

When the Assembly Local Government Committee heard SB 515 on July 1, the Contra Costa controversy broke out again. At the request of the California Professional Firefighters and the local fire-fighters' union from Contra Costa County, the Assembly Committee deleted the grandfather clause from §13803. In addition, the Committee accepted the ambulance amendment discussed above. The Committee vote was 11-0. The amended version of SB 515 appeared in print on **July 13**.

Another unexpected request for amendments came from the legislative committee of the County Clerks Association which had reviewed SB 515. The Clerks, many of whom are responsible for conducting elections, noted that the election procedures in the bill relied on obsolete or flawed statutes. The Advisory Group had used the Community Services District Law as its model for these provisions, but the Clerks pointed out that the CSD Law itself was flawed. Using language provided by Nevada County Clerk Bruce C. Bolinger, these essentially technical amendments corrected problems in §§13817, 13823, 13825, 13826, 13828, 13845, 13846, 13848, 13850, and 13962.

Once again the Contra Costa County controversy cropped up when SB 515 went to the Assembly Ways and Means Committee. At the request of the County's lobbyist, Senator Bergeson postponed the bill's August 19 hearing so that further discussions could occur. When there were no substantive conversations, the Ways and Means Committee heard the bill on August 25, amended SB 515 in two ways, and then passed the measure by the vote of 20-2. The amendments, dated **September 1** included the technical changes suggested by the County Clerks and restored Contra Costa County's grandfather clause.

Wearied of the back-and-forth handling of the grandfather clause, Senator Bergeson asked the legislative combatants to cease their lobbying. She believed that this local controversy was consuming

more energy than it was worth. Lobbyists for the firefighters and the County agreed to back off, leaving the grandfather clause in SB 515. Most observers, however, expect that the controversy will emerge again when the Legislature comes back into session in January 1988.

With the final committee hurdle behind it, SB 515 moved to the Assembly Floor where Assemblyman Dominic L. Cortese presented the measure to his colleagues. On September 3, the Assembly passed the bill back to the Senate on a 58-13 vote. On September 9, the Senate concurred in the Assembly's amendments, 33-0, sending the bill to the Governor.

Governor Deukmejian received SB 515 on September 16 and signed it on September 22 as Chapter 1013 of the Statutes of 1987. The measure becomes law on January 1, 1988.

WHAT THE NEW LAW DOES

Senate Bill 515 repeals the Fire Protection District Law of 1961 and in its place enacts the Fire Protection District Law of 1987. SB 515 also amends other local government statutes to conform to the new 1987 Law.

General provisions. The 1961 Law does not contain any statement of legislative intent, an omission raised at the 1985 interim hearing. **Senate Bill 515** recognizes the importance of local fire districts and the need to provide them with sufficient legal and fiscal powers. The new legislative policy specifically acknowledges six important functions that fire districts provide: fire protection, rescue, ambulance, emergency medical services, hazardous material emergency response services, and other services to protect lives and property.

Area. Current law contains a complicated description of what land can be within a fire district. **Senate Bill 515** restates this description more plainly, especially clearing up the relationship between lands protected by the state Department of Forestry and Fire Protection and local districts. In addition, SB 515 assigns control over fire districts' boundaries to the LAFCO process in the Cortese-Knox Act just like all other special districts.

Formation. Based on the procedures in the 1961 Law, **Senate Bill 515** plainly restates the steps that a community must follow when forming a new fire protection district. Proceedings can be started by an existing local agency or by a petition signed by 25% of the community's registered voters. SB 515 also sorts out the composition of the initial board of directors of a new

district. The bill describes five different alternative combinations.

District board. Current law allows fire districts to have governing boards of three or five members and describes their powers. Under **Senate Bill 515** the number and method of selecting directors remains the same for existing dependent districts, as if the 1961 Law had not been repealed. SB 515 gives other districts a wider variety of choices, allowing up to 11 members. SB 515 permits a new district's voters to change its district board in three ways:

- Increase or decrease the size of the board.
- Elect members at-large or by divisions.
- Convert from an appointed or ex officio board to elected.

In each case, the new district board can put the issue on the ballot or a petition signed by 25% of the registered voters can trigger the election. Majority voter approval is needed.

The bill allows a fire district to appoint its own bonded treasurer, instead of relying on the county treasurer. SB 515 also raises the compensation for district board members from \$50 a meeting to \$75. The bill limits members to four compensated meetings a month.

Powers and duties. The powers of fire districts are scattered throughout the 1961 Law. **Senate Bill 515** consolidates and restates these provisions. Specifically, the bill describes the six types of emergency services the districts can provide and then lists their general powers. SB 515 recasts the statutes on violations, allowing districts to charge wrongdoers with infractions not just misdemeanors.

Elections. Under **Senate Bill 515**, the Uniform District Election Law governs fire districts' elections. SB 515 specifically permits the districts to hold their elections at the same time as statewide elections.

Finance. The procedures that fire districts must follow in adopting their annual budgets is described in detail in **Senate Bill 515**. The bill changes the deadline for adopting preliminary budgets from May 15 to June 30. The preliminary budget must compare service needs with revenues and propose either new revenues or reduced services. The deadline for adopting the final budget goes from August 1 to October 1. A district board must adopt its Article XIIIB annual appropriations limit along with the final budget. The 1961 Law gives fire districts limited powers of temporary borrowing but SB 515 gives them access to the techniques available to all other local governments. The bill

maintains the existing limits on petty cash funds and on promissory notes.

Alternative revenues. Existing methods for fire districts to raise additional funds are listed in **Senate Bill 515**: special taxes and fire suppression assessments. In addition, SB 515 permits fire districts to use the traditional 1911, 1913, and 1915 Acts to finance capital improvements. The bill also gives the districts clear authority to charge fees for services and for enforcing regulations, but not for exactions on developers. These fees cannot exceed the cost of the service or enforcement activity and must be adopted by a referendable ordinance. SB 515 permits a fire district to charge its residents lower fees than it charges nonresidents. The bill allows a district to charge a fee to other public agencies. SB 515 also gives a district the ability to waive its fees in the public interest and in accordance with established local policies.

General obligation bonds. The California Constitution and the 1961 Law permit fire districts to issue general obligation bonds, backed by higher property tax rates, with 2/3 voter approval. **Senate Bill 515** continues this authority. The bonds still need 2/3 voter approval.

Service zones. Currently fire districts can create internal "special fire protection zones" to pay for special facilities and services in particular geographic areas. **Senate Bill 515** expands on the procedures for the formation of service zones. Under SB 515, a district board can use a service zone to do anything that the parent district can.

Employee relations. Although they passed in the same year, the 1961 Law does not mention the Myers-Milias-Brown Act, the basic statute governing public employee relations. **Senate Bill 515** restates current law by declaring that the Myers-Milias-Brown Act applies to all fire districts. SB 515 also repeats the provisions of current law which permit fire districts to adopt civil service systems by either board ordinance or by initiative. The bill also gives the same treatment to merit systems. SB 515 recognizes that fire district directors have access to health, deferred compensation, and retirement benefits the same as all local officials.

Contracts. **Senate Bill 515** provides for three types of contracts:

- A district can contract with any other public agency for any of its six authorized emergency services.
- A district can contract out "special services" which are

specifically named in the bill. Smaller districts must bid contracts over \$10,000. Larger districts can follow their own county's local bidding procedures or use the standard.

- A district has a \$10,000 force account limit on construction and improvement projects.

Conforming changes. The Legislature has authorized several other types of special districts to establish their own fire departments, using the authority of the 1961 Law: community services districts, recreation and park districts, public utilities districts, county water districts, municipal water districts, and the Irish Beach Water District. **Senate Bill 515** changes all of these references to the 1987 Law. In addition, SB 515 amends several sections of the Cortese-Knox Act to fit the structure of the 1987 Law.

A STATUTORY COMPANION

The Advisory Group wanted a new law that was clearly written and easy to use. They wanted to give fire districts as much local flexibility and independence as possible. As a result, the Group recommended changes to nearly every section of the 1961 Law. Several obsolete sections were simply repealed. Others merely required more modern language or just renumbering to reposition them within the statute. But in many cases, the Advisory Group completely rewrote entire sections to reflect changing needs and circumstances.

A brief summary. Five key changes emerge from the Advisory Group's work. They reflect the five problems identified at the Fresno hearing in 1985. Senate Bill 515:

- States the Legislature's clear policy to have local fire districts which rely on local resources to solve local problems.
- Recognizes that the mission of fire districts has expanded from fire suppression to a wider range of emergency services.
- Allows fire districts to charge fees for their services, as long as they abide by constitutional and statutory limits.
- Simplifies the districts' internal operations for budgets, elections, employee relations, misdemeanors, alternative revenues, governing board membership, and boundary changes.
- Revises or repeals obsolete procedures and requirements.

Finding legislative intent. Other than the language of the bills themselves, California law recognizes very few sources of legislative intent. When the Legislature completely revises a statute with such a broad application as the Fire Protection District Law, it is inevitable that observers will wonder what the drafters had in mind. Fire chiefs, district directors, legal counsels, labor representatives, and taxpayers who use the 1987 Law will want to understand what the Advisory Group and the Legislature did.

An excellent source for understanding what the Legislature knew about SB 515 is the series of legislative analyses on the bill. The Senate Local Government Committee, the Assembly Local Government Committee, the Legislative Analyst's Office, the Department of Finance and the Governor's Office of Planning and Research all prepared written analyses of SB 515.

This portion of the report should help reviewers and potential users of the proposed new Law understand what thinking went into the Advisory Group's drafting. Obviously, this report has no statutory authority. But as a commentary written by those who drafted the changes, it may serve as a useful research tool and statutory companion.

The detailed commentary. What follows is a section-by-section commentary on the contents of the proposed 1987 Law. In addition, the Table of Sources in **Appendix B** shows where the new language came from. The Disposition Table in **Appendix C** tells local officials where their favorite sections from the 1961 Law went to. The complete text of the chaptered version of SB 515 appears as **Appendix D**. All of the section numbers refer to the Health and Safety Code, unless there is specific reference to another Code.

CHAPTER 1 - GENERAL PROVISIONS

13800: Short title. This section replaces §13801, revising the title. There was no interest in the Advisory Group regarding changing the name of the districts to replace "fire protection" with "emergency services." Members felt that the districts already enjoyed a strong identity with the communities they serve and that this name was sufficient. Also note that the Part has been renumbered from "2.7" to "3". There was no need to keep a fractional number for an overall law.

13801: Legislative intent. This statement is one of the new features of the 1987 Law. Current law lacks any formal recitation of legislative intent. This section sets out the six services that fire protection districts can provide. The six-

part theme is repeated throughout the rest of the bill (e.g., §13862 and Public Contract Code §20811). While the language recognizes the importance of these services to the state's public peace, health, and safety, it also acknowledges the essentially local nature of providing them. This acknowledgement is important because of the diversity among the communities served by fire districts. The April 6 amendments made a nonsubstantive, grammatical change in the second sentence.

13802: Definitions. Built on current law, these definitions apply throughout the entire 1987 Law.

(a) "City". The definition in §13803 of the 1961 Law has been lengthened for clarity. This language is drawn from Government Code §56023 (Cortese-Knox Act). There is no policy change from the 1961 Law.

(b) "Day". This new definition was added to avoid any confusion between official working days and calendar days. It may not be necessary, but it will avoid confusion.

(c) "District". This language is was taken from §13802 in the 1961 Law. No policy change.

(d) "District board". This language was taken from §13807 in the 1961 Law. No policy change.

(e) "Employee". The Advisory Group worked over this definition several times in its various drafts. The model was §13808 in the 1961 Law. But this definition avoids using the word "officer" which some members found confusing. The second sentence was studied very carefully because the Advisory Group was concerned about liability problems. Note that the range of services has been broadened from just fire suppression to "emergency duty or service." This recognizes the districts' broader mission (e.g., §13801).

(f) "Principal county". This is a simplified version of §13804 in the 1961 Law. Unlike that section, this definition permits a shift in the principal county if the bulk of the district's assessed value changes. The Advisory Group could not find a reason to retain the current limitation. Language from Government Code §56066 (Cortese-Knox Act) was also used as a model.

(g) "Zone". This new definition fits with the new Chapter 10 (§§13950-13956).

13803: Successor act. Similar to §13810 in the 1961 Law and using some language from Government Code §56100 (Cortese-Knox

Act), this section makes it clear that districts and their zones remain in existence and become subject to the 1987 Law regardless of which of the earlier laws spawned them.

(a) Authority. This subdivision contains the "grandfather clause" spawned by the Contra Costa County controversy. Existing fire districts which are governed by county boards of supervisors ex officio (i.e., "dependent districts") will continue to be controlled by Chapter 4 of the 1961 Law even though it has been repealed. The Senate Local Government Committee added a broader version of this language with the April 28 amendments. The June 16 amendments reduced its effect to just county dependent districts. The Assembly Local Government Committee struck out the language with its July 13 amendments, but the Assembly Ways and Means Committee restored it in the September 1 amendments.

(b) Pending reorganization. The April 6 amendments added this subdivision, following the recommendation of the February 27 meeting of the Advisory Group. The wording is similar to Government Code §56101 (Cortese-Knox Act). This language allows local officials to complete any pending reorganizations which they had started under the 1961 Law.

13804: Liberal construction. Taken from §13810 in the 1961 Law.

13805: Severability. The 1961 Law does not contain a severability clause, so this language was patterned after Government Code §56104 (Cortese-Knox Act). Just in case part of the 1987 Law is found invalid, it will not taint the other sections.

13806: Validity. §13811 in the 1961 Law is similar. This cross-reference is used because it is a standard test of validity; see Government Code §56103 (Cortese-Knox Act).

CHAPTER 2 - AREA

13810: Area. This language brings together material which is currently in §§13821 and 13822 of the 1961 Law. It makes it clear that any territory can be in a fire protection district. Note that §13811, which follows, has exceptions.

13811: State responsibility areas. State responsibility areas can be within a fire protection district unless they are commercial forest lands which are timbered lands. The April 6 amendments rewrote the first sentence so that it begins with the general rule, followed by the exception. When annexing state responsibility areas to an existing district, LAFCO must give special notice to the Director of the state Department of Forestry and Fire Protection. This notice provision also appears in SEC. 7 of SB 515 as an amendment to Government Code §56835(f).

The policy intent of the current section and this language is to avoid confusion and overlapping services. This language makes it clear that if SRA land goes into a district, the state retains its fire suppression and prevention responsibilities. However, the district can provide any of its other services to the SRA land. For example, if the district provides rescue services (see §13862 (b)), it can also provide rescue services in the SRA land. Note that the language in §13821 of the 1961 Law which applies only to Marin County (i.e., a county of the 18th class) has been dropped. Even after talking to fire officials in Marin, no one could determine why the 1961 Law contains that provision.

13812: Boundaries. This is a new section which clearly assigns all boundary change procedures to the Cortese-Knox Act. The vestigial boundary change provisions of the 1961 Law are repealed. The Cortese-Knox Act becomes the sole method of changing a district's external boundaries. However, as §13952 and Government Code §56036 makes clear, the boundaries of internal service zones are not subject to LAFCO review.

CHAPTER 3 - FORMATION

This chapter has three internal articles which lay out the procedures to follow when forming a new fire protection district.

Article 1 - Initiation

13815: Authority. This language is based on §§13809, 13825, and 13825.5 of the 1961 Law.

13816: Contents of petition. Formation proceedings begin with either a petition under this section or a resolution of application adopted by another local agency under §13821. These procedures are very close to those for incorporating new cities and rely on language from the Cortese-Knox Act.

(a) Authority for proposal. Based on Government Code §56700 (a).

(b) Boundary description. Based on Government Code §56700 (c).

(c) Financing methods. The Advisory Group recommended this requirement because it wanted the proponents to think about how the new district will pay for itself.

(d) Reasons for formation. Based on Government Code §56700 (e).

(e) Proposed district's name. Based on Government Code §56701.

(f) Chief petitioners' names. Based on Government Code §56700 (g).

(g) Consistency with spheres. Based on Government Code §56700 (i).

(h) Initial district board. This new language requires the proponents to be clear about who will govern the new district.

(i) Request proceedings. Based on Government Code §56700 (h).

13817: Notice of intention. Even before the petition can be circulated, the proponents must publicly state their intentions and file a statement with LAFCO. Based on Government Code §56700.5.

13818: 25% signature requirement. This language is drawn from §13825 (b) in the 1961 Law, but note that the base against which the 25% is measured is different. In the 1961 Law, the base is the number of votes cast for governor in the last election. In the 1987 Law, the base is the number of registered voters. This threshold is similar to the one faced by new cities (see Government Code §56750 (a) in the Cortese-Knox Act). The September 1 technical amendment to subdivision (d) was recommended by the County Clerks Association.

13819: Filing the petition. Based on Government Code §§56703 and 56705 (a).

13820: Checking the signatures. Based on Government Code §§56706 and 56707. To accommodate this requirement, SB 515 gives LAFCO the power to determine the number of registered voters. See the amendment to Government Code §56375 (h), SEC. 6 of the bill.

13821: Application by resolution. A hearing is required first, similar to §13825 (a) in the 1961 Law, but any county or city which contains land in the proposed new district can initiate the formation proceedings. This approach follows the concept and procedures in Government Code §§56800, 56801, and 56802 (Cortese-Knox Act).

13822: LAFCO proceedings. Once there is a valid proposal, LAFCO takes up the proceedings, holding a noticed public hearing. The policy is the same as in §13825.5 of the 1961 Law.

Article 2 - Election

13823: County supervisors call election. This article is patterned after the procedures in the Community Services District Law with additional changes recommended by the County Clerks Association. If LAFCO approves the proposed formation, the county supervisors' duties are only ministerial. They must call the election; they cannot block a vote on the proposed formation.

(a) Election called. Based on Government Code §61120.

(b) Election date. Based on Government Code §61121, but the timing conforms to current election deadlines, as suggested by the County Clerks Association's amendments of September 1.

(c) Published notice. Based on Government Code §61122, but the September 1 amendments supplied the correct cross-reference.

13824: LAFCO prepares impartial notice. Based on Government Code §56859 (Cortese-Knox Act) and §61122.1 (Community Services District Act).

13825: Filing written arguments. First preference goes to the proponents, then to public officials.

(a) Who may file. Based on Government Code §61122.2, but augmented by the September 1 amendments recommended by the County Clerks Association to match their usual practice.

(b) More than one argument. Based on Government Code §61122.3.

13826: Ballot pamphlet. Based on Government Code §61122.4. The cross-reference to the Election Code was part of the September 1 technical amendments.

13827: Contents of notice. Based on Government Code §61123.

13828: Conduct of the election. The September 1 amendments simplified this section by merely cross-referencing UDEL.

(a) Follow district elections. Similar to Government Code §61124.

(b) Termination if unfavorable vote. Based on Government Code §61126.

13829: Resolution if favorable vote. Based on Government Code §61127.

13830: Recording the resolution. Based on §13998 in the 1961 Law and Government Code §61128.

13831: Election informalities.

(a) Informalities don't invalidate. Based on Government Code §61129.

(b) Statute of limitations. Government Code §61130.

Article 3 - Selection of the Initial Board of Directors

This article sets out five permutations of the composition of an initial board of directors, depending on where the territory of the new district is located.

13834: Authority. This new language clarifies that this article applies only to districts formed after the 1987 Law takes effect. This article does not directly affect any of the existing fire protection districts.

13835: Unincorporated territory in one county. This section replaces the language in §13831 (a), (b), and (c) of the 1961 Law. This is the arrangement most common to the existing districts.

13836: Unincorporated territory in two or more counties. This section replaces the language in §13831 (c) of the 1961 Law. There are only a few existing multi-county fire protection districts.

13837: Unincorporated and incorporated territory. This section replaces the language in §13831 (c) of the 1961 Law. The largest fire protection district in California, Los Angeles County Consolidated, is an example of this situation. The county supervisors serve as that District's board of directors. The April 6 amendment added the third sentence in subdivision (a), clarifying the Advisory Group's original intent.

13838: Incorporated territory in one city. This section replaces the language in §13831 (c) of the 1961 Law. According to the State Controller's Local Government Fiscal Affairs Division, in 1985-86 there were only four fire protection districts governed by city councils, ex officio: Belmont (San Mateo County), Big Bear Lake (San Bernardino County), Coachella (Riverside County, and Victorville (San Bernardino County).

13839: Incorporated territory in two or more cities. This section replaces the language in §13831 (c) of the 1961 Law.

There are no known examples of this situation. The April 6 amendment added the third sentence, clarifying the Advisory Group's intent.

CHAPTER 4 - BOARD OF DIRECTORS AND OFFICERS

This chapter pulls together material on the directors' duties, officers, meetings, and procedures. The Advisory Group spent considerable time discussing the policies behind the conversion procedures in §§13845, 13846, and 13848. Because of the grandfather clause which was amended into §13803, most of this chapter does not apply to the 50 fire districts governed by county supervisor's ex officio.

13840: Legislative body. This new language makes explicit what was only implicit in the 1961 Law: the directors govern the districts.

13841: Directors must be residents. This language replaces §§13831 (c) and 13894 in the 1961 Law. There may be a transition problem with this language. In the 1961 Law, §13831 (c) says that the residency requirement applies to directors appointed after January 1, 1985. This section takes effect January 1, 1988. There may be nonresident directors still in office who were appointed to four-year terms before January 1, 1985. If so, those seats become vacant by operation of this section and replacements must be appointed; see §13852.

13842: Size of district board. Under the 1961 Law, a district board can have three or five members. This section gives districts greater flexibility, allowing them to have up to 11 members. The Advisory Group thought that the opportunity to have a greater number of members might ease the political problems that crop up when districts consolidate.

13843: Terms of office. Subdivision (a) is a simplified version of §13832 from the 1961 Law. Subdivision (b) tells directors in newly formed districts to use UDEL to determine their terms. This was a difference between Preprint SB 1 and the introduced version of SB 515. The September 1 amendment corrected the citation to UDEL.

13844: County or city fire commissions. Based on §13884 in the 1961 Law, this section allows a city council or county board of supervisors, serving as a district's ex officio board of directors, to delegate its powers to a fire commission. Unlike §13842, however, the size of the commission is limited to five or seven members.

13845: Changing the board's size. With voter approval, the size of a district board can increase or decrease.

(a) Voter approval required. Because the governance of a district is important, the Advisory Group kept the feature of §13833 in the 1961 Law that requires majority voter approval.

(b) Resolution or 25% petition. §13834 in the 1961 Law only requires a petition with just 50 signatures, but this language increases the threshold to 25% of the district's registered voters. The amendment of April 6 clarified the grammar, substituting "Alternatively," for "In addition,".

(c) Election proceedings. Instead of creating separate procedural requirements as in §13835 of the 1961 Law, this language relies on standard procedures. This language was based on §13841.7 (b) of the 1961 Law. The September 1 amendments made the cross-reference technically correct at the County Clerks' suggestion.

(d) Filling new vacancies. §13834 in the 1961 Law allows the county supervisors to appoint the new directors. This new language eliminates the supervisors' role and instead relies on the new procedures for filling any vacancy on a district board. See §13852.

(e) Serving out old terms. Current law does not provide for reducing the number of directors and this section permits it. Accordingly, this new language recognizes that district board members may still have time left in their four-year terms. See §13843. This language allows them to serve out the remaining time.

(f) Change ordered by LAFCO. Based on §13844.5 of the 1961 Law, this language allows a LAFCO to change the size of a district board as part of a boundary change. See Government Code §56844 (k) and (n). The cross-reference to the Cortese-Knox Act was added by the April 6 amendments.

13846: Electing directors by divisions. With voter approval, a district can elect its directors by divisions or revert back to at-large elections. The reversion was made explicit when the April 6 amendments added the second sentence to subdivision (a).

(a) Voter approval required. Because this is an important issue, the Advisory Group kept the feature from §13841.7 (b) in the 1961 Law that requires majority voter approval.

(b) "Election by division". This definition is based on §13841.7 (c) in the 1961 Law. The April 6 amendment clarified the term.

(c) Resolution or 25% petition. §13841.7 (a) in the 1961 Law allows an elected district board to put the election division question before the voters. This subdivision expands that procedure, requiring the district board to place the measure before the voters if there is a 25% petition. The amendment of April 6 clarified the grammar, substituting "Alternatively," for "In addition,".

(d) Election proceedings. Based on §13841.7 (b) of the 1961 Law. The September 1 amendments made the cross-reference technically correct.

(e) Setting up the divisions. Instead of copying the standards in §13841.8 of the 1961 Law, this language relies on the standards followed by general law cities (Elections Code §35101). The Advisory Group thought that the Legislature had worked out the cities' standards carefully and that there was no need to invent a separate set of standards for fire districts. The April 6 grammatical amendment was offered by Legislative Counsel.

(f) Implementation. Based on §13841.7 (c) of the 1961 Law.

(g) Implementation. This new language appeared with the April 6 amendments and parallels subdivision (f). The word "properly" is a typographical error; it should read "promptly."

13847: Changing divisions: census, etc. Once again, instead of directly copying the provisions of the 1961 Law (§§13841.9-13841.11), the Advisory Group used the provisions that general law cities follow. These are found at Elections Code §§35101-35105 and §57301 (Cortese-Knox Act). The April 6 amendment was merely grammatical.

13848: Appointed to elected & reverse. The 1961 Law calls this procedure a "reorganization" which starts with either a resolution of the district board or a petition. The petition must be signed by 50 "taxpayers or registered voters." After holding a noticed public hearing, the county board of supervisors has discretion over the question of whether to "reorganize" the district. No election is required. See §§13975-13989 in the 1961 Law and §13803 of the 1987 Law.

(a) Voter approval required. The first change made by the 1987 law is the requirement for majority voter approval. The Advisory Group believed that the conversion of a district's board was an important policy issue that should involve the district's voters.

(b) Resolution or 25% petition. This language raises the threshold on the petition from 50 voters (§13976 in the 1961 Law)

to 25% of the district's voters. This is the same threshold as the Advisory Group recommended for other significant changes for a district: formation, expansion of the board, election by divisions. There are two other important differences between this language and the current law: First, the county board of supervisors no longer has any direct control over whether a fire district's board should be elected or appointed. This gives the districts a greater measure of local political independence. Second, if voters submit a sufficient petition, then the election must be held. Unlike current law, the voters get to decide. The amendment of April 6 clarified the grammar, substituting "Alternatively," for "In addition,".

(c) Election proceedings. This language is based on §13841.7 (b) of the 1961 Law and has been used with the other proceedings in the 1987 Law. See §13846 (d) and §13845 (c). The September 1 amendments made the cross-reference technically correct, superseding the April 6 amendment.

(d) Implementation. This new language covers the same questions as §13984 in the 1961 Law. The amendment of April 6 added the missing work "approves" to the second sentence.

13849: Notice of intention. Just like a petition for formation (see §13817), this new language requires the proponents to give the public and the district advance notice of their intentions. This language is drawn from Government Code §56700.5 (Cortese-Knox Act).

13850: Petition requirements. As rewritten by the September 1 amendments, subdivision (a) relies on standard Election Code practices.

13851: Checking the signatures. Again, very similar procedures to the formation petitions (see §13820), this language is based on Government Code §§56706 and 56707. The only new provision is the requirement in subdivision (f) that the district board must act if the proponents submit a sufficient petition.

13852: Filling vacancies. Instead of having separate procedures just for fire districts (see §§13831 [c] and 13840 in the 1961 Law), this section relies on the standard procedures for filling vacancies on all special districts' governing boards.

13843: Officers of the district board. The Advisory Group limited the use of "officers" to just the officers of the district board. They deleted the term from the definition of "employee" because it was confusing (see §13808 in the 1961 Law and §13802 [e] in the 1987 Law).

(a) President, vice president, and secretary. This language adds the office of vice president to the two officers already permitted by §13841 of the 1961 Law. It also allows a district to call the third officer either "secretary" or "clerk." The Advisory Group learned about the variety of local practices among the districts; this language accommodates them. The language requires the board to elect its officers at specified times, but nothing restricts a board from changing its officers at any other time.

(b) Secretary or clerk, compensation. The first two sentences are based on §13841.5 of the 1961 Law. The third sentence is new, to accommodate current local practices. If a board member holds the office of "secretary," then the person who is called "clerk" would be an employee and not be a member of the district board.

(c) Other officers discretionary. The Advisory Group recommended this language to give flexibility to districts.

13854: District treasurer. The Advisory Group felt strongly that districts should be able to appoint their own treasurers. But many of the same members were adamant that the new language should also protect the public interest in accounting for public funds.

(a) County treasurer serves district. This language is based on §13914 in the 1961 Law.

(b) District can appoint its own. This new language gives districts the flexibility they asked for. Combined with §13853 (c), this person could be a member of the district board.

(c) Bond required. To protect the public interest, the Advisory Group wanted to be sure that small, unsophisticated districts do not get themselves into trouble. The requirement for a substantial bond (with a relatively expensive premium paid by the district) should deter casual appointments. Note that the higher of the two bond amounts must be selected. In a small, underfinanced district the cost of the bond will probably be better spent on equipment or expenses.

13855: Regular district board meetings. This language requires quarterly meetings, returning to the policy set by §13841 in the 1961 Law before its 1982 amendment. That change exempted districts in a joint powers agency from having to meet regularly. The 1982 amendment reflected the needs of fire districts in eastern Yolo County; that arrangement no longer exists. Therefore, the Advisory Group concluded, there was no need for the exception. The second sentence merely recognizes the fact

that current law already requires districts to follow the Brown Act. The April 6 amendment corrected the citation to the Brown Act.

13856: Board meetings.

(a) Majority required for quorum. This language comes directly from §13842 in the 1961 Law.

(b) Majority action required. This language is based on §13843 in the 1961 Law. The exception acknowledges that the 1987 Law requires extraordinary majority votes in certain situations. For examples, see 13900, 13901, and 13906 (c).

13857: Compensation of directors. This language raises the daily compensation of directors from \$50 (see §13844 of the 1961 Law) to \$75. The Legislature last raised directors' compensation in 1973. Between 1973 and 1986, inflation has climbed 161%, according to the State Department of Finance. The Advisory Group recommended a 50% increase in directors' compensation. This language keeps the four-times-a-month limit on compensable meetings, a change from Preprint SB 1 which had no limit on the number of special or emergency meetings for which directors may be compensated.

CHAPTER 5 - GENERAL POWERS AND DUTIES

13860: Perpetual succession. Based on the concept in §13851 in the 1961 Law, this language focuses on the perpetual succession of the district, not just the "district board." In this regard, the language follows the Community Services District Law (see Government Code §61617).

13861: Powers listed. This enumeration of powers generally follows the listing in §13852 of the 1961 Law. It describes a district's general powers, but it is neither absolute nor exhaustive. It should be read together with the entire the 1987 Law, especially the "liberal construction" section (§13804). The Advisory Group also wanted this section to serve as a "bulletin board" for its eventual users. Accordingly, it lists some powers that all special districts (including fire districts) already have: joint powers agreements, self-insurance. Even if these powers were not listed here, fire districts would still have them. The Advisory Group wanted to list them for the convenience and education of fire chiefs, board members, and the public.

The April 6 amendments inserted "may" before the word "exercise" to clarify that districts continue to have local discretion over the exercise of their powers. The amendments also clarified the section's grammar.

The April 20 amendments deleted a subdivision from this section which had read: "(i) To adopt ordinances pursuant to Section 17958." In a written opinion dated April 3, 1987, the Legislative Counsel held that this language "would increase the existing authority of fire protection districts" by allowing them to adopt their own, more stringent building Codes (Opinion #7483). Opposition from the California Building Industry Association led to the deletion of this language.

(a) Sue and be sued. This language comes directly from §13852 (a) in the 1961 Law.

(b) Acquire and dispose of property. This language comes from §13852 (b) in the 1961 Law.

(c) Use eminent domain. This concept is found in §13852 (c) of the 1961 Law, but this language is broader and more clearly written. The model is Government Code §37350.5, the eminent domain statute for general law cities.

(d) Employees. Added by the amendments of April 6, this subdivision comes from §13852 (e) in the 1961 Law. It was inadvertently omitted from Preprint SB 1 and the introduced version of SB 515.

(e) Employ legal counsel. This language comes from §13852 (f) of the 1961 Law.

(f) Enter into contracts. The concept comes from §13852 (g) in the 1961 Law. This language merely cross-references the article in the Public Contract Code which applies to fire protection districts. SEC. 12, 13, and 14 of SB 515 spell out fire districts' contracting powers.

(g) Adopt and alter a seal. §13865 in the 1961 Law permits a district to adopt a seal but does not mention alterations. Although the power to alter is probably implied, this language makes it explicit, following the model of Government Code §61618 for community services districts.

(h) Adopt ordinances. The 1961 Law gives districts the ability to adopt ordinances, but the procedures are not very detailed (§§13869 and 13870). To provide more detailed procedures, this language cross-references the statute relating to the adoption of ordinances by counties.

(i) Adopt rules and regulations. This language is based on §13852 (d) in the 1961 Law. The Advisory Group broadened its application to include any of the emergency services which a district may perform, not just fire suppression.

(j) Joint powers agencies. This is one of the "bulletin board" items added by the Advisory Group. Fire districts already can (and many do) belong to joint powers agencies. This reference just directs users' attention to that fact.

(k) Self-insurance. Like subdivision (j), this is another "bulletin board" item. It reflects existing law.

13862: List of services. This list of six emergency services follows the pattern set by the statement of legislative policy in §13801 of the 1987 Law. This section is enabling and permissive, leaving to district officials to decide which of these services they want to provide and at what levels. None of these services is a state mandate.

(a) Fire protection services. This concept is found in §13852 (d) of the 1961 Law, but the Advisory Group broadened the reference from "fire department" to the more inclusive "fire protection services." This phrase includes the prevention, detection, and suppression of fires.

(b) Rescue services. Based on §13854 in the 1961 Law.

(c) Emergency medical services. Reflecting the evolution in districts' mission, this language is broader than "first aid services" mentioned in §13854 of the 1961 Law. The Advisory Group chose the term "emergency medical services" because it fits other statutes on this topic.

(d) Hazardous material emergency response services. Again reflecting changes in districts' mission since 1961, this new language authorizes what has become practice for many districts.

(e) Ambulance service. The concept comes from §13853 in the 1961 Law. As amended July 13, this subdivision cross-references the EMS statute. The private ambulance industry requested that amendment after Senator Bergeson obtained Opinion #21246 from Legislative Counsel (August 7, 1987). It is interesting to note that the ambulance industry did not request a similar amendment to subdivision (c) regarding emergency medical services.

(f) Any other services. This open-ended language permits districts to do whatever else they believe is needed to protect lives and property. The concept comes from §13852 (h) in the 1961 Law, but is broader than just the dangers of fire.

13863: Mutual aid agreements. The Advisory Group restructured §13855 in the 1961 Law into this two-part section.

(a) With other agencies. This broad language is self-explanatory.

(b) With companies. Under §13855 of the 1961 Law, the only private firms with which a district could share mutual aid were "national defense" firms. This language drops that limitation because no one on the Advisory Group could think of a reason to restrict districts' participation. Further, there are many existing examples of mutual aid agreements with other firms, despite the current restriction. This language acknowledges the current practice.

13864: Leases from employees. Based on §13858 in the 1961 Law. However, this language is broader because it applies to any property. For example, a district serving a rural area could rent space for its fire apparatus from its fire chief who owns the local garage.

13865: Associations. This language is a simplified version of §13862 of the 1961 Law. There is no change in policy.

13866: Meetings. This language is based on §13863 in the 1961 Law. It also includes language from §13845 of the 1961 Law.

13867: Standardized equipment. This language is based on §13864 in the 1961 Law but is broader in two minor respects. The term "acquisition" is used instead of "purchase" because a district might obtain equipment in other ways, such as gifts (see §13898) or eminent domain (see §13861 [c]). The other change is the better statutory citation.

13868: Records.

(a) Must be kept. Based on §13866 in the 1961 Law.

(b) Disposal of records. The 1961 Law is silent on when a district may dispose of its records. This new language is based on Government Code §50115 which the Legislature enacted in 1985 for cities and counties.

13869: Fire prevention code by reference. Based on §13871 in the 1961 Law. The Advisory Group simplified the language and deleted the restriction on penalty clauses. The subject of penalties for violating a district's fire protection code is found in §13871 of the 1987 Law.

13870: Orders to correct hazards.

(a) Written order. Based on §13873 of the 1961 Law.

(b) Request for review hearing. Based on §13874 of the 1961 Law, except that the April 6 amendment added "immediately" before the word "correct."

(c) District board hearing. Based on §13874 of the 1961 Law. Note that this language allows a district board to delegate the review function to an authorized representative. This authority was added by the Advisory Group at the request of Stanislaus County officials who administer several programs for local fire districts.

13871: Misdemeanors. This section brings together into a single section the misdemeanor provisions which are scattered in the 1961 Law.

(a) Violation of fire code. Based on §13871 in the 1961 Law. In addition, this language makes the violation of any district ordinance a misdemeanor. See §13861 (h) and (i) of the 1987 Law.

(b) Failure to correct hazard. Based on §13873 of the 1961 Law.

(c) Impersonation. Based on §13873 of the 1961 Law.

(d) Penalties. Penal Code §19 is the standard language on misdemeanor penalties.

13872: Citations. Based on §13872 of the 1961 Law. The reference to "Section 13873" is erroneous; it should be "13871."

13873: Peace officer powers. Based on §13875 of the 1961 Law, this language uses the term "employee" (see §13802 [e] of the 1987 Law) instead of the ambiguous "officer." This language is broader than the 1961 Law in that it applies to all emergency services provided by a district, not just those related to fires.

13874: Burning permits. A revised version of the language in §13876 of the 1961 Law.

13875: Educational programs. The Advisory Group liked the concept of educational programs in §13877 of the 1961 Law but wanted to broaden their application to all of a district's emergency services, not just fires.

13876: Name change. §13878.5 of the 1961 Law involves the county board of supervisors in a purely local decision. Instead, this language is similar to the procedures followed by general law cities in Government Code §34503. Note that the name must include the term "district," as required by Government Code §7530.

13877: Apparatus out-of-district. This language is a broader version of §13879 of the 1961 Law which applies only to firefighting equipment. This language applies to any equipment of a district. Further, unlike current law which limits out-of-district runs to extinguishing fires, this version is not limited. Under the 1987 version, a district can even allow its apparatus to participate in a parade outside its boundaries.

13878: Serve outside districts. When the Advisory Group reviewed §13941 in the 1961 Law, it recommended the broader approach of this language. This language, for example, would permit the U.S. Department of the Interior to contract with a fire district to provide rescue and ambulance services within a national park. While this version removes many of the limitations found in the 1961 Law, it still requires advance payment.

13879: Weed clearance. Based on the concepts in §§13867 and 13868 of the 1961 Law, this section was added by the amendments of April 6. It was inadvertently omitted from Preprint SB 1 and the introduced version of SB 515.

CHAPTER 6 - ELECTIONS

13885: "UDEL" controls FPD elections. Based on §§13835 and 13893 of the 1961 Law. The April 6 amendments improved the cross-reference to UDEL.

13886: Consolidation of elections. One of the suggestions made at the Fresno hearing was to improve voter turnout and reduce costs by allowing the districts to consolidate their elections with other countywide elections. This new section is based on the existing provisions of the Elections Code. It is a simpler version than the language which first appeared in Preprint SB 1.

13887: Election costs. Added by the April 6 amendments, this section is based on §13896 in the 1961 Law. It was inadvertently omitted from Preprint SB 1 and the introduced version of SB 515.

CHAPTER 7 - FINANCE

13890: Preliminary budget by June 30. Although this language is based on §13902 of the 1961 Law, it delays the deadline by about six weeks, from May 15 to June 30. The Advisory Group believed that district officials do not have reliable projections of their property tax revenues in time to make the current May 15 deadline. The extension should make the preliminary budgets more useful and reliable.

13891: Preliminary budget controls. This new language is based on Government Code §29124 which applies to counties' preliminary budgets. Districts' preliminary budgets will control their expenditures until they adopt their final budgets.

13892: "Service demand" budget. At the suggestion of Chief John Englund, the Advisory Group recommended this language which alters the way a district board thinks about its annual budget. Traditionally, most districts estimate the amount of revenue available and then set their service levels accordingly. This new language shifts the emphasis in budget building from "how much is available?" to "what services do we want?". The Advisory Group referred to this approach as a "service demand" budget.

The thought process outlined in this language is supposed to cause district boards to make service levels their first consideration. Then they should look at what fiscal resources are available. Then they match the services with resources. If they find that the resources are inadequate, the language requires the preliminary budget to cut services or boost revenues. See §13910.

13893: Notice of budget meeting. This language is a revised version of §13903 in the 1961 Law. The only significant change is moving the deadline from May 15 to June 30. The April 6 amendment was merely a grammatical clarification.

13894: Budget meeting. This language is a revised version of the material in §§13904 and 13905 in the 1961 Law.

13895: Final budget by October 1. This language is based on §13906 of the 1961 Law. The Advisory Group extended the deadline for the final budget from August 1 to October 1 to give district officials more time to gather dependable revenue estimates. This is consistent with the changed deadline for preliminary budgets. See §13890 in the 1987 Law.

Also note that a district no longer sends its budget to the county board of supervisors. This deletion recognizes that districts are not county departments but separate local governments.

A new feature in this section is the requirement that a district set its "appropriations limit" as part of the budget process. In 1979, voters passed Proposition 4, adding Article XIIIB to the California Constitution. The "Gann Amendment" imposes appropriations limits on state government and nearly all local agencies. To implement this constitutional requirement, the Legislature adopted the procedures in Government Code §7900, et seq.

13896: Property tax allocation. Before the passage of Proposition 13 in 1978, fire districts and other local agencies used to set annual property tax rates. See §§13907 and 13908 in the 1961 Law. Article XIII A of the California Constitution eliminated these separate rates and replaced them with a maximum 1% countywide rate. The Legislature implemented this feature of Proposition 13 by enacting a statute that allocates the resulting property tax revenues among local agencies: Revenue and Taxation Code §95, et seq. The "Special District Augmentation Fund" (Revenue and Taxation Code §98.6) is part of this same law. This section was based on Health and Safety Code §2302, an earlier reform of the statutes affecting mosquito abatement and vector control districts.

13897: Borrowing against future revenues. Instead of the separate authorization for temporary borrowing found in §13901 of the 1961 Law, this language cross-references the standard borrowing methods which are already available to other local governments.

13898: Contributions from others. This language replaces and expands on §§13909.5 and 13942 of the 1961 Law. It authorizes districts to accept any kind of help from any public agency or private source.

13899: Collection by county. This language replaces §13909 of the 1961 Law. It is based on Health and Safety Code §2309 which was part of an earlier reform of the statutes affecting mosquito abatement and vector control districts. Note the last sentence which acknowledges two distinctions. First, a county can deduct certain costs granted it by Government Code §29142. But, second, a county still must provide the services of its treasurer without charge.

13900: Changes in appropriations. The concept behind this section appears in the second paragraph of §13910 of the 1961 Law. However, the specific language is based on Government Code §29130 (County Budget Act).

Note that unlike most actions of a district board, changing appropriations after the adoption of a final budget requires a 2/3 vote of the board. The April 6 amendment clarified this point. It is an extraordinary event which requires an extraordinary vote. This is one of the exceptions alluded to in §13856 (b). The County Budget Act calls for a 4/5 vote. However, recognizing that many small or rural districts still have three-member boards, the Advisory Group reduced the extraordinary vote requirement to a mathematically more reasonable level. A 4/5 vote of a three-member board would have required a unanimous vote. A 4/5 vote of a five-member board obviously requires four

votes. But a 2/3 vote of a five-member board also requires four votes. So in accommodating the special needs of smaller district boards, the Advisory Group did not compromise the intent of requiring an extraordinary vote.

13901: Emergency spending. This language is an expanded version of the first paragraph of §13910 in the 1961 Law. Note that the Advisory Group expanded the list of emergency services from fire protection to include the six services repeated throughout the 1987 Law (e.g., §§13801 and 13862). Also note that the Advisory Group lowered the threshold required for emergency spending from the unanimous vote required in the 1961 Law to a 2/3 vote of the district board. The April 6 amendment clarified this point. The Advisory Group thought that the unanimous standard was too stringent, especially in the case of an emergency when it might not be possible for all members of a district board to attend the meeting.

13902: Capital reserve fund. This language is a simplified version of the material which appears in the 1961 law as §§13911, 13912, and 13913.

13903: Claims against a district. This language is a simplified and reformatted version of §§13915 and 13916 of the 1961 Law.

13904: Insufficient funds. This language is a simplified version of §13917 of the 1961 Law. The only important change is the replacement of the 8% interest rate with the cross-reference to the standard statute on the maximum permissible rate of interest at which local governments can issue debt. A district must pay interest to its creditors at the maximum rate it could lend money to its debtors. In other words, this section removes any fiscal incentive a district might have had to delay paying its bills.

13905: Petty cash fund. This language is a revised and reformatted version of §13916.5 from the 1961 Law. The Advisory Group rejected the staff's suggestion to increase the size of the fund from \$500 to \$1,000. The Group argued that the fund can be easily replenished and that it was unwise to store large amounts of cash in offices.

13906: Indebtedness. Article XVI, §18 of the California Constitution prohibits counties, cities, and school districts from incurring multi-year debts without first obtaining 2/3 voter approval. But this constitutional limitation does not mention special districts. The Legislature has given some districts the power to issue negotiable promissory notes. Fire protection districts have the power to incur long-term debt without voter approval under §13917.5 of the 1961 Law.

(a) Property. As amended on April 6, this language is a variation on the first sentence of §13917.5 of the 1961 Law.

(b) Amount, term, rate. These restrictions on the amount and the term of the debt are taken from §13917.5 of the 1961 Law. The limitation on the interest rate which a district may pay is 10% in the 1961 Law. This language substitutes that specific rate with a cross-reference to the standard statute which applies to all local agencies.

(c) 2/3 board vote. The 1961 Law requires a 4/5 vote of the district board for five-member boards and a 2/3 vote for three-member boards. Because the arithmetic outcome is the same, this language simply requires a 2/3 vote for all district boards. There is no policy shift. The April 6 amendment clarified this point.

CHAPTER 8 - ALTERNATIVE REVENUES

13910: Authority. This new language echoes the approach used in the "service demand" budget under §13892 of the 1987 Law. Many of the alternative revenue sources mentioned in this Chapter are already available to fire districts. But the Advisory Group wanted to list them here to serve as a "bulletin board" for less sophisticated users of the new Law.

13911: Special taxes. Until the voters approved the statutory initiative known as Proposition 62 in November 1986, most observers believed that Government Code §50075 was a blanket authorization for any local government to levy special taxes with 2/3 voter approval. But Government Code §52727 (a), as added by Proposition 62, says that §50075 shall not "be construed to authorize any ... district to impose any ... special tax which it is not otherwise authorized to impose..." But by listing §50075, this section specifically authorizes fire protection districts to use its authority. For a more complete description of this issue, see the discussion on pages 39-41 in Proposition 62: Analysis Of Issues And Provisions.

13912: Special taxes (Mello-Roos). Fire districts already can finance any capital facility or pay for fire protection services with a special tax under the Mello-Roos Act. These taxes require 2/3 voter approval. This language serves as a "bulletin board" entry.

13913: Special taxes. Fire districts already can levy special taxes for "fire protection and prevention" under Government Code §53970. These taxes require 2/3 voter approval. This section is another "bulletin board" item. However, at the request of the

California Building Industry Association, SB 515 was amended on April 28 to impose a new limitation. The last sentence prevents a district's special tax from discriminating against new construction.

13914: Fire suppression assessments. Fire districts can levy benefit assessments to pay for the costs of "fire suppression" under Government Code §50078, et seq. These assessments do not necessarily require voter approval. This is another "bulletin board" item.

13915: Capital improvement assessments. This new language gives fire districts the power to levy special assessments under the traditional 1911, 1913, and 1915 Acts. The benefit assessments can only pay for capital improvements, not operations.

13916: Fees for service and regulation. In an indirect way, the 1979 "Gann Amendment" constitutionally defined fees as charges which do not "exceed the costs reasonably borne" by local governments "in providing the regulation, product, or service" for which they are charged (California Constitution Article XII-IB, §8 [c] [i]). The Legislature has adopted this definition in other statutes relating to local fees and charges. One example of this definition is in Government Code §54985, et seq., regarding counties' fees.

This new language is the first direct authorization for fire districts to charge fees for their services. Some attorneys argue that fire districts already can charge certain fees under the 1961 Law because that statute authorizes districts to adopt uniform fire and building codes which, in turn, authorize fees. But this section provides districts with direct and broader authority.

(a) Fees can't exceed costs. This new authority also contains the constitutional and statutory limitations against excessive fees. See California Constitution Article XIIIB, §8 (c) and Government Code §54986 (a). The last sentence was added on April 28 at the request of the California Building Industry Association to clarify the Advisory Group's intention that these charges are fees for services rendered, not exactions from developers.

(b) Published notice and hearing. Before a district can impose service fees, it must give public notice. This language is based on Government Code §54986 (a). An earlier draft of this section would have allowed a district to adopt its fees by resolution. Such an action is probably a legislative act and probably subject to local referendum. But to avoid any ambiguity, the Advisory Group (at the urging of the California Association of Realtors) changed the method of adoption from a resolution to an ordinance. The district's ordinance is clearly referendable.

(c) Mailed notice. This language is also based on Government Code §54986 (a).

(d) Data must be public. This language is also based on Government Code §54986 (a).

(e) Recover costs. This language is based on Government Code §54986 (c).

(f) Hear protests. This is new language which ensures that a district board must at least listen to any protests. But there is no automatic mechanism to block the adoption of a fee ordinance. Disappointed protesters can always use the referendum to overturn a district's fee ordinance.

13917: Resident charges can be lower. At the Fresno hearing and during the Advisory Group's meetings, the subject of districts serving nonresidents came up repeatedly. Representatives of rural districts which cover federal or state highways complained that much of their limited local budgets go to serve people who do not live in their communities. They argue that their residents already support the district through their payment of local property taxes, either as landowners or tenants.

This new section allows a district to charge residents less than nonresidents. But the limits expressed in §13916 of the 1987 Law still apply and the fee charged to nonresidents cannot exceed the district's costs. For example, a district may have determined that rescue and emergency medical services to a car wreck on the interstate freeway costs the district \$400 to respond. The district's fee ordinance can then set the service charge at \$400 for nonresidents and \$200 for residents. The district cannot charge more than \$400.

The Advisory Group believes that these different charges do not create any equal protection problems. The fees would be set according to statutory procedures and would not violate the constitutional limits.

13918: Public agency charges. This new language allows a district to charge its fees to another public agency. The language specifically waives the general prohibition against one agency charging another. A district could use this section to charge the California Highway Patrol or the Department of Transportation for the district's costs in responding to an emergency such as a fire in the median strip of a state highway.

13919: Waivers and required procedures. This new language allows a district to adopt a resolution setting standard policies for when it will waive its fees. For example, a district may choose

to grant its fire chief the power to waive fees to low-income households, senior citizens, or disabled persons.

CHAPTER 9 - GENERAL OBLIGATION BONDS

13925 to 13938: G.O. bond procedures. Proposition 13 in 1978 rendered general obligation bonds obsolete, but Proposition 46 in June 1986 made them possible again (California Constitution, Article XIII A, §1[b][2]). This Chapter is a slightly revised version of §§13918-13937 in the 1961 Law. The April 6 amendments merely corrected the citations to UDEL in §§13926 and 13927, and a misspelling in §13932.

CHAPTER 10 - SERVICE ZONES

The 1961 Law allows districts to create "special fire protection zones" to finance special facilities and services in geographically limited areas. The Advisory Group expanded this concept to encompass all types of emergency services, not just fire protection.

13950: Formation procedures. §13991 of the 1961 Law provides three ways to start a zone: by resolution of the district board, by petition of taxpayers, or by petition of landowners. This language is based on that section. However, it limits the initiation of formation proceedings just to the district board. The Advisory Group felt that the internal management and organization of a district should ultimately rest with the district board. Residents and landowners can always ask the board to act, but the final decision on whether there should be internal zones is left to the board members.

(a) In the public interest. The "public interest" standard is drawn from §13993 of the 1961 Law and replaces the specific purposes listed in §13991 of the 1961 Law.

(b) Contents of resolution. This language is based on §13993 of the 1961 Law but it has been expanded to parallel the requirements of §13816 of the 1987 Law regarding petitions to form new districts.

(c) Public notice: printed and mailed. This language is based on §13994 of the 1961 Law. However, the requirement for posting the public notices is less than that required in the 1961 Law.

(d) Hearing and protests. Based on §13995 of the 1961 Law.

13951: Boundary changes and dissolution. The dissolution material is based on §13997 of the 1961 Law and the annexation and detachment language is based on references in §§13991 and 13993 of the 1961 Law.

13952: No LAFCO review. This new language reflects the traditional exemption from LAFCO review that internal financing devices enjoy. For example, LAFCOs do not review the creation or administration of water districts' internal improvement districts or local agencies' Mello-Roos districts. The language is based on Government Code §53318.2. Senate Bill 515 contains a conforming amendment to Government Code §56036 (Cortese-Knox Act) in SEC. 3.

13953: Any service, any level. This new language gives a district board great flexibility to adapt a zone to the specific needs of the area it serves. It replaces the four specific purposes listed in §13991 of the 1961 Law.

13954: Any fiscal powers. This new language gives a district board great flexibility to adapt the financing of a zone to the specific resources of the area it serves. All the usual procedural requirements still apply to any taxes, assessments, or fees.

13955: Charge only within zone. This language is based on §13996 of the 1961 Law.

13956: Advisory groups. This new language permits a district to officially recognize those who might advise the district board on the operation of a zone. Forming an advisory group is completely up to the board's discretion.

CHAPTER 11 - EMPLOYEE RELATIONS

13960: Employee relations. The 1961 Law ignores some of the most basic state laws on public employee relations.

(a) Myers-Milias-Brown Act applies. California's basic public employee relations law passed in 1961, the same year as the last recodification of the fire district law. But the 1961 Law does not reflect the operation of the Myers-Milias-Brown Act (Government Code §3500, et seq.). This new language acknowledges that fire districts' employee relations are subject to the "Myers-Milias-Brown Act."

(b) Labor relations. This is another "bulletin board" item, noting firefighters' labor rights. It was added in the April 6 amendments at the request of the California Professional Firefighters.

13961. Employee relations by ordinance. §13856 in the 1961 Law allows districts to create civil service systems by ordinance. During the Advisory Group's work, Contra Costa County representatives reported that they operate a "merit system" and requested that the new law acknowledge local practice. Preprint SB 1 permitted districts to adopt ordinances creating "a civil service system, a merit system, or any other employee relations system." When Los Angeles County officials later pointed out that this last phrase might be broad enough to encompass binding arbitration, Senator Bergeson directed that the phrase be dropped. Accordingly, §13961 (b) in the introduced version of SB 515 refers only to a civil service system or a merit system. The April 6 amendment to subdivision (a) clarified the grammar.

13962: Employee relations by initiative. This language is based on §13856.5 of the 1961 Law and allows a district's voters to enact an employee relations system by ordinance. The April 6 amendment corrected a typographical error in subdivision (d).

13963: Multiple districts. This language is based on §13880 of the 1961 Law. Note that the last sentence in subdivision (c) is new language, allowing a district to set a time limit on its use of a seniority list. The Advisory Group included this language at the request of representatives from Contra Costa County. The April 6 technical amendments corrected grammatical and spelling errors. The September 1 technical amendments were recommended by the County Clerks Association.

13964: County to district shifts. This language is based on §13881. It applies only to Los Angeles County, the only county to have a formal relationship between its county fire warden and a district governed by the county supervisors.

13965: City/district shifts. §13882 in the 1961 Law was the source of this language. The 1961 Law applies to city fire departments which have been taken over by a district. However, because the consolidation of fire districts is becoming more common, the Advisory Group broadened the application of this section to also include districts which are taken over by other districts.

13966: Binding arbitration in Santa Clara County. This language applies only to Santa Clara County and was taken from §13852.3 in the 1961 Law. Although the election referred to in this section failed to pass, local officials asked that the language be retained in SB 515 for possible future use.

13967: Employee bonds, district pays. Based on §13857 in the 1961 Law.

13968: Group benefits. This "bulletin board" item acknowledges the existing law which allows all local agencies to provide group benefits (e.g., health, life, disability insurance) to their employees and to their governing board members. The concept comes from §§13859, 13860, and 13861 of the 1961 Law. The April 6 amendments made the language more inclusive.

13969: Training programs. This language is based on the concept from §13878 in the 1961 Law. The Advisory Group expanded its application, however, using Health and Safety Code §1797.182 as its model. The language is both mandatory (first aid and CPR) and permissive ("any other training programs").

13970: Leaves in lieu of disability. This "bulletin board" item is based on Labor Code §4850 which allows certain public agencies to grant leaves of absence instead of making certain disability payments.

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Conforming changes. In addition to enacting the 1987 Law, SB 515 also amends 18 other sections of law to accommodate the changes made by the new statute. Most of them merely delete the now-obsolete references to the 1961 Law and substitute a reference to the new 1987 Law.

SECTION 1: Government Code §53972.5. This amendment merely corrects the statutory cross-reference in a section dealing with elections on special taxes and district formation. There is no policy change.

SEC. 2: Government Code §53978. This amendment merely corrects the statutory cross-reference in a section dealing with special taxes for fire protection. There is no policy change. The April 6 technical amendment to subdivision (b) was suggested by Legislative Counsel.

SEC. 3: Government Code §56036. This amendment to the Cortese-Knox Act makes it clear that a fire protection district's service zone is not a "district" which is subject to LAFCO control. This conforming change matches the policy set by §13952 in the 1987 Law.

SEC. 4. Government Code §56110. The repeal of Government Code §56115 by SEC. 5 of SB 515 requires the deletion of the cross-reference in this section of the Cortese-Knox Act.

SEC. 5: Government Code §56115. SB 515 repeals this section of the Cortese-Knox Act which allows fire protection districts to

have a separate method of changing their boundaries. For a now-unknown reason fire districts kept some control over their boundaries changes in 1965 when all other special districts surrendered their independent powers to the LAFCO process. §13812 of the 1987 Law assigns control over fire districts' boundaries to the Cortese-Knox Act. This change acknowledges that shift by repealing the now obsolete independent authority.

SEC. 6: Government Code §56375. This section of the Cortese-Knox Act lists LAFCOs' basic powers. Subdivision (h) gives LAFCOs the ability to determine the number of registered voters in a proposed new city. That allows LAFCO to determine if the proponents have submitted a sufficient petition. This amendment extends that power to district formations. It is a conforming change triggered by §13820 in the 1987 Law. The Legislative Counsel suggested the April 6 technical amendment.

SEC. 7: Government Code §56835. Fitting the procedure required by §13811 of the 1987 Law, the addition of a new subdivision (f) to §56835 requires LAFCO to notify the Director of the State Department of Forestry and Fire Protection when SRA land is being annexed to a fire protection district.

SEC. 7.5: Government Code §56848. SB 515 repeals this section of the Cortese-Knox Act which is now obsolete because §13812 of the 1987 Law shifts complete control over fire districts' boundaries to LAFCO. This section had been overlooked by the Advisory Group in drafting Preprint SB 1. Its repeal was amended into SB 515 in the April 6 set of amendments.

SEC. 8: Government Code §56848.3. Based on §13948 of the 1961 Law, this new section is needed in the Cortese-Knox Act because the 1987 Law shifts the fire districts' vestigial control over their boundaries to LAFCOs. To protect a district's fiscal stability, this language requires a contract between the city and the district. The April 6 amendment inserted a missing word in subdivision (b).

SEC. 9: Government Code §61623.4. This amendment merely corrects the cross-reference in a section which gives community services districts the powers of fire protection districts. No policy change. The April 6 amendment was merely technical.

SEC. 10: Repeals the 1961 Law.

SEC. 11: Enacts the 1987 Law.

SEC. 12: Public Contract Code §20811. The substance of this and the next two sections --- fire districts' contracts --- was a major issue to the Advisory Group. Originally part of the

proposed 1987 Law in Preprint SB 1, this material was properly placed in the Public Contract Code by SB 515.

This section allows a district to contract with any other public agency (i.e., local, state, federal) for emergency services. Note that the services enumerated here are identical to those mentioned in §§13801 and 13862 of the 1987 Law.

SEC. 13: Public Contract Code §20812. This new section allows a district to "contract-out" for a long list of special services.

(a) Contract services. The items in this subdivision are similar to those listed in Government Code §31000 which applies to county service contracts. Additional items (e.g., ambulance, labor relations) were added to this list based on suggestions from Los Angeles County, the California Professional Firefighters, and Hunt Research Corporation. The introduced version was nearly open-ended, but the April 6 amendments shifted the language to the format of enumerating specific services.

(b) Larger districts' procedures. Some of the larger districts' existing contracts are handled by county purchasing agents and they did not want to convert to a new set of procedures. Counties' procedures are set out in Government Code §25500, et seq.

(c) Smaller districts' procedures. These requirements come from Public Contract Code §§20162-20167, relating to general law cities. However, the \$10,000 limit for fire districts is higher than the \$5,000 limit on cities.

SEC. 14: Public Contract Code §20813. This language draws from §13885 in the 1961 Law and is simply transferred to the Public Contract Code.

SEC. 15: Public Resources Code §5788.22. This amendment revises the current authorization for recreation and park districts to use the powers of fire protection districts. Although more complete than existing law, there is no policy change.

SEC. 16: Public Utilities Code §16463.5. This amendment revises the current authorization for public utility districts to use the powers of fire protection districts. No change in policy.

SEC. 17 and SEC. 18: Water Code §31120, et seq. These sections repeal and reenact the current authorization for county water districts to use the powers of fire protection districts. No change in policy.

SEC. 19: Water Code §35142. This amendment revises the current authority for the Irish Beach Water District (a California water district) to use the powers of a fire protection district. No change in policy. The April 28 amendment was merely technical.

SEC. 20: Water Code §71680. This amendment revises the section permitting municipal water districts to use the powers of fire protection districts. Although the reformatting is substantial, there is no change in policy.

SOURCES

Materials from the following sources contributed to the preparation of this report:

Antilla, Paul. "Emergency Medical Services (S.B. 515) - #21246." Sacramento. Office of the Legislative Counsel. August 7, 1987.

Senate Local Government Committee. Fire District Financing (049-S). Sacramento. November 1982.

Fire District Law and Financing (142-S). Sacramento. October 1985.

Proposition 62: Analysis of Issues and Provisions (081-J). Sacramento. September 1986.

"A New Law For A New Mission: Preprint Senate Bill 1 and the 'Fire Protection District Law of 1987.'" Sacramento. December 1986.

State Controller. Financial Transactions Concerning Special Districts of California, Annual Report. Sacramento: Office of the State Controller. 1985-86.

Zirkle, Christopher. "Fire Protection Districts: Ordinances - #7483." Sacramento. Office of the Legislative Counsel. April 3, 1987.

In addition, separate bill files on SB 515 and Preprint SB 1 maintained by Senator Bergeson and the Senate Local Government Committee contain additional letters, drafts, and background materials which contributed to this project.

CREDITS

This report was written by Peter Detwiler, consultant to the Senate Local Government Committee. Kaye Packard, Committee Secretary, and Senate Reprographics produced the report.

Paul Antilla, deputy legislative counsel, guided the formal drafting of Preprint SB 1, SB 515, and its amendments.

Special thanks go to the members of the Advisory Group on Fire District Law Revision for their generous contributions of time, experience, and wise counsel. The success of SB 515 depended largely on their willingness to educate and to compromise.

APPENDIX A

MEMBERSHIP OF THE ADVISORY GROUP ON FIRE DISTRICT LAW REVISION

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APPENDIX B: TABLE OF SOURCES
"FIRE PROTECTION DISTRICT LAW OF 1987"

1987 Law

1961 Law

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(b)	"Day"	New
(c)	"District"	13802
(d)	"District board"	13807
(e)	"Employee"	13808
(f)	"Principal county"	13804 & Govt C §56066
(g)	"Zone"	New
13803	Successor act	
(a)	Authority	13810, Govt C §56100
(b)	Pending reorganizations	Govt C §56101
13804	Liberal construction	13814
13805	Severability	Govt C §56104
13806	Validity	13811, Govt C §56103

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1987 Law

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(b)	Boundary description	Govt C §56700 (c)
(c)	Financing methods	New
(d)	Reasons for formation	Govt C §56700 (e)
(e)	Proposed district's name	Govt C §56701
(f)	Chief petitioners' names	Govt C §56700 (g)
(g)	Consistency with spheres	Govt C §56700 (i)
(h)	Initial district board	New
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13817	Notice of intention	Govt C §56700.5
(a)	Publication of notice	Govt C §56700.5 (a), 56153
(b)	Contents of notice	Govt C §56700.5 (a)
(c)	File copy with LAFCO	Govt C §56700.5 (b)
(d)	Circulate after filing	Govt C §56700.5 (c)
13818	25% signature requirement	13825(b) & Govt C §56750(a)
13819	Filing the petition	Govt C §56703, 56705 (a)
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(b)	Comparison with voters' register	Govt C §56707

1987 Law

1961 Law

(c)	Insufficient petition, extra time	Govt C \$56706
(d)	Examine supplemental petition	Govt C \$56706
(e)	Certificate of sufficiency	Govt C \$56706
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(b)	Notice of hearing	Govt C \$56801
(c)	At the hearing	Govt C \$56801
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13822	LAFCO proceedings	13825.5

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(b)	More than one argument	Govt C \$61122.3
13826	Ballot pamphlet	Govt C \$61122.4
13827	Contents of notice	Govt C \$61123
13828	Conduct of the election	
(a)	Follow district elections	Govt C \$61124
(b)	Termination if unfavorable vote	Govt C \$61126
13829	Resolution if favorable vote	Govt C \$61127

1987 Law

1961 Law

13830	Recording the resolution	13998, Govt C §61128
13831	Election informalities	
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(b)	Statute of limitations	Govt C §61130

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13836	Unincorp. terr., 2+ counties	13831 (c)
13837	Unincorp. & incorp. territory	13831 (c)
13838	Incorp. terr, only 1 city	13831 (c)
13839	Incorp. terr, 2+ cities	13831 (c)

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13842	Size of district board	13831 - 13834
13843	Terms of office	
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(b)	New districts	New
13844	County or city fire commissions	13884
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(c)	Election proceedings	13835, 13841.7 (b)
(d)	Filling new vacancies	New

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(e)	Serving out old terms	New
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(b)	"Election by division"	13841.7 (c)
(c)	Resolution or 25% petition	13841.7 (a), new
(d)	Election proceedings	13841.7 (b)
(e)	Setting up the divisions	13841.8, Elec C §35101
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1987 Law

1961 Law

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1987 Law

1961 Law

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1987 Law

1961 Law

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1987 Law

1961 Law

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1987 Law

1961 Law

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1987 Law

1961 Law

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1987 Law

1961 Law

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1987 Law

1961 Law

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Govt C \$53972.5	Elections on special tax and district formation (correct cross-ref)	Govt C \$53972.5
Govt C \$53978	Special tax for fire protection (correct cross-reference)	Govt C \$53978
Govt C \$56036	FPD zone is not a "district" subject to LAFCO control	New
Govt C \$56100	Exclusive LAFCO authority (strike out obsolete reference)	Govt C \$56100
Govt C \$56115	FPDs have separate boundary power (repeals entire section)	Repealed
Govt C \$56375	LAFCO determines reg voter count (adds districts to current power)	Govt C \$56375
Govt C \$56835	LAFCO must notify state when FPD takes in SRA land	13821
Govt C \$56848	Annexing part/all of a city to an FPD, conditions (repeal)	Repealed
Govt C \$56848.3	Annexing part/all of a city to an FPD, contract required (new)	13948
Govt C \$61623.4	Community service districts can have FPD powers (correct cross-ref)	Govt C \$61623.4
PubConC \$20811	Contract for emergency services	13852 (g), 13855
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PubResC \$5782.22	Recreation & park districts can have FPD powers (cross-ref)	Pub Res C \$5782.22
PUC \$16463.5	Public utility districts can have FPD powers (cross-ref)	PUC \$16463.5
Water C \$31120	County water districts can have FPD powers (cross-ref)	Water C \$31120

1987 Law

Water C Irish Beach W.D. can have FPD
§35142 powers (cross-ref)

Water C Municipal water districts can
§71680 have FPD powers (cross-ref)

1961 Law

Water C §35412

Water C §71680

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1961 Law

1987 Law

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1961 Law

1987 Law

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1961 Law

1987 Law

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1961 Law

1987 Law

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1961 Law

1987 Law

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1961 Law

1987 Law

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Repealed in 1965.

1961 Law

1987 Law

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1961 Law

1987 Law

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13951

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13812, 13830

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Repealed

Senate Bill No. 515

CHAPTER 1013

An act to amend Sections 53972.5, 53978, 56036, 56100, 56375, 56835, and 61623.4 of, to repeal Sections 56115 and 56848 of, and to add Section 56848.3 to, the Government Code, to add Part 3 (commencing with Section 13800) to, and to repeal Part 2.7 (commencing with Section 13801) of, Division 12 of, the Health and Safety Code, to add Sections 20811, 20812, and 20813 to the Public Contract Code, to amend Section 5782.22 of the Public Resources Code, to amend Section 16463.5 of the Public Utilities Code, and to amend Sections 35412 and 71680 of, and to repeal and add Article 7 (commencing with Section 31120) of Part 5 of Division 12 of, the Water Code, relating to fire protection.

[Approved by Governor September 22, 1987. Filed with Secretary of State September 23, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

SB 515, Bergeson. Fire protection districts.

Existing law provides for the formation of fire protection districts, specifies the procedures for selection of the district board of directors, enumerates the board's duties and powers and specifies the methods for financing those districts, among other things.

This bill would repeal those provisions and enact new provisions governing the formation of fire protection districts, the selection, powers, and duties of the district board of directors, the financing of the districts and other related subjects. The bill would make other related changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Since the bill imposes requirements which must be followed by counties and fire protection districts which are local agencies, the bill would create a state-mandated local program.

This bill would provide that no reimbursement is required by this act for specified reasons.

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

SECTION 1. Section 53972.5 of the Government Code is amended to read:

53972.5. A proposal for the creation of a local agency for the purpose of providing fire protection, prevention, or suppression services directly, by contract with another local agency, or pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with

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Section 13800) of Division 12 of the Health and Safety Code, or police protection services, may be combined with a proposal for the adoption by the local agency of a special tax pursuant to Section 53978, and presented to the voters as a single ballot proposition. If both proposals are presented as a single ballot proposition, the proposed local agency shall not be created, and the special tax shall not take effect, unless the proposition is approved by two-thirds of the voters voting upon the proposition.

SEC. 2. Section 53978 of the Government Code is amended to read:

53978. (a) Any local agency which provides fire protection or prevention services directly, by contract with another local agency, or which provides such services pursuant to Section 25643 of this code or the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code, or which provides police protection services, may, by ordinance, determine and propose for adoption a special tax for fire protection and prevention provided by the local agency, or a special tax for police protection services provided by the local agency, or both of such special taxes if both such services are provided by the local agency, other than ad valorem property taxes, pursuant to this section. The legislative body may establish zones or areas within the local agency and may restrict the levy of the special tax to those zones or areas. Such proposition shall be submitted to the voters of the affected area or zone, or of the district, and shall take effect upon approval of two-thirds of the voters voting upon such proposition. The local agency which fixes such a special tax shall not, however, impose such tax upon a federal or state governmental agency or another local agency.

(b) The ordinance submitted to voter approval pursuant to subdivision (a), shall specify the amount of each of such special taxes. Each of such special taxes shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the local agency to which fire protection services or police protection services are made available, for the purpose of obtaining, furnishing, operating, and maintaining fire suppression and police protection equipment or apparatus or either such service, respectively, for paying the salaries and benefits to firefighting and police protection personnel or either such personnel, respectively, and for such other necessary fire protection and prevention expenses and police protection expenses, respectively, or either such expenses of the local agency in such area, zone, or local agency to which fire protection and prevention services or police protection services, or both, are made available.

An ordinance which sets a maximum amount of the tax to be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, and which permits the local agency proposing the tax to determine the amount to be levied, annually,

within the maximum amount, shall satisfy the requirements of this section. However, in no case shall the amount of the tax to be levied exceed the maximum amount established by the ordinance without the approval of the voters as prescribed in subdivision (a).

(c) The amount of each such special tax established by the legislative body, and approved by the voters of the local agency, may be varied to each parcel, improvement, or use of property based on the degree of availability of fire protection and prevention services or police protection services, respectively, in the affected area, and may restrict such charges to areas lying within one or more zones or areas established in such local agency.

(d) The legislative body may provide for the collection of the special taxes in the same manner and subject to the same penalty as, or with, other charges and taxes fixed and collected by the local agency, or by the county on behalf of the local agency. If such special taxes are collected by the county on behalf of the local agency, the county may deduct its reasonable costs incurred for such service before remittal of the balance to the local agency.

(e) The revenues from each of such special taxes shall be used for the service for which it was imposed, and for no other purpose.

(f) This section does not limit or prohibit the levy or collection or any other fee, charge, or tax, or any license or service fee or charge for fire prevention or protection services or police protection services as provided by other provisions of law.

SEC. 3. Section 56036 of the Government Code is amended to read:

56036. (a) "District" or "special district" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" or "special district" includes a county service area, but excludes all of the following:

- (1) The state.
 - (2) A county.
 - (3) A city.
 - (4) A school district or a community college district.
 - (5) A special assessment district.
 - (6) An improvement district.
 - (7) A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5.
 - (8) A permanent road division formed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways Code.
 - (9) An air pollution control district or an air quality maintenance district.
 - (10) A service zone of a fire protection district.
- (b) Except as otherwise provided in paragraph (1), each of the entities listed in paragraph (1) is a "district" or a "special district"

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for the purposes of this division.

(1) For the purposes of Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57175), inclusive, of Part 4 or Part 5 (commencing with Section 57300), none of the following entities is a "district" or a "special district":

- (A) A unified or union high school library district.
- (B) A bridge and highway district.
- (C) A joint highway district.
- (D) A transit or rapid transit district.
- (E) A metropolitan water district.

(2) Any conducting authority proceedings for a change of organization involving an entity described in paragraph (1) shall be conducted pursuant to the principal act authorizing the establishment of that entity.

(c) Except as otherwise provided in paragraph (1), each of the entities listed in paragraph (1) is a "district" or "special district" for purposes of this division.

(1) For the purposes of Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57175), inclusive, of Part 4 or Part 5 (commencing with Section 57300), none of the following entities is a "district" or "special district" if the commission of the principal county determines, in accordance with Sections 56127 and 56128, that the entity is not a "district" or "special district."

- (A) A flood control district.
- (B) A flood control and floodwater conservation district.
- (C) A flood control and water conservation district.
- (D) A conservation district.
- (E) A water conservation district.
- (F) A water replenishment district.
- (G) The Orange County Water District.
- (H) A California water storage district.
- (I) A water agency.
- (J) A county water authority or a water authority.

(2) If the commission determines that an entity described in paragraph (1) is not a "district" or "special district," any conducting authority proceedings for a change of organization involving the entity shall be conducted pursuant to the principal act authorizing the establishment of that entity.

SEC. 4. Section 56100 of the Government Code is amended to read:

56100. Except as otherwise provided in Section 56101, this division provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. On and after January 1, 1986, all changes of organization and reorganizations shall be initiated, conducted, and completed in accordance with, and as provided in, this division.

SEC. 5. Section 56115 of the Government Code is repealed.

SEC. 6. Section 56375 of the Government Code is amended to read:

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) To review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization. However, a commission shall not have the power to disapprove an annexation to a city, initiated by resolution, of contiguous territory which the commission finds is either:

(1) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(2) Located within an urban service area which has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

As a condition to the annexation of an area, which is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

A commission shall not impose any conditions which would directly regulate land use density or intensity, property development, or subdivision requirements. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. This paragraph does not prohibit a commission from requiring, as a condition to annexation, that a city prezone the territory to be annexed. However, the commission shall not specify how, or in what manner, the territory shall be prezoned.

(b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization which includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.

(c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated, successor city or district.

(d) To approve the annexation to a city after notice and hearing, and authorize the conducting authority to order annexation of the territory without an election, if the commission finds that the

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territory contained in an annexation proposal meets all of the following requirements:

(1) It does not exceed 75 acres in area, that area constitutes the entire island, and the island does not constitute a part of an unincorporated area which is more than 100 acres in area.

(2) It is surrounded in either of the following ways:

(A) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and a county boundary or the Pacific Ocean.

(B) Surrounded by the city to which annexation is proposed and adjacent cities.

(3) It is substantially developed or developing. The finding required by this subparagraph shall be based upon one or more factors, including, but not limited to, any of the following factors:

(A) The availability of public utility services.

(B) The presence of public improvements.

(C) The presence of physical improvements upon the parcel or parcels within the area.

(4) It is not prime agricultural land, as defined by Section 56064.

(5) It will benefit from the annexation or is receiving benefits from the annexing city.

(e) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56111, located in the same county as that in which the city is located, and which is owned by a city and used for municipal purposes and to authorize the conducting authority to annex the territory without notice and hearing.

(f) Subject to Section 56029, to designate in the resolution making determinations the conducting authority for proceedings.

(g) When a change of organization or a reorganization includes the annexation of inhabited territory to a city and the assessed value of land within the territory equals one-half or more of the assessed value of land within the city, or the number of registered voters residing within the territory equals one-half or more of the number of registered voters residing within the city, to determine as a condition of the proposal that the change of organization or reorganization shall also be subject to confirmation by the voters in an election to be called, held, and conducted within the territory of the city to which annexation is proposed.

(h) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district.

(i) To adopt procedures for the evaluation of proposals. The commission may adopt standards for any of the factors enumerated in Section 56841.

(j) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653.

(k) To make and enforce regulations for the orderly and fair

conduct of hearings by the commission.

(l) To incur usual and necessary expenses for the accomplishment of its functions.

(m) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(n) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(o) To waive the restrictions of Section 56109 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(p) To waive the application of Section 25210.90 if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.

(q) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56842.

SEC. 7. Section 56835 of the Government Code is amended to read:

56835. The executive officer shall also give mailed notice of any hearing by the commission, as provided in Sections 56155 to 56157, inclusive, by mailing notice of the hearing to all of the following persons and entities:

- (a) To each affected local agency.
- (b) To the chief petitioners, if any.
- (c) To each person who has filed a written request for special notice with the executive officer.
- (d) If the proposal is for any annexation or detachment, or for a reorganization providing for the formation of a new district, to each city within three miles of the exterior boundaries of the territory proposed to be annexed, detached, or formed into a new district.
- (e) If the proposal is to incorporate a new city or for the formation of a district, to the affected county.
- (f) If the proposal includes the annexation of territory to a fire protection district formed pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12

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of the Health and Safety Code, and all or part of the affected territory has been classified as a state responsibility area, to the Director of Forestry and Fire Protection.

SEC. 7.5. Section 56848 of the Government Code is repealed.

SEC. 8. Section 56848.3 is added to the Government Code, to read:

56848.3. (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.

SEC. 9. Section 61623.4 of the Government Code is amended to read:

61623.4. A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code if the petition for formation of the district included fire protection among the designated purposes for which it was formed, or if the district adopts fire protection as an additional purpose of the district pursuant to Section 61601.

If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in such territories, unless such district has obtained the consent of such city, fire protection district, or other local agency.

SEC. 10. Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code is repealed.

SEC. 11. Part 3 (commencing with Section 13800) is added to Division 12 of the Health and Safety Code, to read:

PART 3. FIRE PROTECTION DISTRICT LAW OF 1987

CHAPTER 1. GENERAL PROVISIONS

13800. This part shall be known and may be cited as the Fire Protection District Law of 1987.

13801. The Legislature finds and declares that the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state. Among the ways that local communities have provided for those services has been the creation of fire protection districts. Local control over the types, levels, and availability of these services is a long-standing tradition in California which the Legislature intends to retain. Recognizing that the state's communities have diverse needs and resources, it is the intent of the Legislature in enacting this part to provide a broad statutory authority for local officials. The Legislature encourages local communities and their officials to adapt the powers and procedures in this part to meet their own circumstances and responsibilities.

13802. As used in this part:

(a) "City" means any city whether general law or charter, including a city and county, and including any city the name of which includes the word "town."

(b) "Day" means a calendar day.

(c) "District" means a fire protection district created pursuant to this part or created pursuant to any law which this part supersedes.

(d) "District board," means the board of directors of a district.

(e) "Employee" means any personnel of a district, including any regular or call firefighter hired and paid on a full-time or part-time basis, or any volunteer firefighter. "Employee" also includes any person who assists in the provision of any authorized emergency duty or service at the request of a person who has been authorized by the district board to request this assistance from other persons.

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

(g) "Zone" means a service zone formed pursuant to Chapter 10 (commencing with Section 13950).

13803. (a) This part provides the authority for the organization and powers of fire protection districts. This part succeeds the Fire Protection District Law of 1961 and all of its statutory predecessors. Any fire protection district organized or reorganized pursuant to the Fire Protection District Law of 1961 or any of its statutory predecessors which was in existence on January 1, 1988, shall remain in existence as if it had been organized pursuant to this part, except that when the district board is a county board of supervisors the number and method of selection of its board of directors shall continue to be governed by the provisions of Chapter 4 (commencing with Section 13831) of the Fire Protection District

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Law of 1961 in effect on December 31, 1987, as if that chapter had not been repealed. Any special fire protection zone formed pursuant to Chapter 12 (commencing with Section 13991) of the Fire Protection District Law of 1961 or any of its statutory predecessors which was in existence on January 1, 1988, shall remain in existence as a service zone as if it has been formed pursuant to Chapter 10 (commencing with Section 13950).

(b) This part does not apply to any reorganization which was filed pursuant to the Fire Protection District Law of 1961 and which is pending on January 1, 1988. Those pending reorganizations may be continued and completed under, and in accordance with, the Fire Protection District Law of 1961. The repeals, amendments, and additions made by the act enacting this part shall not apply to any of those pending reorganizations, and the laws existing prior to January 1, 1988, shall continue in full force and effect as applied to those pending reorganizations.

13804. This part is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purposes.

13805. If any provision of this part or the application of any provision of this part in any circumstance or to any person, city, county, district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this part are severable.

13806. Any action to determine the validity of the organization or of any action of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 2. AREA

13810. Any territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, may be included in a district.

13811. Territory which has been classified as a state responsibility area may be included in a district, except for commercial forest lands which are timbered lands declared to be in a state responsibility area. The executive officer of the local agency formation commission shall give mailed notice of the commission's hearing on any proposal to include state responsibility area in a district, whether by annexation or formation, to the Director of Forestry and Fire Protection. The commission may approve the proposal. Upon inclusion of a state responsibility area in a district, whether by formation or annexation, the state shall retain its responsibility for fire suppression and prevention on timbered, brush, and grass-covered lands. The district may provide the same services in the state responsibility area as it provides in other areas of the district.

13812. The Cortese-Knox Local Government Reorganization Act,

Division 3 (commencing with Section 56000) of Title 5 of the Government Code shall govern any change of organization or reorganization of a district.

CHAPTER 3. FORMATION

Article 1. Initiation

13815. A new district may be formed pursuant to this chapter. A district formed or proposed to be formed pursuant to this chapter is not subject to the District Investigation Act of 1933, Chapter 2 (commencing with Section 58500) of Division 2 of Title 6 of the Government Code.

13816. 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 pursuant to this article.
- (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 of the initial board of directors and the method of their selection, as provided by Article 3 (commencing with Section 13834).
- (i) Request that proceedings be taken for the formation pursuant to this chapter.

13817. (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:

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"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.

13818. The petition shall be signed by not less than 25 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. The provisions of Sections 41 and 44 of the Elections Code shall govern the signing of the petition and the format of the petition.

13819. 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. The executive officer shall not accept a petition for filing unless the signatures have been secured within six months of the date on which the first signature was obtained and the chief petitioner or petitioners submitted the petition to the executive officer for filing within 60 days after the last signature was obtained.

13820. (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) The executive officer shall cause the names of the signers on the petition to be compared with the voters' register in the office of the county clerk or registrar of voters and ascertain (i) the number of registered voters in the territory to be included in the district, and (ii) the number of qualified signers appearing upon the petition.

(c) 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.

(d) 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.

(e) 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.

13821. (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 13816. 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.

13822. Once the chief petitioners have filed a sufficient petition or a legislative body has filed a resolution or 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.

Article 2. Election

13823. (a) If the local agency formation commission approves the formation of a district, with or without amendment, wholly, partially, or conditionally, 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 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.

13824. Within five days after the district formation election has been called, the board of supervisors which has called the election shall transmit by registered mail a written notification of the election call to the executive officer of the local agency formation commission

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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 of the Government Code.

13825. (a) The chief petitioners or the agency filing the resolution or any member or members of the board of supervisors authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file 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 3795 of the Elections Code for the particular election, the election officials 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 13826. Notice of the date fixed shall be published by the elections officials pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the election officials.

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

In selecting the arguments, the election officials 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 such voters and associations.

13826. The 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. The provisions of Section 3795 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 argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. The ballot pamphlet is "official matter" within the meaning of Section 10010 of the Elections Code.

13827. The notice of election 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 who will take office or will be appointed as the case may be, if the district is formed.

(e) A description of the boundaries of the proposed district.

13828. (a) 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 3 (commencing with Section 23500) of Division 14 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 shall declare the proceedings terminated.

13829. 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 the Fire Protection District Law, 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 county clerk of the principal county shall transmit a certified copy of the resolution to the county clerk of each of the other counties in which the district lies.

13830. If the district lies in one county, immediately after entering the resolution in the board minutes pursuant to Section 13829, the county clerk shall cause to be recorded in the office of the county recorder of the county for which he or she is county clerk and file with the Secretary of State a certified copy of the resolution forming the district. Thereupon the organization of the district shall be complete.

13831. (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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Article 3. Selection of the Initial Board of Directors

13834. The initial board of directors of a district formed on or after January 1, 1988, shall be determined pursuant to this article.

13835. 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.

13836. 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.

13837. 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. In no case shall the number of directors exceed 11 members.

(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.

13838. 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.

13839. 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, provided that 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. In no case shall the directors exceed the number permitted pursuant to Section 13842.

CHAPTER 4. EXISTING BOARD OF DIRECTORS AND OFFICERS

13840. Every district shall be governed by a legislative body known as a board of directors.

13841. Except in the case where a county board of supervisors has appointed itself as the district board, each member of a district board and each member of a fire commission appointed pursuant to Section 13844 shall be a resident of the district. In the case of a district board which is elected by divisions, each director shall be a resident of the division from which he or she is elected.

13842. Except in the case where a county board of supervisors or a city council has appointed itself as the district board, a district board may have three, five, seven, nine, or eleven members.

13843. (a) The term of office of each member of a district board is four years or until his or her successor qualifies and takes office, except as provided in subdivision (b).

(b) In the case of a district formed on or after January 1, 1988, the directors shall serve terms as provided in the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code.

13844. If a county board of supervisors or a city council has appointed itself as the district board, the board of supervisors or city council may delegate any or all of its powers to a fire commission composed of five or seven commissioners. The board of supervisors or city council shall determine whether the commissioners shall serve at its pleasure or for staggered terms of four years subject to removal for cause.

13845. (a) Except in the case where a county board of supervisors or a city council has appointed itself as the district board, the number of members of a district board may be increased or decreased if a majority of the voters voting on the question are in favor of the question at a general district or special election. The question shall specify the resulting number of members of the district board.

(b) The district board may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the district board shall adopt a resolution placing the question on the ballot.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 23511 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and the ballot shall contain a statement of the question.

(d) If the voters approve of increasing the number of directors, the new members shall be elected or appointed pursuant to this chapter. If the district board is elected, the additional members may be elected at the same election.

(e) If the voters approve of decreasing the number of directors, the members of the district board continue to serve until the end of their current terms.

(f) The number of members of a district board may be changed by the local agency formation commission as a term and condition

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of approval by the commission of any change of organization. Unless the Cortese-Knox Local Government Reorganization Act of 1985, Division 3 (commencing with Section 56000) of Title 5 of the Government Code, otherwise requires voter approval, the change ordered by the commission does not require approval by the voters of the district.

13846. (a) In the case of an elected district board, the directors may be elected by divisions if a majority of the voters voting upon the question are in favor of the question at a general district or special election. Conversely, in the case of a district which has an elected district board which is elected by election division, the directors may be elected at large if a majority of the voters voting upon the question are in favor of the question at a general district or special election.

(b) As used in this section, "election by division" means the election of each member of the district board by voters of only the respective election division.

(c) The district board may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the district board shall adopt a resolution placing the question on the ballot.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 23511 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(e) If the majority of voters voting upon the question approves the election of directors by divisions, the district board shall promptly adopt a resolution dividing the district into as many divisions as there are directors. The resolution shall assign a number to each division. Using the last decennial census as a basis, the divisions shall be as nearly equal in population as possible. In establishing the boundaries of the divisions the district board may give consideration to the following factors: (i) topography, (ii) geography, (iii) cohesiveness, contiguity, integrity, and compactness of territory, and (iv) community of interests of the divisions.

(f) If the majority of voters voting upon the question approves the election of directors by division, the board members shall be elected by election divisions and each member elected shall be a resident of the election division from which he or she is elected. At the district general election following the approval by the voters of the election of directors by divisions, the district board shall assign vacancies on the board created by the expiration of terms to the respective election divisions and the vacancies shall be filled from those election divisions.

(g) If the majority of voters voting upon the question approves the election of directors at large, the district board shall properly adopt a resolution dissolving the election divisions which had existed.

13847. In the case of a district board elected by election divisions, the district board shall adjust the boundaries of the election divisions before November 1 of the year following the year in which each decennial federal census is taken. If at any time between each decennial federal census a change of organization alters the population of the district or the district increases or decreases the number of members of the district board, the district board shall reexamine the boundaries of its election divisions. If the district board finds that the population of any election division has varied so that the divisions no longer meet the criteria specified in subdivision (d) of Section 13846, the district board shall adjust the boundaries of the election divisions so that the divisions shall be as nearly equal in population as possible. The district board shall make this change within 60 days of the effective date of the change of organization or an increase or decrease in the number of members of the district board.

13848. (a) If a majority of the voters voting upon the question at a general district or special election are in favor, a district which has an appointed district board shall have an elected district board or a district which has an elected district board shall have an appointed district board.

(b) The district board may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the district board shall adopt a resolution placing the question on the ballot.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 23511 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) If a majority of voters voting upon the question approves of changing from an appointed district board to an elected district board, the members of the district board shall be elected at the next general district election. If a majority of voters voting upon the question approves of changing from an elected district board to an appointed district board, members shall be appointed to the district board as vacancies occur.

13849. (a) Before circulating any petition pursuant to Section 13845, 13846, or 13848 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 the proposal. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the district. If 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

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form:

"Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition affecting the Board of Directors of the _____ (name of the district). The petition proposes that _____ (description of the proposal)."

(c) Within five days after the date of publication, the chief petitioners shall file with the secretary of the district board 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.

13850. (a) The provisions of Sections 41 and 44 of the Elections Code shall govern the signing of the petition and the format of the petition.

(b) A petition may consist of a single instrument or separate counterparts. The chief petitioner or petitioners shall file the petition, together with all counterparts, with the secretary of the district board. The secretary shall not accept a petition for filing unless the signatures have been secured within six months of the date on which the first signature was obtained and the chief petitioner or petitioners submitted the petition to the secretary for filing within 60 days after the last signature was obtained.

13851. (a) Within 30 days after the date of filing a petition, the secretary of the district board 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) The secretary shall cause the names of the signers on the petition to be compared with the voters' register in the office of the county clerk or registrar of voters and ascertain (i) the number of registered voters in the district, and (ii) the number of qualified signers appearing upon the petition.

(c) If the certificate of the secretary shows the petition to be insufficient, the secretary 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 secretary a supplemental petition bearing additional signatures.

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

(e) The secretary 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 secretary's examination. The secretary shall mail a copy of the certificate of sufficiency to the chief petitioners.

(f) Once the chief petitioners have filed a sufficient petition, the district board shall take the actions required pursuant to Section 13845, 13846, or 13848.

13852. (a) Any vacancy in the office of a member appointed to the district board shall be filled pursuant to Section 1779 of the Government Code.

(b) Any vacancy in the office of a member elected to the district board shall be filled pursuant to Section 1780 of the Government Code.

13853. (a) Within 60 days after their initial election or appointment and after each general district election or unopposed election, the district board shall meet and elect its officers. The officers of a district board are a president, a vice president, and a secretary or clerk.

(b) The secretary or clerk may be a member of the district board. He or she may receive compensation set by the district board which shall be in lieu of any other compensation to which he or she may be entitled as a member of the district board. The district board may employ a clerk to perform the duties of the secretary.

(c) A district board may create additional officers and elect members to those positions, provided that no member of a district board shall hold more than one office.

13854. (a) Except as provided in subdivision (b), the county treasurer of the principal county shall act as the district treasurer and shall receive no compensation for the receipt and disbursement of money of the district.

(b) The district board may adopt a resolution appointing a district treasurer other than the county treasurer and defining the duties and compensation of the office. The district treasurer, or any other person authorized by the district board, shall draw checks or warrants to pay any demands which have been audited and approved in the manner prescribed by the district board.

(c) If the district board adopts the resolution provided by subdivision (b), the district treasurer and any other person designated by the district board shall give bonds to the district conditioned for the faithful performance of their duties. The amount of each bond shall be at least one hundred thousand dollars (\$100,000) or 10 percent of the total amount of the district's final budget for the preceding fiscal year, whichever is greater. The district board shall pay the premiums on the bonds.

13855. A district board shall meet at least once every three months. Meetings of the board are subject to the provisions 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).

13856. (a) A majority of the district board shall constitute a

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quorum for the transaction of business.

(b) The district board shall act only by ordinance, resolution, or motion. Except as specifically provided to the contrary in this part, a recorded vote by a majority of the total membership of the district board is required on each action.

13857. Each member of the district board may receive compensation in an amount set by the district board not to exceed seventy-five dollars (\$75) for attending each meeting of the district board. The number of meetings for which a member of the board of directors may receive compensation shall not exceed four meetings in any calendar month.

CHAPTER 5. GENERAL POWERS AND DUTIES

13860. A district has perpetual succession.

13861. A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this part, including, but not limited to, the following powers:

(a) To sue and be sued.

(b) To acquire any property within the district by any means, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district.

(c) To acquire by eminent domain any property necessary to carry out any of its powers or functions.

(d) To appoint necessary employees, to define their qualifications and duties, and to provide a pay schedule for performance of their duties.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts pursuant to Article 53 (commencing with Section 20810) of Part 3 of Division 2 of the Public Contract Code.

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

(h) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(i) To establish and enforce rules and regulations for the administration, operation, and maintenance of the services listed in Section 13862.

(j) To enter joint powers agreements pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

(k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

13862. A district shall have the power to provide the following services:

(a) Fire protection services.

- (b) Rescue services.
- (c) Emergency medical services.
- (d) Hazardous material emergency response services.
- (e) Ambulance services, pursuant to Division 2.5 (commencing with Section 1797).
- (f) Any other services relating to the protection of lives and property.

13863. (a) A district may enter into mutual aid agreements with any federal or state agency, any city, county, city and county, or special district.

(b) A district may also enter into mutual aid agreements with any private firm or corporation which maintains a full-time fire department. The firm or corporation, or any of its employees, shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for the district and its employees, except when the act or omission occurs on property under the control of the firm or corporation.

13864. A district may lease or rent any property from an employee, including but not limited to, vehicles or equipment.

13865. A district may join any local, state, or national group or association which promotes the preservation of life and property from the hazards of fire and other disasters.

13866. A district may authorize its directors and employees to attend professional or vocational meetings and pay their actual and necessary traveling and incidental expenses while on official business.

13867. The acquisition of any equipment for fire protection purposes shall conform to the standardization provisions of Article 1 (commencing with Section 13025) of Chapter 2 of Part 1.

13868. (a) A district board shall keep a record of all its acts, including its financial transactions.

(b) Unless another provision of law requires a longer retention period, a district may destroy or otherwise dispose of any paper or document filed with or submitted to the district more than one year previously, unless the district board determines that there is a need for its retention. In determining whether there is a need for retaining a paper or document, consideration shall be given to such factors as future public need, the effect of statutes of limitation, and historical significance.

13869. A district may adopt a fire prevention code by reference pursuant to Article 2 (commencing with Section 50022) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. For that purpose, the district board shall be deemed a legislative body and the district shall be deemed a local agency.

13870. (a) Notwithstanding any other provision of law, a district

board or its authorized representative may issue a written order to correct or eliminate a fire hazard or life hazard.

(b) Any person who has been ordered to immediately correct or eliminate a fire hazard or life hazard pursuant to subdivision (a) and who believes that strict compliance with the order would cause undue hardship may, within 10 days, present a written request to the district board requesting a hearing on and a review of the order. The request shall state the reasons for making the request.

(c) Within 30 days of the receipt of a written request pursuant to subdivision (b), the district board or its authorized representative shall hold a hearing. The board may modify, vacate, or affirm the order.

13871. (a) Any citation issued by a district for violation of a fire prevention code or a district ordinance may be processed pursuant to subdivision (d) of Section 17 of the Penal Code.

(b) Every person who fails or refuses to correct or eliminate a fire or life hazard after written order of a district board or its authorized representative is guilty of a misdemeanor.

(c) Every person who falsely personates a member of a district board or an officer or employee of a district is guilty of a misdemeanor.

(d) Every misdemeanor is punishable pursuant to Section 19 of the Penal Code.

13872. A district may, by ordinance, authorize its fire chief, or his or her duly authorized representative, to issue citations for the misdemeanors specified in Section 13873. The provisions of Chapter 5C (commencing with Section 853.1) of Title 4 of Part 2 of the Penal Code shall apply.

13873. Employees of a district shall have the powers of peace officers while engaged in the prevention and suppression of fires and the protection and preservation of life and property, including, but not limited to, actions associated with rescue services, emergency medical services, hazardous material emergency response services, and ambulance services.

13874. If a district board has adopted regulations for the control of open fires, no person shall burn any material without a permit. A district shall not issue a permit to burn any material which would not be permitted by an air pollution control district or an air quality management district, or any other state or federal agency.

13875. A district may prepare and disseminate information and operate educational programs, including, but not limited to, those which help to prevent fire, eliminate life hazards, and prepare for medical emergencies.

13876. A district board may adopt a resolution to change the name of the district. The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1 of the Government Code. Within 10 days of its adoption, the district board shall file a copy of the resolution with the

Secretary of State, and the board of supervisors and the local agency formation commission of each county in which the district is located.

13877. A district board may authorize the use of any vehicle, apparatus, or equipment outside the district, subject to any terms and conditions it prescribes.

13878. A district may contract with any person or public agency to provide district services to territory which is outside the district. A contract shall provide for payment in advance.

13879. A district board may abate hazardous weeds and rubbish pursuant to Part 5 (commencing with Section 14875). For that purpose, the district board shall be deemed to be a "board of supervisors" and district employees shall be deemed to be the "persons" designated by Section 14890.

CHAPTER 6. ELECTIONS

13885. Except as otherwise provided in this part, districts are subject to the provisions of the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code.

13886. A district board may require that its election of district board members be held on the same day as the statewide general election pursuant to Section 23302.1 of the Elections Code.

13887. The expense of an election on the question of the formation of a district shall be paid by the county if the proposition fails. If the formation is approved, the expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

CHAPTER 7. FINANCE

13890. On or before June 30 of each year, a district board shall adopt a preliminary budget which shall conform to the Accounting Procedures for Special Districts (commencing with Section 1031.1) of, and the Budgeting Procedures for Special Districts (commencing with Section 1121) of, Title 2 of the California Administrative Code.

13891. On or after July 1 of each year, the amounts set forth in the preliminary budget, except obligations for fixed assets and new permanent employee positions, are deemed appropriated until the district board adopts the final budget. If the district board has not adopted a preliminary budget, the amounts deemed appropriated shall be based on the budget of the preceding year, excluding fixed assets and new permanent employee positions.

13892. If the district board determines that the amount of revenue for the coming fiscal year will be inadequate to meet the amount of expenditures needed to protect life and property, the preliminary budget shall propose methods of raising adequate

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revenues or reducing services.

13893. (a) On or before June 30 of each year, a district board shall publish a notice stating all of the following:

(1) That it has adopted a preliminary budget which is available for inspection at a time and place within the district specified in the notice.

(2) The date, time, and place when the board will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items.

(b) The notice shall be published pursuant to Section 6066 of the Government Code in at least one newspaper of general circulation in the district. The first publication shall be at least two weeks before the date of the meeting. If there is no newspaper published in the district, the notice shall be posted in three public places in the district at least two weeks before the date of the meeting.

13894. At the time and place specified for the meeting, any person may appear and be heard regarding any item in the budget or regarding the addition of other items. The hearing on the preliminary budget may be continued from time to time.

13895. On or before October 1 of each year, after making any changes in the preliminary budget, the board shall adopt a final budget. The final budget shall establish its appropriation limit pursuant to Division 9 (commencing with Section 7900) of Title 1 of the Government Code. A copy of the final budget shall be forwarded to the auditor of each county in which the district is located.

13896. The auditor of each county in which a district is located shall allocate to the district its share of property tax revenue pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

13897. A district may borrow money and incur indebtedness pursuant to the authority contained in Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840), Article 7.6 (commencing with Section 53850), and Article 7.7 (commencing with Section 53859), of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

13898. A district may accept any revenue, money, grants, goods, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district.

13899. All taxes and assessments levied under this chapter shall be computed and entered on the county assessment roll and collected at the same time and in the same manner as other county taxes. When collected, the taxes and assessments shall be paid into the county treasury for the use of the district. Except as provided in Section 13854, the county may deduct its costs for this service pursuant to Section 29142 of the Government Code.

13900. At any regular meeting or properly noticed special meeting, a district board by two-thirds majority vote of the total

membership of the district board may make available for appropriation any of the following:

(a) Balances in appropriations for contingencies, including accretions from cancellations of appropriations.

(b) Designations and reserves no longer required for the purpose for which intended, excluding the general reserve, balance sheet reserves, and reserve for encumbrances.

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

13901. If it finds that an emergency affects the ability of a district to furnish adequate fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, or other services relating to the protection of lives and property, a district board, by resolution adopted by a two-thirds vote of the total membership of the district board, may provide the moneys which have been received but not specifically set forth as revenue in the adopted final budget be made available for appropriation and expenditure during the current fiscal year.

13902. (a) A district board may establish a reserve for capital outlays and shall declare the purposes for which the reserve is to be used.

(b) At any time, the district board may transfer to its reserve for capital outlays any unencumbered surplus reserve remaining at the end of a fiscal year.

(c) A capital outlay reserve shall be used only for the purposes specified by the district board. However, if a district board finds at the time it adopts its final budget that the reserve is no longer required, it may, by unanimous vote, discontinue the reserve or transfer any balance to the district's general fund.

13903. (a) All claims for money or damages against a district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

(b) Claims against a district shall be audited, allowed, and paid by order of the district board.

(c) As an alternative to subdivision (b), a district board may instruct the county auditor to audit, allow, and draw his or her warrant on the county treasurer for all legal claims presented to him or her and authorized by the district board.

(d) The warrants shall be paid in the order in which they are presented.

13904. If a warrant is presented to the district treasurer for payment and the treasurer cannot pay it for want of funds in the account on which it is drawn, the treasurer shall endorse the warrant "NOT PAID BECAUSE OF INSUFFICIENT FUNDS" and sign his or her name and indicate the date and time the warrant was

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presented. From that time until it is paid, the warrant bears interest at the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

13905. Notwithstanding Section 13903, a district board may adopt a resolution ordering the establishment of a petty cash fund to pay small bills directly. The resolution shall designate all of the following:

(a) The maximum amount of the fund, not to exceed five hundred dollars (\$500).

(b) The purposes for which the fund may be spent.

(c) The officer or employee who is authorized to spend the fund and who will account for it.

(d) The officer or employee who is authorized to draw a warrant on the district treasury to establish the fund and who is authorized to draw additional warrants to reimburse the fund. Each warrant drawn to reimburse the fund shall contain an itemized account of expenditures.

13906. (a) A district may acquire any necessary property by purchase or purchase on contract with money borrowed pursuant to this section.

(b) The amount of indebtedness to be incurred shall not exceed an amount equal to three times the actual income from property taxes received pursuant to Section 13896 for the fiscal year preceding the year in which the indebtedness is incurred. Any indebtedness shall be repaid within 10 years from the date on which it is incurred. An indebtedness shall bear interest at a rate which shall not exceed the rate permitted under Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

(c) An indebtedness shall be authorized by resolution adopted by a two-thirds majority vote of the total membership of the district board.

CHAPTER 8. ALTERNATIVE REVENUES

13910. Whenever the district board determines that the amount of revenue available to the district or any of its zones is inadequate to meet the costs of providing services pursuant to Section 13862, the board may raise revenues pursuant to this chapter or any other provision of law.

13911. A district may levy a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

13912. A district may levy a special tax pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code.

13913. A district may levy a special tax pursuant to Article 16

(commencing with Section 53970) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. However, the tax shall not require a higher rate of payment or other measure of tax on the part of new construction than on the part of other real property.

13914. A district may levy an assessment for fire suppression services pursuant to Article 3.6 (commencing with Section 50078) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

13915. A district may levy assessments to finance capital improvements pursuant to the Improvement Act of 1911, Division 7 (commencing with Section 5000), the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500), and the Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

13916. (a) A district board may charge a fee to cover the cost of any service which the district provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged. A district board shall not charge a fee on new construction or development for the construction of public improvements or facilities or the acquisition of equipment.

(b) The district board shall adopt an ordinance establishing a schedule of fees. Before either approving an increase in an existing fee or initially imposing a new fee, the district board shall publish notice of its intention to establish a schedule of fees pursuant to Section 6066 of the Government Code. The notice shall state the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by subdivision (d) is available.

(c) The district board shall mail the notice of the meeting at least 14 days before the meeting to any interested party who has filed a written request with the district board for mailed notice of the meeting on new or increased fees. Any written request for mailed notice is valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notice shall be filed on or before April 1 of each year. The district board may establish a reasonable annual charge for sending these notices based on the estimated cost of providing that service.

(d) At least 10 days before the meeting, the district board shall make available to the public, data indicating the amount of cost, or estimated cost, required to provide the service or the cost of enforcing any regulation for which the fee is charged and the revenue sources anticipated to provide the service or the cost of enforcing any regulation, including general fund revenues.

(e) Any costs incurred by a district in conducting the meeting required by this section may be recovered from fees charged for the service or the cost of enforcing any regulation which were the subject of the meeting.

(f) At the meeting, the district board shall hear and consider any objections or protests to the proposed schedule of fees.

13917. A district board may charge residents of the district a fee authorized pursuant to Section 13916 which is less than the fee which it charges to nonresidents of the district.

13918. Notwithstanding Section 6103 of the Government Code, a district board may charge a fee authorized pursuant to Section 13916 to other public agencies.

13919. A district board may waive payment of a fee authorized pursuant to Section 13916 when it determines that payment would not be in the public interest. Before waiving payment of any fee, a district board shall adopt a resolution which specifies the policies and procedures governing waivers.

CHAPTER 9. GENERAL OBLIGATION BONDS

13925. Whenever a district board determines that it is necessary to incur a general obligation bonded indebtedness for the acquisition or construction of any real property or other capital expense or for funding or refunding of any outstanding indebtedness, the district board shall adopt a resolution making determinations and calling an election on a proposition to incur indebtedness and to issue general obligation bonds.

13926. The resolution shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses for the authorization, issuance, and sale of bonds.

(b) The amount of debt to be incurred.

(c) The maximum term of the bonds, not to exceed 30 years.

(d) The maximum rate of interest to be paid, not to exceed the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

(e) The measure to be submitted to the voters.

(f) The date on which the election will be held.

(g) Any other matters which are required pursuant to the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code.

13927. The election shall be conducted pursuant to the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 14 of the Elections Code.

13928. If two-thirds of voters voting upon the proposition favor incurring the indebtedness and issuing the bonds, the district board may adopt resolutions to issue bonds for all or any part of the amount of the indebtedness.

13929. The district board may provide for the issuance of bonds in any amounts, in any series, and on any terms, provided that they do not exceed the limits approved by the voters.

13930. The district board shall adopt a resolution prescribing the form and denomination of the bonds and any coupons. The resolution shall specify the dates on which all or any part of the principal shall become due and payable. The payment of the first installment or principal may be deferred for a maximum period not to exceed five years from the date on which the district board issues the first bonds or first bonds in each series.

13931. The district board may provide for the call and redemption of bonds before their maturity at times and prices and upon any other terms as it specifies. A bond shall not be subject to call or redemption before maturity unless it contains a recital to that effect or unless a statement to that effect is printed on it.

13932. The principal and interest of the bonds shall be payable in lawful money of the United States at the office of the district treasurer or any other place, at the option of the bondholder.

13933. (a) The bonds shall be dated, numbered consecutively, and be signed by the president of the district board and the district treasurer. The district treasurer shall sign any coupons. Any signatures or countersignatures may be mechanically reproduced by any means, except that one of the signatures shall be signed by hand.

(b) If the president of the district board or the district treasurer whose signature appears on a bond or coupon ceases to hold that office before the delivery of the bonds or the coupons to the purchaser, the signature is nevertheless valid and sufficient for any purpose as if the president or treasurer had remained in office until the delivery of the bonds or coupons.

13934. (a) Before selling the bonds or coupons, the district board shall give notice inviting sealed bids. At a minimum, the district board shall publish notice at least once in a newspaper of general circulation in the district at least 10 days before the deadline for receiving the bids.

(b) The district board shall award the sale of the bonds to the highest responsible bidder.

(c) If the district board does not receive any bids or if it determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids, if any, and either readvertise or sell the bonds at private sale.

13935. (a) All premiums and accrued interest received from the sale of the bonds shall be deposited with the district treasurer in a special bond service fund to be used for the payment of the principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the proposition approved by the voters.

(b) When the purpose and object have been accomplished, any moneys remaining in the improvement fund shall be transferred to the special bond service fund. When the purpose and object have been accomplished and all principal and interest on the bonds have

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been paid, any balance of money then remaining shall be transferred to the general fund of the district.

13936. Any general obligation bonds issued by a district have the same force, value, and use as bonds issued by a city and the bonds and the interest on the bonds are exempt from all taxation within the State of California.

13937. A district shall not incur a bonded indebtedness in excess of 10 percent of the assessed value of all taxable property within the district.

13938. (a) After incurring a general obligation indebtedness, and annually thereafter until the indebtedness is paid or until there is a sum in the district treasury in a special bond service fund set apart for that purpose sufficient to meet all payments of principal and interest on that indebtedness as it becomes due, the district board shall adopt a resolution directing the county tax collector to levy a tax on behalf of the district.

(b) The tax shall be in addition to all other taxes levied by and for the district and shall be collected in the same manner and at the same time as county taxes. A county may recover its costs as provided by Section 29124 of the Government Code.

(c) The rate of the tax shall be fixed to result in proceeds which are sufficient to pay any principal and interest which will become due before the next proceeds of a tax to be levied will be available.

CHAPTER 10. SERVICE ZONES

13950. (a) Whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones pursuant to this chapter.

(b) The district board shall initiate proceedings for the formation of a new zone by adopting a resolution which shall do all of the following:

- (1) State that the proposal is made pursuant to this chapter.
- (2) Set forth a description of the boundaries of the territory to be included in the zone.
- (3) State the different services, different levels of service, or additional revenues which the zone will provide.
- (4) Set forth the methods by which those services or levels of service will be financed.
- (5) State the reasons for forming the zone.
- (6) Propose a name or number for the zone.
- (7) Fix the date, time, and place for the public hearing on the formation of the zone.

(c) The district board shall publish notice of the hearing, including the information required by subdivision (b), pursuant to Section 6061 of the Government Code in one or more newspapers of

general circulation in the district. The district board shall mail the notice to all owners of property within the proposed zone. The district board shall post the notice in at least three public places within the territory of the proposed zone.

(d) At the hearing, the district board shall hear and consider any protests to the formation of the zone. At the conclusion of the hearing, the district board may adopt a resolution ordering the formation of the zone.

13951. A district board may change the boundaries of a service zone or dissolve a zone by following the procedures in Section 13950.

13952. A local agency formation commission shall have no power or duty to review and approve or disapprove a proposal to create a service zone, a proposal to change the boundaries of a zone, or a proposal to dissolve a zone.

13953. As determined by the district board, a service zone may provide any service at any level within its boundaries which the district may provide.

13954. As determined by the district board and pursuant to the requirements of this part, a service zone may exercise any fiscal powers within its boundaries that the district may exercise.

13955. Any taxes, special taxes, assessments, or fees which are intended solely for the support of services within a zone shall be levied, assessed, and collected only within the boundaries of the zone.

13956. To assist it in the operation of a service zone, the district board may appoint one or more advisory groups composed of persons who reside in or own property in the zone.

CHAPTER 11. EMPLOYEE RELATIONS

13960. (a) The Meyers-Milius-Brown Act, Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code applies to all fire protection districts.

(b) Chapter 4 (commencing with Section 1960) of Part 7 of Division 2 of the Labor Code applies to all fire protection districts.

13961. (a) A district board may adopt an ordinance establishing an employee relations system.

(b) "Employee relations system" as used in this chapter means a civil service system or a merit system.

13962. (a) Upon receipt of a petition proposing an employee relations system for employees of the district signed by at least 10 percent of the registered voters of the district, the district board shall either adopt an ordinance providing for the employee relations system or adopt an ordinance subject to the approval of the voters of the district.

(b) District employees may circulate the petitions described in subdivision (a) at any time when they are not on duty.

(c) If the question is submitted to the voters at a general district

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election, the notice required by Section 23511 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) The question placed before the voters shall call for a "Yes" or "No" vote and shall be in substantially the following form:

"Shall the ordinance of the Board of Directors of the _____ (name of the district), adopting an employee relations system for the employees of the district, be approved?"

(e) If a majority of the voters voting on the question approve of the question, the ordinance shall go into effect.

13963. When more than one district is governed by the same board of directors, the district board may do all of the following:

(a) Adopt the same set of employee relations rules, regulations, and procedures for any or all districts.

(b) Authorize one examination for any or all districts for each classification of employment, establish one eligibility list, permit qualified candidates to transfer from one district to another, and allow requested changes in assignment.

(c) Adopt one seniority list to be used in the layoff of all employees of any or all districts. Persons laid off due to lack of work shall be eligible for reemployment and shall be reemployed in preference to the employment of new applicants. The district board may set a time limit on the use of this seniority list.

13964. If a county board of supervisors has appointed itself as the district board, it may change to district status any employee of a county fire warden department and the status of any district employee may be changed to that of a county employee, subject to charter provisions relating to employee relations, and the rules, regulations, and procedures of the employee relations system of the employer county.

13965. If the civil service commission or body performing employee relations functions for a district finds that a person has been employed by a city or another district which has, or any portion of which has, been annexed to, included within, or contracts with, the district for all fire protection, rescue, or emergency medical services, in a position classification the duties of which and qualifications for which are substantially the same as those of any position classification in the district, at the request of the district board, the civil service commission or other body may certify, without examination, that person as eligible to hold that district position classification or any lower position classification for which the person is qualified and which would not result in a lower level of salary than was received by the person immediately before the annexation, inclusion, or contract. If a person is employed by the district after certification without examination by the civil service commission or other body

because of his or her employment in a position classification of similar duties by a city or district, all time employed in that city or district shall be considered as time employed by the district, to determine seniority rights and salary rates.

13966. (a) In the case of a district where the Board of Supervisors of the County of Santa Clara has appointed itself as the district board of a district, the district board may call an election to be held in the district for the purpose of submitting to the voters of the district the question of whether the district board may provide for a system of binding arbitration for the resolution of impasses in employer-employee relations.

(b) Where the district has created service zones, the election specified in subdivision (a) shall be held only in those zones in which the district provides direct fire protection and not in those zones in which fire protection is provided by contract with other agencies.

13967. A district board may require any employee of the district to be bonded. The district shall pay the cost of the bonds.

13968. A district board may provide for any programs for the benefits of its employees or members of the district board, pursuant to Chapter 2 (commencing with Section 53200) of Part 1 of Division 2 of Title 5 of the Government Code.

13969. A district board shall train all employees of the district who are expected to provide services pursuant to Section 13862, except those whose duties are primarily clerical or administrative, to administer first aid and cardiopulmonary resuscitation, as required pursuant to Section 1797.182. A district board may provide any other training programs for its employees.

13970. A fire protection district shall be considered a "fire district" to grant leaves of absence in lieu of temporary disability payments pursuant to Article 7 (commencing with Section 4850) of Chapter 2 of Part 2 of Division 4 of the Labor Code.

SEC. 12. Section 20811 is added to the Public Contract Code, to read:

20811. When a district board determines that it is in the public interest, a district may contract with any other public agency for fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and any other emergency services for the protection of lives and property.

SEC. 13. Section 20812 is added to the Public Contract Code, to read:

20812. (a) A district board may contract for special services. These contracts shall be with persons specially trained, experienced, expert, and competent to perform the special services. The special services shall be in the fields of accounting, administration, ambulance, architecture, custodial, economics, engineering, finance, insurance, labor relations, law, maintenance, mechanics, medicine, planning, science, technology, and other services which are

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incidental to the operation of the district.

(b) In the case of a district which has a final budget in excess of one million dollars (\$1,000,000), the district shall follow the contracting and purchasing procedures which apply to the county government of its principal county or the procedures in subdivision (c).

(c) In the case of a district which has a final budget less than one million dollars (\$1,000,000), the district shall follow the procedures of this subdivision.

(1) When the expenditure required for the service contract exceeds ten thousand dollars (\$10,000), it shall be contracted for and let to the lowest responsible bidder. If two or more bids are the same and the lowest, the district board may accept the one it chooses.

(2) The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, at least five days apart, in a newspaper of general circulation in the district, or if there is none, it shall be posted in at least three public places in the district. The notice shall distinctly state the service to be performed.

(3) The district board may reject any bids. If the district board rejects all bids, it may either readvertise or adopt a resolution, by two-thirds vote, declaring that the service can be performed more economically by the district's employees or obtained at a lower price in the open market. Upon adoption of the resolution, the district board may undertake the service contract without further complying with this section.

(4) If no bids are received, the district board may undertake the service contract without further complying with this section.

SEC. 14. Section 20813 is added to the Public Contract Code, to read:

20813. (a) All contracts for the construction or completion of any building, structure, or improvement, when the expenditure required for the work exceeds ten thousand dollars (\$10,000), shall be contracted for and let to the lowest responsible bidder after notice. If two or more bids are the same and the lowest, the district board may accept the one it chooses.

(b) The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation in the district, or if there is none, it shall be posted in at least three public places in the district. The notice shall distinctly state the work to be done.

(c) In its discretion, the board may reject any bids presented and readvertise.

(d) In the case of an emergency, the district board may adopt a resolution by a two-thirds vote of all the members of the district

board declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health, or property. The district board may expend any sum required in the emergency without submitting such expenditure to bid.

(e) The district board may, subject to the provisions of Chapter 7 (commencing with Section 3247) of Title 15 of Part 4 of Division 3 of the Civil Code, require the posting of those bonds it deems desirable as a condition to the filing of a bid or the letting of a contract.

(f) Cost records of the work shall be kept in the manner provided in Chapter 1 (commencing with Section 4000) of Division 5 of Title 1 of the Government Code.

SEC. 15. Section 5782.22 of the Public Resources Code is amended to read:

5782.22. (a) The district board may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(b) If the district includes any part of a local agency which provides fire protection to any territory in the district, the district shall not have any authority regarding the prevention or suppression of fires in that territory unless it obtains the consent of the other local agency.

SEC. 16. Section 16463.5 of the Public Utilities Code is amended to read:

16463.5. (a) A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(b) If the district includes any part of a local agency which provides fire protection service to any territory in the district, the district shall have no authority regarding the prevention and suppression of fires in that territory, unless the district has obtained the consent of the local agency.

SEC. 17. Article 7 (commencing with Section 31120) of Part 5 of Division 12 of the Water Code is repealed.

SEC. 18. Article 7 (commencing with Section 31120) is added to Part 5 of Division 12 of the Water Code, to read:

Article 7. Fire Protection

31120. (a) A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(b) If the district includes any part of a local agency which provides fire protection service to any territory in the district, the district shall have no authority regarding the prevention and suppression of fires in that territory unless the district has obtained the consent of the other local agency.

SEC. 19. Section 35412 of the Water Code is amended to read:

35412. The Irish Beach Water District may acquire, construct, and operate facilities for providing fire protection to the district and its inhabitants, including buildings, engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department.

The Irish Beach Water District for the purpose of providing fire protection services may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

If the district includes any part of a city, fire protection district, or other local agency which provides fire protection service to any territory in the district, or if the Department of Forestry and Fire Protection provides fire protection service to any territory in the district, the district shall have no authority pursuant to this section regarding the prevention and suppression of fires in these territories, unless the district has obtained the consent of the city, fire protection district, other local agency, or the Department of Forestry and Fire Protection.

The provisions of this section are necessary because of the great need for fire protection services within the area of the Irish Beach Water District. There is no other local governmental entity willing to provide this service to the people of the district. This problem is not common to all districts formed under this division. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Irish Beach Water District.

SEC. 20. Section 71680 of the Water Code is amended to read:

71680. (a) A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(b) If the district includes any part of any local agency which provides fire protection service to any territory in the district, the district shall have no authority regarding the prevention or suppression of fires, in that territory unless the district has obtained the consent of the other local agency.

SEC. 21. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the Legislature finds and declares that there are savings as well as costs

in this act which, in the aggregate, do not result in additional net costs.

SEC. 22. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

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